
Safety of Rwanda (Asylum and Immigration) Bill

House of Commons

December 2023

About the BMA

The BMA is a professional association and trade union representing and negotiating on behalf of all doctors and medical students in the UK. It is a leading voice advocating for outstanding health care and a healthy population. It is an association providing members with excellent individual services and support throughout their lives.

Key points

- The BMA has serious concerns over the health and human rights implications of the Government's plan to offshore migrants to Rwanda and [welcomed](#) the Supreme Court's ruling in November 2023 that Rwanda is not a safe country, rendering the removal of refugees there unlawful.
- This ruling should have led to the abandonment of the Rwanda proposals. Instead, the Government is seeking to introduce legislation that would enable the Government to ignore the law by disapplying sections of the Human Rights Act, excluding the courts from challenging whether Rwanda is safe and giving sweeping powers to Ministers to decide whether blocking orders should be complied with.
- It is deeply concerning that the Government is willing to disapply domestic human rights legislation in its attempt to push through its offshoring plans, which will be deeply harmful for some of the most vulnerable people in society.
- The BMA has led [demands from the medical community](#) that the proposal be abandoned. The use of offshoring has previously led to asylum seekers being removed to countries where they are unable to access medical care they may need and has had a detrimental impact on the mental health of those removed.
- Medical reviews of 36 people under threat of removal to Rwanda [revealed](#) that 26 displayed medical indicators of having been tortured, with 15 having symptoms or a diagnosis of PTSD and 11 having experienced suicidal thoughts while in detention.
- Instead of seeking to push ahead with inhumane, expensive and unworkable proposals, the Government should focus on the development of a single, fair, humane and effective refugee system, in keeping with our obligations under international humanitarian and human rights law.
- **We call on MPs to oppose this Bill in the strongest terms as an attack on human rights that would leave people who are vulnerable, fleeing dangerous situations and who have often experienced trauma, subject to an environment where they are re-traumatised and unable to access the medical attention many desperately need.**

Supreme Court Judgement

The Supreme Court ruled in November 2023 that Rwanda is not a safe country, rendering the removal of refugees there unlawful.

The judgement concluded that Rwanda's legal system and asylum processes are not fit for purpose. Specifically, sending asylum seekers to Rwanda presents a risk of mistreatment, potentially through refoulement to another country. Additionally, the Court highlighted instances where treaty commitments had been breached, raising significant human rights concerns.

The Court held that if circumstances in Rwanda were to improve, such that the risk of refoulement was diminished, the UK government could proceed with its intentions to remove asylum seekers to have their asylum claims processed in Rwanda. However, crucially, it was indicated that the legal system that governs asylum processes could not be instantly resolved and would necessitate substantial cultural and structural changes. Given the speed at which the Treaty and Bill were produced, we have serious concerns over the effectiveness of any attempts made by the Government to address the Court's judgement and concerns.

The Supreme Court ruling should have led to the abandonment of the Rwanda plan. We are deeply concerned, that despite the ruling, the Government is determined to push its plans forwards. We continue to have concerns around the possible violations of human rights, the safety and welfare of asylum seekers, and the workability of these proposals.

[Health implications of offshoring](#)

The BMA has repeatedly [raised concern](#) around proposals for the offshoring of asylum seekers and the impact it will have on the health, well-being and safety of already extremely vulnerable people. These concerns are further outlined in an [open letter](#) to Prime Minister Rishi Sunak, signed by the BMA, Royal Colleges, MSF, Medical Justice and more than 840 individual healthcare professionals expressing grave concerns about the health implications of the Government's offshoring policy and calling on him to abandon it.

The use of offshoring has previously led to asylum seekers being accommodated in countries where they are unable to access medical care they may need and has had a detrimental impact on the mental health of those removed. This is evident in problems created by Australia's offshoring of asylum seekers to countries like Manus Island in Papua New Guinea, which the UN has declared "violates the convention against torture" and the ICC prosecutor has described "unlawful".

In the UK, clinicians have found that the prospect of removal to Rwanda has exacerbated the mental health conditions (including post-traumatic stress disorder and depression) of the men, women and age-disputed children threatened with removal, causing increased risks of self-harm and suicide. Medical reviews of 36 people under threat of removal to Rwanda revealed that 26 displayed medical indicators of having been tortured, with 15 having symptoms or a diagnosis of PTSD and 11 having experienced suicidal thoughts while in detention.

The Government has made assurances around the level of healthcare it says will be available at detention centres in Rwanda, including that the country has agreed to *provide accommodation that is "adequate to ensure the health, security and wellbeing" of those relocated.*

However, Rwanda faces a critical shortage of skilled health workers, as evidenced by its inclusion in the [WHO health workforce support and safeguards list 2023](#). In response, the UK government has also added Rwanda to the list of countries that should not be actively targeted for health worker recruitment by the UK as this could exacerbate existing workforce shortages. Consequently, the BMA is concerned that due to these serious shortages, the complex physical and mental health needs of asylum seekers will not be met, especially as their needs are likely to be intensified by the removal process.