



Rwanda removals plan: what you can do to support asylum seekers in Scotland

On 25th April 2024, the Safety of Rwanda (Asylum and Immigration) Act 2024 became legislation. On 28th April 2024, it was announced that the Home Office intend to launch an operation to detain asylum seekers across the UK with a view to removing them to Rwanda.

Who is at risk?

Essentially, anyone who has arrived in the UK **without valid permission AND meets the inadmissibility rules** is at risk of receiving a removal notice to Rwanda. They must have claimed asylum after **1 January 2022**, and be over 18 years old.

As a reminder, anyone who has travelled through a safe country (e.g. any EU country) during their journey to the UK and could have reasonably sought protection there is at risk of having their claim being considered inadmissible. If the Home Office considers a claim to be inadmissible, they will not assess the case substantively which means that they will not progress the case and will not arrange a substantive interview. They will also issue a notice of intent to treat a claim as inadmissible and, if not successfully challenged, an inadmissibility decision and removal notice.

This means that anyone who has claimed asylum in the UK and has received one of the following is at risk of being removed to Rwanda:

- A **notice of intent** under the inadmissibility rules;
- An **inadmissibility decision**;
- A **removal decision/removal directions** to Rwanda

Right to Remain have created an excellent [resource](#) to set out who is at risk of detention and removal.



Appeal Rights Exhausted

On 13 May 2024, the Home Office also confirmed that they can remove people to Rwanda if they are appeal rights exhausted.

This means that they have been refused asylum and have unsuccessfully gone through their various appeal/court processes.

According to the Home Office guidance, this applies even if you arrived before 1 January 2022. Fresh claims for asylum must still be considered by the Home Office according to existing processes.

This development significantly expands the category of people eligible for Rwanda. We recommend you read the Home Office guidance [here](#).

Who is not at risk?

- Anyone who has had their **asylum claim substantively considered** by the Home Office is not at risk under the inadmissibility rules. Those who have had substantive interviews and are awaiting a decision and those who received a negative decision should not be impacted by this policy;
- **Unaccompanied asylum seeking children** are also excluded from the policy. This does not include those who have been assessed by adults by the Home Office.

Whilst not excluded under the inadmissibility rules, some specific categories are considered to be **unsuitable for immigration detention** under the Home Office guidance including:

- Those suffering from **serious mental health and physical health conditions**;
- **Victims of torture**;
- Potential victims of **trafficking/modern slavery**;
- **Families with children** under the age of 18;
- **Pregnant women**.

As the process of removal to Rwanda will include detention, we expect that these vulnerable groups will not be targeted as part of the Rwanda policy at this initial stage.



Age disputed young people

If you are assisting a young person who states they are under 18 (or arrived in the UK and claimed asylum prior to turning 18) but they have been assessed by the Home Office as adults, it is crucial that you support them to obtain legal advice in relation to their age dispute. As we explained above, unaccompanied children are excluded by the inadmissibility rules and are therefore not at risk of being sent to Rwanda at present. As such, for a young person to have their age accepted by the Home Office is more important than ever now.

You can also [contact us](#) directly as we routinely assist unaccompanied asylum seeking children and age disputed young people. Whilst we might not have capacity to take individual cases on, we are happy to provide second-tier advice on age disputed queries.



How can you support those at risk?

The introduction of the Safety of Rwanda (Asylum and Immigration) Act 2024 means that Rwanda removal notices cannot be challenged on the basis of Rwanda being generally unsafe. However, individuals can challenge decisions under the Act where it can be argued that a person would face a **real, imminent and foreseeable risk of serious and irreversible harm** if removed to Rwanda. Whilst this threshold is high, decisions can be challenged on this basis and it is therefore crucial that asylum seekers who are at risk of removal have access to **urgent legal advice**. It is important that you do not give immigration advice but that you support the individual to access effective and urgent advice.

If you are supporting any asylum seekers that have claimed asylum and have not yet had their asylum interview, you should:

- Check in with them and ensure they are safe;
- Try keep them calm and, if they are not at high risk of Rwanda, explain this to them;
- If they don't have a lawyer, make sure you help them access one- the list of legal aid solicitors who offer immigration advice can be found [here](#);
- Help them speak to their lawyer for specific questions they might have;
- Make sure that they are prepared when reporting and in case of an immigration raid. We have prepared a guide cover this that can be accessed [here](#).



JustRight Scotland

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