

Online Advisory Forum
Rwanda Offshoring Asylum Proposal & Modern Slavery
28th April 2pm

Tamara Barnett HTF

The Government has proposed an asylum arrangement that they think will deter traffickers, which will see asylum seekers offshored to Rwanda where their claims will be processed. There are questions around whether victims of trafficking will be eligible for this scheme, whether this will deter trafficking and ultimately this policy raises more questions than it answers.

Carita Thomas ATLEU

ATLEU's views on the proposal is that its political posturing with the timing of announcement, although the fact that is in the public domain does pose a threat to their client group. The unworkability of this arrangement is clear, and it is concerning that victims of trafficking can be included which is referenced in Clause 14 of the MOU. It is not clear if there will be an NRM process. The proposals are dangerous, but also it says so much on the discourse on how we protect refugees and survivors of trafficking in this country. This is happening around the bill of rights in the background – consultation on a new UK human rights bill, moving us away from the European court of human rights' influence. This proposal is part of the Government's narrative to dilute human rights.

Deterrence is not a good argument when it comes to survivors of trafficking and the ways they can be brought to the UK.

What does it mean for ECAT? This says we need to treat survivors with dignity, legal processes and voluntary movement. The Government says they will be screening for eligibility, but asylum screening process is not something that picks up modern slavery at the first instance this often comes later down the line.

Massive concern about the potential that this plan has for driving people underground and discouraging victims coming forward to the authorities when exploited. Potential for deportation is now a real treat – and disclosure of experiences doesn't happen with this fear present. There is a need to invest in the systems we have with better accommodation with quality provisions.

Julius Lutalo Love Justice International

Love Justice International East Africa's main objective is to prevent human trafficking through transit monitoring in buses, taxi ranks and other public transport areas looking for potential victims. This is also done through border monitoring with border control and police where they find a lot of young girls that are victims of sexual exploitation and domestic servitude. Widely in East Africa there is trafficking between Kenya and Uganda, Uganda has strict foreign labour policies, so a lot of workers use illegal routes.

Most support systems in Rwanda are run by NGO's however over the years the Government has showed willingness to put in support systems in place for those who have been exploited but are still behind in comparison to other countries in the Region such as Uganda and Kenya.

Laura Duran ECPAT UK

ECPAT UK are concerned specifically about child victims of exploitation being subject to this policy, particularly concern for age disputed cases where children are wrongly treated as adults. The 'Significantly Over 18' policy meaning that the Home Office can dispute the age of a child if an officer suspects they are physically over 18. The Nationality and Borders Bill has seen an overhaul in the way in age assessments are conducted.

Patrick Burland IOM

Relaying information from IOM colleagues in Rwanda:

September 2018 Rwanda enacted a new Anti-Trafficking law and the discussion of a new NRM system is ongoing. Since last August the ministry of Justice specified the formal response to trafficking.

Rwanda is primary a transit country for trafficking with a focus on women and girls, acknowledgement that cases involve men but there is significantly less knowledge on this. However, there has been recent investigations looking at labour exploitation –revealing further male exploitation.

Rwanda has One Stop Centres offering support, accommodation, legal and counselling (can receive up to 6 months of support) these are primarily for Gender Based Violence but have been adopted for victims of trafficking. These are managed by the Investigation Bureau who are also responsible for investigating the crimes.

IOM Rwanda have been working with refugee camps on trafficking prevention, campaigns in schools on indicators of modern slavery in border areas.

Naeema Ahmed BASNET

Rwanda offshoring proposal exposes the gaps in the asylum system. Hostility to asylum seekers is clear through the Nationality and Borders Bill.

Impact on EDI in the Anti-Trafficking sector is immeasurable: the war in Ukraine has showed us that not all refugees are equal some are perceived as more worthy of support and have been offered safe passages into the UK. Raising the question of which refugees and asylum seekers will be sent to Rwanda?

Raised the human rights records of Rwanda which means that there are no guarantees of support for human trafficking. This inhumane action will risk the safeguarding, safety, wellbeing and ability for survivors to report without fear. Need to invest in the existing asylum seeker system in the UK.

Jenna Teasdale IASC

Risks around the proposals echo the impact of the Nationality and Borders Act on victims of modern slavery. This proposal will limit identification of survivors arriving by small boats and other irregular means which means limited opportunities for protection – an ongoing concern for the Commissioner.

Concerns around guidance moving forward on screening processes and how this relates to clauses 57 and 58 of the Bill around trafficking information notices. Understanding eligibility of this proposal will be important as guidance is released and how this will impact victims of slavery.

TIP report: concerns on adequate screening and referrals in Rwanda to care systems.

Questions about whether this would work, lack of evidence it will have the effect envisaged. Organised crime adapts so quickly. IASC are monitoring developments.

Group Discussion

Anna Sereni Public Law Project

This road ends with litigation.

This MOU is created by the Government quickly with very little Parliamentary scrutiny, no impact assessment the question is how we may be able to get people in Parliament to put pressure on. Who could we influence in terms of Parliamentarians? Lords Committees would they be able to play a role scrutinising MOUs. Important to look at the parameters of how this has come to be produced and under whose authority.

Carita Thomas ATLEU

How do we begin to challenge this when Nationality and Borders Bill has stripped away appeal rights – what does this mean when someone is faced with removal and doesn't have the right to appeal? Judicial review for individuals is the only way.

Philip Ishola Love 146

Love 146 is working with child protection agencies to step in between the Home Office and children (trafficked children being called adults). This proposal is a coordinated response by Government to create a human rights void for these individuals.

Age assessment boards that have been created to misidentify children as adults and feed them into the asylum system – systematic approach to deliver this agenda. Appalling human rights abuse that has undone every single standard we have in place in the UK. Will this be implemented? We would be remiss if we do not take Government at their word.

Alison Asylum Aid

What routes to challenge this proposal will likely depend on what legal route the Home Office uses to remove people to Rwanda which is unclear. They have made clear they believe that they can do it without waiting for the new Act to be implemented so we need to look at current legislative provisions as well as the new Act. Judicial review is the likely route but once removed what jurisdiction can be used?

Further Action & Information Sharing

ILPA has a strategic litigation advisory committee which is holding a meeting on Rwanda on Tuesday 3rd May late afternoon - email Claire Tindale at ILPA if you are interested: Claire.tindale@ilpa.org.uk
<https://www.theguardian.com/politics/2022/apr/27/priti-patel-faces-legal-challenge-over-rwanda-asylum-seeker-plan>

Detention Action has launched legal action <https://detentionaction.org.uk/2022/04/27/press-release-egal-challenge-brought-against-home-secretarys-policy-to-expel-asylum-seekers-to-rwanda/>

2019 research report 'understanding human trafficking in Rwanda: causes, effects and impact'
https://neveragain.org.rw/wp-content/uploads/2021/11/NAR.IOM_.GOV_Understanding-Human-Trafficking-in-Rwanda-Causes-Effects-and-Impact-Baseline-Report.pdf?msclkid=81805881c54b11ecac2e3f78df9d7d1b 2021 US State Department trafficking in persons report section on Rwanda and Rwanda's 2018 Anti-Trafficking law
<https://www.refworld.org/docid/6087389a4.html>