

# The Rwanda-United Kingdom Refugees and Asylum Seeker Deal: Absolved Responsibility?

MANDIKIANA, Memory Rumbidzai, V.  
Africa University

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## ABSTRACT

In April 2022, the United Kingdom (UK) government announced the signing of a deal with the Rwandan government to ‘transfer’ asylum seekers entering the country through illegal means, for processing in the African country. The argument was that UK’s Nationality and Border Protection Act of 2022 prevents persons who enter the UK illegally from being processed in the country. Reasons cited include to deter people from taking treacherous journeys across the English Channel, sharing the global refugee ‘burden’, and to cull the business of illegal traffickers, among others. Human rights activists have however, critiqued the deal, stirring dialogue on different platforms. With this interrogation, the dirge was what next steps can the two countries take? The objective of the paper was to unearth the real context, pros and cons related to the deal, using desk research, through a review of related literature. Findings were that as both countries are signatories to the United Nations Convention on the Status of Refugees, they are in breach of Articles on non-penalization, non-expulsion, and non-refoulement, respectively. They are also in breach of the Global Compact for Migration, which seeks, among other things, to share the global ‘refugee burden’. By sending asylum seekers to Rwanda, the UK is absolving itself of the responsibility to share that burden. The paper bemoans the growing trend by Western states to transfer asylum seekers to other states, as if they were commodities: summarized as gross violation of human rights. The recommendation is for the deal to be rescinded, allowing asylum seekers the right to choose the country that they wish to seek their asylum in, without fear of reprisals, or further exacerbating their vulnerability.

**Key words:** Asylum seekers; refugees; displacement; human rights; violation; UNHCR

## INTRODUCTION

The refugee problem is far from over, with countries in continued strife due to a range of reasons. (Boamah-Gyau, 2008) explains that ethnic conflicts, natural disasters, and the shaping of socio-economic imbalance are the major reasons that account for the mass movements of refugees. (Labiso, 2020) adds gross human rights violations, direct and structural violence, war, and religious strife to the basket.

Africa is one of the hardest hit continents, with (Mhlanga, 2016) agreeing that ‘Africa is confronted with an unenviable situation arising from the refugee problem’. (Chikohomero, 2019) lays the blame on African leaders who are described as having an insatiable appetite for power at the detriment of the masses. The irony is that the Western education that they have received does not appear to have yielded any results towards culminating in a culture of peace. Quite on the contrary, this paper argues that western education exposed African leaders to social stratification, which ultimately degenerated into greed for power, and wealth, at the expense of the traditional communal existence that was practised in Africa before colonization. In one too many ways, western states continue to fuel wars and conflict in Africa and other states, as a ploy to loot resources amid the conflicts.

UK in Europe is also enmeshed in a refugee quagmire. The UK's Conservative government and Rwanda signed an agreement in April 2022, for the UK to send asylum seekers and refugees to Rwanda. The deal involves the UK paying an initial lump sum of £120 million to Rwanda, for accepting asylum seekers who arrive in the UK through illegal means, as embedded in the Nationalities and Borders Act (UK government, 2022), which seeks to penalize people seeking safety in the UK, based on their means of arrival in the country. The deal with Rwanda, a country in East Africa, is to process asylum seekers arriving through the English Channel as stowaways, and allow them to live in Africa, to "tackle illegal migration, control our borders and crack down on the criminal gangs exploiting this international crisis", making specific reference to "migrants who make dangerous or illegal journeys, such as by small boat or hidden in lorries". The government has suggested that sending people to Rwanda will deter unauthorized arrivals, although it remains unclear how this could be so (International Rescue Committee, 2022).

Rwanda is one of the ten countries in the Great Lakes region, a place that is synonymous with the 1994 genocide and gross human rights violations, to date. Following an ethnic-based conflict that degenerated into an enormous humanitarian and medical crisis in the 1990s, Rwanda is a country that is known for perpetuating violence and abuse of human rights, especially so, on its own people. Following the ethnic rivalry between the ruling Hutus and Tutsi rebels in the 1990s, an estimated over one million people fled the country, with at least 300,000 still in exile or in refugee camps across the African continent, and beyond, irrespective of the cessation clause which states that Rwanda is now safe for all its nationals (Kavuru C. , 2015). Arguments by people of Rwandese origins have been gross human rights violations, and persecution, under Paul Kagame's government. The world has not been blind to these violations, as several states, including the United Kingdom, and the United States of America, have raised concerns over overcrowding of people in state institutions such as prisons, and seemingly being already overwhelmed by the over 130,000 refugees in the country. Yet, the UK wishes to use this fearsome human rights trajectory to deter would be asylum seekers from taking the dangerous journey across the English Channel in the first place, and seek asylum in closer, and safe states such as France.

## APPROACH AND RESULTS

This paper was premised on a desk review of existing literature on refugees and international protocols, with the researcher also adding insights on the perspectives, as an expert in migration and humanitarian matters. The findings from the discussion were that the United Kingdom's plan to transfer refugees and asylum seekers to Rwanda is a gross human rights violation and a breach of the 1951 United Nations Convention on the Status of Refugees, and its 1967 protocol (UN, 1951 Convention Relating to the Status of Refugees, 1951). Article 31 prohibits penalties on refugees and asylum seekers, based on their means of arrival into a state, if they present themselves to the authorities and prove not to be a threat to national security. By sending away refugees to Rwanda, the United Kingdom is also in breach of the Global Compact on Refugees (United Nations, 2018), in which states make a commitment to share the global refugee protection burden. The study also unearthed that the highest global refugee burden is borne by neighboring countries and states, often in the third world, with Africa hosting a significantly huge part of this burden (Mandikiana, 2021), and that by sending away asylum seekers, the UK government is absolving itself of responsibility to protect vulnerable populations.

Additional findings from the discussion were that Rwanda is an oxymoronic destination for accepting refugees and asylum seekers, considering that there are over 300,000 Rwandese refugees across the globe, who fear returning to their own country based on human rights violations (Kavuru C. , 2015). The study, therefore, interrogates the genuineness of the deal, which suggests at face value, a plot to get rid of people who need protection, in breach of international protocols, to a taker whose major interest is to improve their economic status, and who has very questionable human rights policies that are not only despised by their

own people but also by the international community. Rwanda is depicted as accepting the deal, much to the detriment of the asylum seekers whose destiny is being decided on by bigwigs, with almost no considerations on the effects on the migrants in question.

Ironically, it is also discovered that as the United Kingdom advances its agenda to send away ‘illegal immigrants’ arriving through boats, lorries, and other ‘unscrupulous’ means, the country has since begun processing papers for refugees and asylum seekers from Ukraine to enter the country on a special case basis (UK Government, 2022), thereby exposing double standards. The Researcher argues that this is indicative of, and a repetition of colonialist tendencies which segregate elements of humanity, based on country of origin and social status.

The recommendation is that the United Kingdom must show commitment to its ratification of international protocols and play its part in offering protection to asylum seekers and refugees who so direly need this protection. The study henceforth strongly argues for the deal between the United Kingdom and Rwanda to be rescinded, in the best interests of humanity and upholding human rights.

## **DEFINING REFUGEES, ASYLUM SEEKERS, AND MIGRANTS**

The 1951 Convention Relating to the Status of Refugees, and its 1967 protocol defines a refugee as a person who:

“owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence, is unable or, owing to such fear, is unwilling to return to it”.

However, prior to obtaining refugee status, a person first becomes an asylum seeker. (Anik, 2018) explains that an

“Asylum seeker means such an individual, who is directly exposed to oppression or violence because of his/her race, religious belief, nationality or political belief, or who faces a high risk in that regard despite not being directly exposed to both, and therefore tries to get a refugee status for having an international protection”.

In essence, being an asylum seeker is a process towards obtaining refugee status. According to the (UN, 1951 Convention Relating to the Status of Refugees, 1951), one must present themselves to authorities and state their reasons for well-founded fear. A panel of members, called the Refugee Status Determination Committee, then decides, after due diligence to the asylum claim, whether to grant or reject the claim.

According to the UN Migration Agency, International Organization for Migration (IOM), there is no universally accepted definition of the term migrant. However, their operational definition is that a migrant is:

“an umbrella term, not defined under international law, reflecting the common lay understanding of a person who moves away from his or her place of usual residence, whether within a country or across an international border, temporarily or permanently, and for a variety of reasons. The term includes a number of well-defined legal categories of people, such as migrant workers; persons whose particular types of movements are legally-defined, such as smuggled migrants; as well as those whose status or means of movement are not specifically defined under international law, such as international students” (IOM, 2023).

For the purposes of this paper, migrants refer to persons that voluntarily, or involuntarily move from their

place, mostly country, of their usual stay, to another country, crossing borders, due to push and pull factors, known as external migration. However, migrants are part of an initial stage to the asylum seeker, and the refugee status processes, wherein a migrant who does not approach authorities of the host country for regularization becomes an illegal migrant and faces a risk of deportation. However, if a migrant seeks to regularize their stay in the host country, they then acquire an asylum seeker status, and based on their reasons for migration, they can apply for refugee status, which will be determined by the Refugee Status Determination Committee.

The refugee crisis presents a global quandary, with an ever-rising number of refugees, asylum seekers, and displaced populations, instead of diminishing. (International Rescue Committee, 2022) estimates displaced populations at 100 million. This is an increase from the year 2020 statistics which was estimated at 79.5 million (Mbiyozo, A. N, 2021), and in 2019 where (Freedman, 2019) explains that the United Nations High Commissioner for Refugees (UNHCR, 2019) lamented the number of 70.8 million global refugees.

Although refugees have a global footprint, much attention has focused on the refugees arriving in Europe and North America, yet, most refugees (nearly nine in ten) are hosted by developing countries, mostly in Africa. Refugee statistics show that Sub-Saharan Africa is home to nearly one quarter of the world's refugee population, with 80 per cent of the refugees in this region originating from one of five countries: Somalia, South Sudan, Sudan, the Democratic Republic of the Congo (DRC) or the Central African Republic (CAR) (GSMA, 2017). The United Nations' Migration Agency, International Organization for Migration (IOM, 2020) estimates that at least 25.2 million refugees and internally displaced people are in Africa, and (Mandikiana, 2021) adds that these are largely hosted in poor countries with compromised health service delivery systems and very weak support structures. (Mbiyozo, A. N, 2021) posits that this is due to residency in underfunded refugee camps in the poorest countries, with the spaces often harboring humanitarian and health threats such as water and airborne diseases, including Ebola, Cholera, COVID-19, and others. Coupled with climate change, COVID-19, and other factors, the refugee crisis has reached its peak and calls all states to action towards alleviating the root causes, and not addressing the topical effects (Mandikiana, 2021).

### **Effects of being a migrant, an asylum seeker, or a refugee**

Refugees and asylum seekers are amongst the most vulnerable populations, as they often find themselves in the deleterious situation of forced and uncalculated displacement, fleeing from their homes with barely anything to support their well-being and livelihoods in the future. Experience from refugee camps in Africa is that refugees and asylum seekers often do not have any form of documentation to support the education that they have gone through in their own countries, and therefore must find opportunities, often rare, to start afresh with education in the host countries (Mandikiana, 2021). (GSMA, 2017) documents push factors to the refugee problem, explaining that refugees and asylum seekers "traversed international borders to escape considerable physical, economic and social hardships such as new and unresolved conflict, human rights violations, or persecution."

The treacherous journeys that displaced populations often embark or undertake, having left behind their home, livelihoods, possessions and social networks, entail that refugees and asylum seekers must rely on their host government, the United Nations High Commissioner for Refugees (UNHCR) and the international community to ensure that they are able to live in safety and have access to vital support and assistance (GSMA, 2017).

Population displacement has very serious implications and effects on individuals who migrate for a plethora of reasons. Firstly, legally, displacement renders one stateless as they must seek protection from another state due to the failure of their own country to provide security. The challenge is that some states accept refugees but do not offer any material support or livelihood opportunities. For example, South Africa's twin

principles of exclusivity and self-sufficiency have deleterious impact on the protection of refugees and asylum-seekers generally with respect to access to socio-economic services and to livelihood opportunities. The implication is exclusion of refugees and asylum-seekers from socio-economic arrangements (Kavuru C. , 2015). The recommendation is that there is a need for host states to have in place, policies that protect both national security, and asylum seekers, and refugees. Considering the approach that most refugees find themselves in a state of vulnerability unwillingly, it is pertinent to develop policies which domesticate international protocols and commitment to protect refugees and asylum seekers, including access to social services, employment, and livelihood opportunities. Host states must also understand that refugees and asylum seekers also bring in their expertise and knowledge in a range of issues, and it takes open mindedness for these skills and knowledge to be appreciated and harnessed.

Secondly, (Mandikiana, 2021) explains that there are varying degrees of trauma that are associated with the pre, during, and after-flight experiences. These include anger, grief, loss, separation, trauma, anxiety, depression, and psychosocial challenges as one experiences the different phases.(Fegert, 2018)expands, explaining that:

“Refugees who have fled from war zones are at significantly increased risk for post-traumatic stress syndrome (PTSD) and other trauma-related disorders, which may lead to dysfunctional behaviors that impair their ability to cope with social and/or family life”.

What this entails is that there is a need for host communities and states to understand the plight of refugees and asylum seekers, and instead of aggravating the status quo, find ways and means to alleviate the pain, trauma, and psychological stresses.

Thirdly, refugees and asylum seekers suffer language, culture, and religious shock in the host countries, as they must learn new languages and culture, much to the detriment of their own traditions. Even in more formalized situations where refugees are enrolled at academic institutions, there have been heated debates over allowing them to converse in their home languages to preserve their cultural and linguistic identity (Park, 2013). The emphasis is, however, on the importance of cultural heritage properties and their preservation(Rouhi, 2017). In one too many ways, refugee and asylum seeker children who are enrolled in schools in host countries, often suffer the tragedy of not only learning a new curriculum, but also learning that curriculum in an alien, and sometimes, more languages(Mandikiana, 2021). Considering that a people’s language and culture shape their identity, it is the paper’s standpoint that asylum and refugees must be permitted to practise and exercise their beliefs, practises, and language, as a way of preserving their identity. It is the only prized possession that they are often left with, linking them to their home, and happy memories of times prior to the predicament.

Fourthly, in some cases, the presence of refugees results in socio-economic changes for the host communities, who often treat such with very mixed feelings (Dalal, 2017). In extreme cases, there are incidents of xenophobia, often resulting in death, injuries, and further displacement of already vulnerable populations(Kavuru C. , 2019). The case under review of asylum seekers arriving in the UK being transferred to Rwanda, is a reference point to show that host governments and communities often fail to offer the protection and assistance that displaced and migrant populations require, contrary to UN member states’ commitment to the Global Compact on Refugees. It is important therefore, for states to acknowledge and share the global refugee burden, understanding that the plight of statelessness can befall upon anyone.

### **International law and refugees**

Following global forced migration trends, the International Community has made a commitment to the protection of refugees, asylum seekers, and displaced populations, through the adoption and ratification of a range of conventions and treaties. Chief amongst these is the United Nations Convention on the Status of Refugees (UN, 1951 Convention Relating to the Status of Refugees, 1951), and its 1967 protocol, which

makes plausible provisions for the protection of refugees and asylum seekers. The Convention is both a status and rights-based instrument, with the bedrock being non-discrimination, non-penalization, and non-refoulement of persons who flee from their countries to seek protection elsewhere.

Article 31 (1) specifically prohibits penalizing refugees based on how they entered a country: unlawfully or lawfully; and states that:

“Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened...enter, or are in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence.”

whilst Article 32 (1-2) prohibits expulsion:

“The Contracting States shall not expel a refugee lawfully in their territory save on grounds of national security or public order. The expulsion of such a refugee shall only be in pursuance of a decision reached in accordance with due process of law.”

, and Article 33 (1) prohibits refoulement:

“No Contracting State shall expel or return (‘refouler’) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.”

Based on the above provisions, it is unlawful to ‘refouler’ a person seeking protection from well-founded fear, just as it is a human rights violation to penalize anyone based on their means of entry into a country. The argument, therefore, is that the UK-Rwanda deal is unprocedural, and in breach of the UN Convention on the Status of Refugees, to which both countries are signatories.

The predecessor to the above Convention is the Universal Declaration of Human Rights (UN, Universal Declaration of Human Rights, 1948). Article 14 (1) states that ‘everyone has the right to seek and enjoy in other countries, asylum from persecution’. A reading of this Article pretexts that an asylum seeker or refugee has the liberty to choose the country that they wish to seek refuge in, as they flee to find protection, and that to ‘refouler’ or send them away to another country, against their will, is a human rights violation. Once again, the UK-Rwanda is a breach of this Convention, to which all states are bound, as there is the obligation to maintain human life and dignity.

The Organization of African Unity, now African Union(OAU, 1969) domesticates the above Conventions to suit the African context, adding the commitment to find amicable solutions to the refugee crisis in Africa. Founding member states noted with concern, the increasing number of refugees on the African continent and concurred on the need to recognize the refugee problem in a humanitarian context. The understanding is therefore pretexted on international obligations, but also introspecting into finding home-grown solutions to the refugee problem. In this context, considering the already unenviable refugee burden, as put across by (Mhlanga, 2016), it raises concerns that Rwanda is taking a giant leap to host refugees and asylum seekers from other continents, yet Africa itself is teething in its own challenges. If there is so much zeal for the Rwandan government to host asylum seekers and refugees, it is this paper’s submission that they must also approach fellow African states to assist to decongest some of the highly congested refugee camps across the African continent.

In 2018, the United Nations General Assembly members agreed on the Global Compact on Migration, with a view towards sharing the global refugee burden. The United Nations registers the commitment from member states, stating that:

“The resolution underscores the importance of the global compact on refugees as a representation of political will and the ambition to operationalize the principle of burden- and responsibility-sharing, to mobilize the international community as a whole, and to galvanize action for an improved response to refugee situations. It calls upon the international community as a whole, including States and other relevant stakeholders, to implement the global compact on refugees, through concrete actions, pledges and contributions, including at the first Global Refugee Forum. It further calls upon States and other stakeholders that have not yet contributed to burden- and responsibility-sharing to do so, with a view to broadening the support base in a spirit of international solidarity and cooperation”(United Nations, 2018).

The above resolution demonstrates the commitment of the United Nations member states to share the global refugee burden, yet the problem is that African states disproportionately bear the heaviest burden. Considering that the Global Compact on Migration calls all states to action, towards alleviating the refugee burden, this paper perceives therefore, that the UK-Rwanda deal does nothing, except the opposite of this global commitment. According to scholars, inclusive of (Mbiyozo, A. N, 2021)&(Mandikiana, 2021), the challenge is that the global refugee burden is unevenly distributed, and that Western states appear to increasingly take a very crude and stern stance against asylum seekers and refugees: from investing huge sums of money in erecting fences and barricades, to using COVID-19, security breaches, and other seemingly flimsy excuses, as a way to abdicate themselves of the duty to share the global burden.

### **Problems and solutions to the refugee crises**

(Mbiyozo, A. N., 2020) observes that most African refugees flee to neighbouring countries that continue to accept refugees and asylum seekers, despite them being overburdened and overwhelmed with their internal crises. He further articulates that Africa houses four of the world’s largest six refugee camps, despite limited resources.(Chikohomero, 2019)concur, stating that amongst other African countries, Zimbabwe is teeming in an economic crisis that protracts the refugee situation. Unfortunately, children have not been spared from this global imbalance, and experience the worst type of violence and neglect. (You, 2020)notes that worldwide, 52 percent of migrant children, and over 90 percent of displaced children, live in low- and middle-income countries where health and other systems have been overwhelmed and under capacity for overwhelmingly long periods of time. Although the UK-Rwanda deal excludes children, it follows that those remaining in the UK still need the love and support of their family members, and that any form of separation is a breach of the ‘do no harm’ principle. Theories of human development impress upon the importance of socialization to human development and growing up with people that they have come to understand as family is important to refugee and asylum seeker children.

Towards alleviating this imbalance in sharing the burden, the international community has agreed on the Global Compact on Migration(United Nations, 2018)which was announced to share responsibility for refugee protection. (Chimni, 2018), however, interrogates this principle, stating its flaws in that it fails to address the root causes of the refugee problem, and shared responsibility for the protection of refugees. Its major drawback is that it simply encourages but has no enforcement tentacles, resultant of the continued efforts by the European Union and the United States of America to bar migrants from crossing their borders. Coupled with restrictive policies for refugees and asylum seekers, it has been difficult and treacherous for migrants and displaced populations, particularly asylum seekers, to access these states.

To buttress the above observation, The Open Access Government explores how European and Western states have developed several policies to support or deter refugees and asylum seekers from accessing their states.(Walsh, 2022) cites countries such as Australia, Israel, and Denmark, as having developed policies to transfer the refugee and asylum seeker burden to other states. According to the United Kingdom government, the aim of the UK and Rwanda deal is to deter migrants from taking the dangerous journey to the UK when there are other safer countries such as France to go to. Other reasons cited are to thwart the business of illegal traffickers who thrive on the desperation of displaced populations. Yet, another reason

cited is that the UK and Rwanda migration deal seeks to advance the agenda to share the global refugee and migration burden (Handley, 2023).

(Szczepanik, 2016) explains that this could be culminating from the perception of refugees and asylum seekers as a threat to state security, arguing that ‘the ubiquity of discourses representing refugees as a threat might indicate that public opinion is in favour of more restrictive policies to prevent refugees from arriving in host countries’. (Mhlanga, 2016) cites that refugees pose perennial problems to both host and transit countries, ranging from fears about threats to national security, failure of acculturation, and economic competition; yet, on the flip side, refugees have significantly contributed to economic revival in several host states, including the provision of cheap labour, and providing employment to the host communities. (Atac, 2016) explains the importance of understanding refugees and asylum seekers outside the context of them as victims of conflict and violence, but also players and key drivers of conflicts.

(Mbiyozo, A. N., 2020) adds that some countries, such as the United Kingdom and Australia, are using the COVID-19 pandemic as a flimsy excuse to advance anti-immigrant agenda and reduce refugees intake in the long run. In America, there are complaints of deliberate attempts to ban refugees and asylum seekers through slow and complicated vetting processes that exacerbate the vulnerability of refugees and asylum seekers. What this means is that some western countries will stop at nothing to take the slightest opportunities to prevent migrants and asylum seekers from entering their land.

However, evidence from research by the (International Rescue Committee, 2022), suggests otherwise, with findings on the response to the Ukraine and Afghanistan crises indicative that the British public are willing to embrace refugees and asylum seekers. (Open Access Government, 2022) however, records that Ukrainians are expected to present passports and comply with other regulations, such as having a sponsor, among other compliance requirements. The challenge with the arrangement for Ukrainians, versus migrants and asylum seekers from other states is that there appear to be double standards for the British government, who have lined up asylum seekers from conflict zones such as Iran, Iraq, and Syria for removal to Rwanda (Handley, 2023), much to the outrage of human rights activists. The implication is that asylum seekers and undocumented migrants are threatening to ‘go underground’, on account of fear to be deported or transferred to Rwanda (Handley, 2023). By ‘disappearing’ from the public domain, asylum seekers and refugees are plunged into further vulnerability, as there is the danger for them to be abused by employers who would pay them wages that are below the minimum recommended wages, on account of irregular stay in the UK. Other threats also include inability to access social services, such as health, and education, among others.

In a referendum that was held on the 23<sup>rd</sup> of June 2016, UK citizens voted to exit European Union (EU) membership, on account that the burden of free immigration far outweighed the benefits. On the 31<sup>st</sup> of January 2020, the UK left membership of the European Union, under the famous ‘Brexit’ ticket. In the year 2020, the UK then introduced stringent immigration laws, which have resulted in the continued decline of migration into the UK. In the year 2020, the number of EU citizens migrating into the UK decreased by 3000, also foreboding the critical skills shortage faced by many employers. The ‘start up and innovator’ categories are also faced with the same dilemma, with the (Open Access Government, 2020) citing that the ‘numbers of applications ...being embarrassingly low’. In the global talent category, only 821, out of a possible 2000 applications were received. In a separate report, following public outcry over the Ukraine situation, the UK Home Secretary Priti Patel refers to issues of national security, stating that ‘we must consider national security alongside our humanitarian instinct and desire to help’ (Open Access Government, 2022). What the figures show could be a possible backlash of the alienable policies adopted by the UK against migrants. The world also now shuns seeking economic migrant status in the UK, despite invitations to fill in the ever-rising gap in critical skills, and home-based care. Ironically, the UK is now on an increasingly heightened trajectory to find care workers from the African continent, a stance that should be indicative to the government that it cannot be self-sufficient, and that migrants also bring with them several



advantages to the state's functionality.

Despite the excuses given by the UK Government, for the UK and Rwanda deal in question, citizens and human rights activists have demanded to understand the cost implication for hosting migrants in their states, versus transferring them to Rwanda. The initial cost of the deal is £120million, with additional costs expected to be incurred over time, in processing, accommodation, and other arrangements. In research done by (Walsh, 2022), the individual processing fees for asylum seekers in the UK are £11,800, whereas the Rwanda deal costs from £12,000 upwards, translating to an even higher cost, should the deal continue. (Bullen, 2022), writing for the International Rescue Committee, cites that the deal is expensive and does dig deeper into the UK taxpayers' pockets.

Human rights activists have also challenged the deal, raising some concerns over irregularities. The United Nations Refugee Agency, UNHCR, has argued that contrary to the UN Conventions and other instruments on the protection of the status of refugees, the deal trades people as if they were commodities, absolves UK of its share to physically offer support to vulnerable migrants, and that it exacerbates their vulnerability as people seek other unsafe options to evade regularization. Speaking on the deal, UNHCR's Assistant High Commissioner on Protection, Gillian Triggs, states the following:

“UNHCR remains firmly opposed to arrangements that seek to transfer refugees and asylum seekers to third countries in the absence of sufficient safeguards and standards. Such arrangements simply shift asylum responsibilities, evade international obligations, and are contrary to the letter and spirit of the Refugee Convention... People fleeing war, conflict and persecution deserve compassion and empathy. They should not be traded like commodities and transferred abroad for processing... While Rwanda has generously provided a safe haven to refugees fleeing conflict and persecution for decades, the majority live in camps with limited access to economic opportunities. UNHCR believes that wealthier nations must show solidarity in supporting Rwanda and the refugees it already hosts, and not the other way around... The UK has an obligation to ensure access to asylum for those seeking protection. Those who are determined to be refugees can be integrated, while those who are not and have no other legal basis to stay, can be returned in safety and dignity to their country of origin... Instead, the UK is adopting arrangements that abdicate responsibility to others and thus threaten the international refugee protection regime, which has stood the test of time, and saved millions of lives over the decades...” (UNHCR, 2022).

Additional criticism of the UK and Rwanda migration deal, as stated by (Bullen, 2022) are that everyone has the right to seek asylum in a state of their choice, including in the UK, and that they should not be expelled, on account of the means of arrival into the country. According to the UK Home Office statistics, most people who brave the treacherous journey across the English Channel River to seek asylum in the UK end up being accepted as refugees, thereby qualifying the legitimacy of the asylum claims. It remains clear therefore, that punitive measures such as transfer to a country which is not their preference exacerbates the vulnerability of already vulnerable populations. It is against this background and solidarity with agencies and scholars who question the rationale of the deal, that this paper argues that the UK- Rwanda migration deal is a travesty of justice.

Scholars ((Mandikiana, 2021); (Mhlanga, 2016)(Kavuru C. , 2015)) suggest that there are three plausible solutions to the refugees and asylum seeker crisis: voluntary repatriation, resettlement, and integration into the host community.

Integration is one of the three options. According to the (UNHCR, 2016), integration is enshrined in the (UN, 1951 Convention Relating to the Status of Refugees, 1951), which makes provisions for assimilation, through acceptance and affording human and other rights to refugees and asylum seekers by the host states. The UN Refugee Agency recognizes that the integration of refugees is a dynamic and multifaceted two-way process which requires efforts by all parties concerned, including a preparedness on the part of refugees to

adapt to the host society without having to forego their own cultural identity, and a corresponding readiness on the part of host communities and public institutions to welcome refugees and meet the needs of a diverse population (UNHCR, 2016). In the topic under review, the UK is absolving itself of the responsibility to integrate asylum seekers and refugees, using its resources to transfer the 'burden' to Rwanda.

Local integration, however lucrative, may not be sustainable and may pose serious threats to the individual autonomy of states who find themselves in a quagmire of compliance to international standards to offer protection, or to focus on national interests and security, through stringent policies and measures to deter integration. (Hynie, 2018) concurs, stating that Refugees' ability to integrate, is strongly determined by policies that shape their social and material context. (Kavuru C. , 2015) laments that although South Africa's integration policy is applauded by the United Nations High Commissioner for Refugees, the folly is that it is restrictive to access to labor markets, thereby depriving poor refugees and asylum seekers of the opportunity to advance themselves economically and socially. The highly volatile attitude of the South African population, amidst service delivery and corruption picketing, have also led to xenophobic attacks against foreigners, including asylum seekers and refugees. The operation Dudula and mass deportations in 2022 have also led to foreigners constantly living in perpetual fear of the volatile society.

Integration is thus received with oxymoronic feelings. Previous studies show an increased burden of hosting refugees and asylum seekers, as opposed to the benefits. According to (OECD, 2016) in a joint consultation of Migration Policy Debates, held by the OECD and UNHCR, findings were that employers were skeptical to hire migrant, asylum seeker and refugee employees, on account of a broad spectrum of reasons: unclear policy and procedures on the legal right to work, limited access to information on how to work with them, linguistic barriers, unclear qualifications and skills, as some of them are undocumented, or that there is no grading of their qualifications, others have negative attitudes to and unexplained expectations of their employers, whilst employers also cited the cost implication of having to constantly recruit when migrant employees had to leave for one reason or the other. Yet still, some employers cited that locals and nationals were often unhappy to work with migrant workers, with some challenging that refugees and asylum seekers were enjoying the benefits of employment whilst there was a level of unemployment amongst local people. (Boamah-Gyau, 2008) also records pressure on resources, inclusive of poor sanitation, scarcity of land. She adds security breaches, and moral degeneration as some of the protracted burdens on host societies. (OECD, 2016) cites that in their consultations, they learnt that employers recruited migrant, asylum seeker and refugee employees more on account of social corporate responsibility than anything else.

Yet, studies also show an increased advantage of hosting asylum seekers and refugees. (Msowoya, 2019)'s inquiry into the contribution of asylum seekers and refugees in Malawi unearthed that

“Various business enterprises positively contributed to the local and national economies in different forms such as creation of employment, opening new markets, expanding consumer markets, stimulating economic growth in regional areas through tax remittances, filling empty employment niches through introduction of differentiated businesses that are not regularly patronized by Malawians, increasing economies of scale, bringing in new skills and fostering innovation”.

Of Liberian refugees in Ghana, (Boamah-Gyau, 2008) records that asylum seekers and refugees benefited the local communities through intermarriages and positive cultural exchange. This paper also argues that refugees and asylum seekers also bring in foreign investment through remittances, provide labour, employment, and technical expertise to local host communities. Voluntary repatriation is another option pertaining to the refugee and asylum seeker crisis. This is ostensibly founded on the basis that after the variable that caused fear and displacement has been dealt with, refugees and asylum seekers can then opt to return home for rebuilding. This is the most ideal scenario, but it takes a lot for the process to become seamless. This includes consensus amongst family members to return home, acceptance and forgiveness by family members, communities, and the government in the home country, and support from the international

community, and local players. Of importance to note is the concept that it must be safe for people to return to their home country. (Mhlanga, 2016) cites bottlenecks in the voluntary repatriation arrangement, explaining that at times the application process takes very long, and that sometimes families do not reach a consensus over the matter.

This paper also cites that at times, voluntary repatriation is flawed, or rather, becomes forced in the case of when cessation clauses are passed. A case in point is the Rwanda cessation clause, wherein UNHCR declared that effective 1<sup>st</sup> January 2013, Rwanda is a safe country and that Rwandan refugees who fled the country between 1959 and 1998 should return ‘home’ (Kavuru C. , 2015). The UNHCR commended Rwanda for its efforts to repatriate nationals although there is a huge outcry from the international community concerning the actual safety of returnees under Paul Kagame’s government. Scholars such as (Mandikiana, 2021) and (Kingston, 2017) argue that the arrangement culminates as ‘forced repatriation’, and there is a danger of denationalization (through a process of de facto de jure statelessness (lack of legal nationality in any country) as punishment for criticizing President Paul Kagame and the Rwandan Patriotic Front ruling political party. Statelessness further exacerbates vulnerabilities, as persons on whom the cessation clause applies are unable to enjoy the rights and privileges that are offered to refugees, or nationals of Rwanda. According to (Kavuru C. , 2015), there are over 300,000 Rwandese persons of concern across the globe, who live in perpetual fear of having to be forcibly repatriated to Rwanda, as they fear gross human rights violations. It is against such a background that this paper registers skepticism that Rwanda can receive asylum seekers from the UK.

The third option to the refugee problem is resettlement. This occurs when, in most cases, the above options have either failed, or are not viable. Resettlement is defined by the (UNHCR, 2022) as

‘the selection and transfer of refugees from a State in which they have sought protection to a third State which has agreed to admit them – as refugees – with permanent residence status. The status provided ensures protection against refoulement and provides a resettled refugee and his/her family or dependants with access to rights similar to those enjoyed by nationals. Resettlement also carries with it the opportunity to eventually become a naturalised citizen of the resettlement country.’

The UNHCR shares statistics of global resettlement needs on an annual basis. Although this is a plausible option for refugees to finally settle in a country where they can enjoy their lives on an equal basis with others, the problem is that the demand for resettlement far outweighs the capacity of states to process such claims. For the year 2022 alone, there were a total of 1,473,156 resettlement needs. Of these, the UNHCR submitted claims for 116,481 people, and of these, only 58,457 claims were honored.

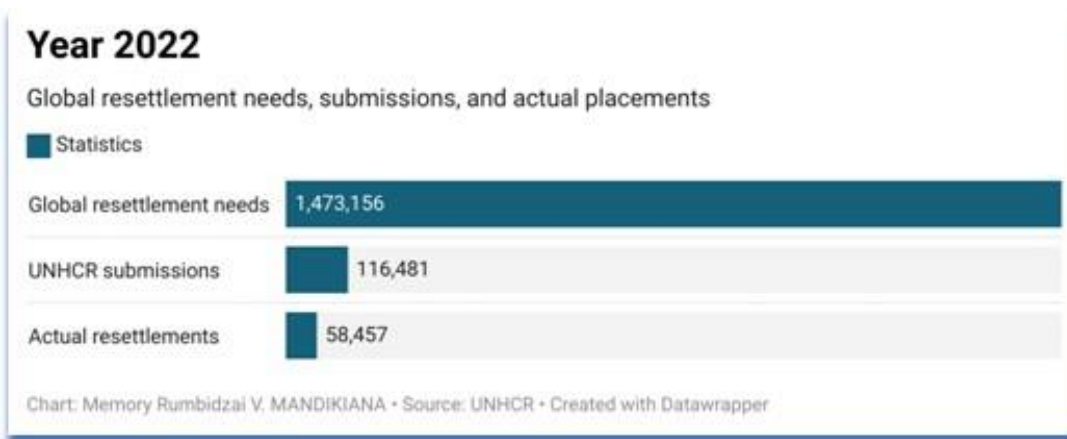


Figure 1: UNHCR statistics for 2022 resettlement

Source: <https://www.unhcr.org/media/resettlement-fact-sheet-2022>

Figure 1 above shows a yawning gap in the resettlement needs, versus the actual capacity and willingness of States to accept refugees in their societies. According to the statistics from UNHCR, for the year 2022, the distribution of resettlements is as shown in figure 2:



**Figure 2: Resettlements, by countries**

Source: <https://www.unhcr.org/media/resettlement-fact-sheet-2022>

According to the above figures, the United States of America processed and accepted the highest number of resettlement claims, followed by Canada, Germany, Sweden, and France; with other countries processing 13,043 (22%) of the 58,457 resettlement claims. With the US taking the biggest chunk of resettlement claims, one would think that the UK would also want to do better to alleviate the global refugee problem. Ironically, the UK is within the already very minute fraction of 22% of resettlement claims processed, and yet, still want to absolve that minimal responsibility they have assumed to Rwanda.

### **Why Rwanda is not an ideal destination for refugees and asylum seekers**

It is this paper's submission that albeit the cessation clause, and economic achievements, Rwanda as a nation is entangled in serious human rights violations, with its own nationals fleeing the third world country to seek asylum elsewhere, and henceforth, is unfit to host additional refugees and asylum seekers.

(Smout, A. & Uwiringiyimana, C., 2022) cite Lewis Mudge, the Human Rights Watch's Central Africa Director, who registers concerns that Rwanda has perpetuated violence against refugees in the country, including the abduction of Rwandese scattered across the globe, back to the country, to face persecution for non-allegiance to the Rwandan government. According to Mudge, "Refugees have been abused in Rwanda and the government has, at times, kidnapped Rwandan refugees outside the country to bring them home to face trial and ill-treatment."

To further substantiate that Rwanda is not an ideal destination for asylum seekers, (Kavuru C. , 2015) discusses that:

"In South Africa, there are constant assassinations, attempted assassinations, intimidations and threats carried out by Rwandan espionage through the Rwandan embassy, based in Pretoria. These issues have become a source of imprisonment in fear, predicament, and deprivation, especially for Rwandan refugees who fled Rwanda between 1994 and 1998, to whom the cessation clause currently applies. It is believed that 99% of the 1994-1998 refugee population who remain in exile are Hutus. However, Hutus never ceased to flee Rwanda. Those include Hutus who were forced to return under forced massive repatriation, which

occurred between 1996 and 2000. Similarly, Tutsi dissidents have been fleeing Rwanda steadily. Among their many motives to seek asylum in other countries are appalling human rights abuses, perpetrated through state-sponsored violence. At global level, the Rwandan refugee population is virtually estimated at 300 000”.

Although it claims not to judge the deal, the United States government has concerns over the capacity of Rwanda to manage additional refugees and asylum seekers. According to (Wintour, P. , 2023), the US government has criticized Rwanda’s poor human rights record, describing conditions in the country’s detention centers as ‘harsh to life-threatening’. In July of 2022, local civil society organizations reported that Rwanda held 84,710 detainees in facilities with a total capacity of 61,320 persons, translating to overcrowding by over 20,000 people.(Smout, A. & Uwiringiyimana, C., 2022)adds that Rwanda has already accepted more than 130,000 refugees from different countries, including from the Democratic Republic of Congo, Burundi, Afghanistan, and Libya. The implication is that the refugee and asylum seeker burden will continue to increase for Rwanda, as human rights will decline.

Despite the feared human rights violations, under the leadership of Paul Kagame, Rwanda has made some commendable achievements. These include that women now hold 64% of seats in parliament, the government has introduced mandatory basic education, awarding 17% of the fiscal budget towards the ministry, 90.6% of the population is registered under the national health program, the country has experienced a Gross Domestic Product (GDP) growth of 7-8% since 2003, and that the government was the first to deliver verdicts against persons responsible for the Rwanda 1994 genocide (Ghate, 2014). The argument is however not about registering the economic milestones of Rwanda, but to focus on the safety and genuineness of the deal to asylum seekers whose lives are being decided upon by political and economic bigwigs who want to ‘wish away the problem’. It is not enough to share Rwanda’s achievements, when its own people are still in exile, for fear of their human lives, should they return ‘home’. Considering how much Africans are well rooted to their origins, and how ethnicity, religion, and culture shape their identity, if the many exiled Rwandese had a choice, they would all return ‘home’, yet they do not. And whilst in exile, they still live in perpetual fear of what could happen to them should the government forcibly repatriate them back to the country.

## CONCLUSION

Based on the above findings, this article proposes and argues that the United Kingdom-Rwanda asylum seeker and refugees deal is a xenophobic reaction by the UK to absolve itself of the responsibility for humanitarian protection. The deal is indicative of the latent and subtle stanza to perpetuate the white supremacy agenda, albeit diplomatically, using the wealth that is ironically mostly ill-gotten from the very countries that they despise. Regrettably, western countries used the COVID-19 pandemic as an escape route to avert resettlement plans for stranded refugees who are mostly in developing countries, with Trump’s administration reducing resettlement figures to a record low of 15,000 in 2021, versus 85,000 during Obama’s administration (Mandikiana, 2021).

The paper concurs with (Anik, 2018) who posits that the reactions towards the asylum seekers and refugees in the Western countries have a neo-racist, xenophobic and Islamophobic tendency, and that the current socio-political conjuncture seriously threatens the hopes of those people with different cultural, religious, linguistic or ethnic origin, who seek a peaceful coexistence in the world. Additionally, it is a gross human rights violation, and inhumane to force people to live in a country that is 6,400kilometres from the United Kingdom, their selected country to seek asylum in, against their will.

It is the case of this paper that the UK-Rwanda deal is illegal and violates the human rights and dignity of asylum seekers and migrants that wish to exercise their right to seek asylum in the UK. The deal is a gross violation of the commitment by both states to observe and work within the confines of the United Nations

Convention on the Status of Refugees, and the Global Compact of Migration, which seek to protect migrants and asylum seekers from exacerbated vulnerability, and to share the global refugee burden. This paper concurs with findings from the United Nations, that the deal treats people as commodities, and takes away their human dignity and self-worth. Ironically, Rwanda, the destination country, is grappling with human rights violations, and overcrowding in its facilities, yet wish to extend their arms to welcome asylum seekers who are not given a chance to argue their case.

Based on the desk review findings of this research, the recommendation is to rescind the deal, and allow both countries to work on the tasks at hand: UK to show commitment to international protocols and offer protection to asylum seekers and refugees; and Rwanda to focus on reconstructing human rights and buying the will and trust of its own people who are exiled in different countries across the globe.

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