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# Response to Council Motion on the 'Rwanda Scheme'

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<b>Committee considering report:</b>	Executive
<b>Date of Committee:</b>	14 December 2023
<b>Portfolio Member:</b>	Councillor Denise Gaines
<b>Date Portfolio Member agreed report:</b>	5 November 2023
<b>Report Author:</b>	Sean Murphy
<b>Forward Plan Ref:</b>	EX4466

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## 1 Purpose of the Report

- 1.1 The purpose of this report is to provide the Executive with further information to enable it to consider a motion relating to the plans to send asylum seekers to Rwanda for claims to be processed.

## 2 Recommendations

The Executive **RESOLVES** to:

- Write to the Government to request an end to the proposed offshoring of people seeking refuge to third countries and to demand an end to the deal with Rwanda, and
- Offer support where we can to ensure that all refugees are treated with dignity and given the opportunity to make a positive contribution to the economy and cultural life of West Berkshire, and
- Council be updated on the decision of the Executive.

## 3 Implications and Impact Assessment

Implication	Commentary
<b>Financial:</b>	There are no financial implications arising from this report.  Activities conducted by the Council to support arrivals in West Berkshire under the terms of the various schemes are grant funded.

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<b>Human Resource:</b>	None.			
<b>Legal:</b>	There are no legal implications for the Council. All legal implications relating to asylum policy are a matter for the government.			
<b>Risk Management:</b>	None			
<b>Property:</b>	None.			
<b>Policy:</b>	None			
	<b>Positive</b>	<b>Neutral</b>	<b>Negative</b>	<b>Commentary</b>
<b>Equalities Impact:</b>				
<b>A</b> Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		x		No. These are matters for the government to determine in setting national policy.
<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?	x			If responded to in a positive way by the government the view is that this would have a positive impact.
<b>Environmental Impact:</b>		x		None
<b>Health Impact:</b>		x		None.
<b>ICT Impact:</b>		x		None.

<b>Digital Services Impact:</b>		x		None.
<b>Council Strategy Priorities:</b>		x		None
<b>Core Business:</b>		x		None
<b>Data Impact:</b>		x		None.
<b>Consultation and Engagement:</b>				

## 4 Executive Summary

4.1 At the meeting of Council on 19<sup>th</sup> July 2022 the following motion was proposed:

'This Council is concerned that the Government plans to send asylum seekers to Rwanda'.

Council notes:

West Berkshire has a creditable record when it comes to welcoming refugees from across the globe – from as far back as the Ugandan expulsions and families fleeing the Balkan conflict, as well as Syrians, Hong Kong residents and Afghan nationals in recent years.

The outpouring of support and compassion from the people of West Berkshire for individuals and families displaced by the war in Ukraine.

West Berkshire draws huge strength from the contribution of migrants and refugees who make the district their home. This council works with the migrant and refugee support networks and other partners in the sector and should be proud of what is being done.

The main points of the motion are:

- People who cross the Channel seeking refuge and asylum will be taken to an RAF base in Yorkshire before being sent 4,500 miles away to Rwanda for "processing", and
- Offshoring asylum processing for those who have fled war, violence, famine and persecution is inhumane and cruel. This plan violates the principle of the UN Refugee Convention, of which the UK was a founding signatory, which states that we must "grant people a fair hearing on UK soil".

4.2 The Motion is now before Executive to consider the Council response.

4.3 The recommended response to the motion is set out in section 2 above.

## 5 Supporting Information

### Background

- 5.2 West Berkshire Council has been engaged with the delivery of a range of migration schemes. Over the last few years these have included those arriving from Syria, Hong Kong, Afghanistan and Ukraine. We have also supported those living in the two Home Office asylum facilities in West Berkshire.
- 5.3 In August 2021 the evacuation of Afghanistan led to many thousands of Afghans arriving in the UK under the Afghan resettlement scheme. For two years West Berkshire was host to a hotel providing temporary accommodation to Afghan individuals and families.
- 5.4 In February 2022 Russia invaded Ukraine. In response the Government set up the Homes for Ukraine Scheme where Ukrainian nationals supported by sponsors in the UK could apply for visas lasting for an initial three years. Locally in West Berkshire we have supported over 600 Ukrainian arrivals along with over 250 hosts. This has included around 200 children.
- 5.5 For over two years two asylum facilities have operated from two local hotels in West Berkshire. Although the primary support has come from our voluntarily sector partners, the Council has also provided support through Childrens Services, Public Health, Public Protection, Emergency Planning and Housing Services.

### The 'Rwanda Scheme'

- 5.6 Over the last few years there has been an increase in 'small boat' arrivals into the UK. In 2022 the numbers crossing the channel and arriving in the UK was just over 45,000. The numbers this year are around 20% lower. The vast majority of those arriving claim asylum and are then transferred to asylum facilities until their claims are processed. In recent years most have been housed in hotels and have often waited long periods for their claims to be processed.
- 5.7 The cost of accommodation to Central Government is stated to be around £3Bn per year. Over the last two years the government has been looking at a range of options relating to accommodation and processing of applications including using barges and former military bases. More recently the processing of applications has speeded up and a hotel closure programme has been announced.
- 5.8 In April 2022 the government announced the 'UK and Rwanda Migration and Economic Development Partnership'. The scheme has become known as the 'Rwanda Scheme'.
- 5.9 The basis of the scheme is that a number of those claiming asylum would not have their claims processed in the UK but would be relocated to Rwanda where their claims would be assessed. If their claims were adjudged valid then the individual would have the right to remain in Rwanda but not to return to the UK. If unsuccessful they can apply to settle in Rwanda on other grounds or apply to another 'safe' third country.

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- 5.10 The government says that the stated purpose of the scheme is to deter those from arriving in the UK by 'illegal, dangerous or unnecessary methods' such as by 'small boat'.
- 5.11 The first group of asylum seekers were due to be flown to Rwanda in June 2022. However, a range of last minute legal challenges meant that eventually everyone was removed from the flight. To date no asylum seekers from the UK have been processed in Rwanda.
- 5.12 Following the removal of the passengers in June 2022 the scheme has been subject to ongoing challenge through the courts. Following consideration of a number of applications the High Court ruled the scheme to be lawful. However, in June 2023 the Court of Appeal ruled that the scheme was unlawful.
- 5.13 The Government appealed the decision of the Court of Appeal. On the 15<sup>th</sup> November 2023 the Supreme Court ruled on the lawfulness of the scheme. The ruling can be found here [R \(on the application of AAA \(Syria\) and others\) \(Respondents/Cross Appellants\) v Secretary of State for the Home Department \(Appellant/Cross Respondent\); \(supremecourt.uk\)](#).
- 5.14 In response to the ruling the Prime Minister released a statement indicating the legislation will be brought forward to address the matters raised by the Supreme Court. That statement can be found here: [PM remarks on Supreme Court Judgement: 15 November 2023 - GOV.UK \(www.gov.uk\)](#)

### The Motion

5.15 The concerns set out in the Motion are as follows:

- People who cross the Channel seeking refuge and asylum will be taken to an RAF base in Yorkshire before being sent 4,500 miles away to Rwanda for "processing", and
- Offshoring asylum processing for those who have fled war, violence, famine and persecution is inhumane and cruel. This plan violates the principle of the UN Refugee Convention, of which the UK was a founding signatory, which states that we must "grant people a fair hearing on UK soil".

5.16 The government is proposing to use former military bases to house asylum seekers prior to deportation to Rwanda. A number of locations are being considered but these plans are facing significant local resistance and in some cases legal challenges by Councils which are ongoing.

5.17 The United Nations Council for Refugees position on the Rwanda Scheme can be found here: [UN Refugee Agency opposes UK plan to export asylum | UNHCR](#)

### Motion Proposal

5.18 The Motion proposes that the Council RESOLVES:

- d) To write to the Government to request an end to the proposed offshoring of people seeking refuge and to demand an end to the deal with Rwanda, and

- e) To offer support where we can to ensure that all refugees are treated with dignity and given the opportunity to make a positive contribution to the economy and cultural life of West Berkshire.

5.19 Executive is asked to consider the Motion set out above.

## 6 Other options considered

None

## 7 Conclusion

7.1 This report sets out the background to the scheme. The question of legality has been determined by the Supreme Court. The government have indicated that they intend to legislate to address the issues raised by the Supreme Court.

7.2 Against this backdrop the Executive is asked to consider and recommend the Council's response to the motion set out above.

## 8 Appendices

8.1 None

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### Background Papers:

None.

### Subject to Call-In:

Yes:  No:

- The item is due to be referred to Council for final approval
- Delays in implementation could have serious financial implications for the Council
- Delays in implementation could compromise the Council's position
- Considered or reviewed by Scrutiny Commission or associated Committees, Task Groups within preceding six months
- Item is Urgent Key Decision
- Report is to note only

**Wards affected:** All wards are potentially affected.

### Officer details:

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**Response to Council Motion on the 'Rwanda Scheme'**

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