

SUMMARY OF THE DECISION OF THE DIVISIONAL COURT IN
THE KING (ON THE APPLICATION OF AAA and others) v THE SECRETARY OF
THE HOME DEPARTMENT (UNITED NATIONS HIGH COMMISSIONER FOR
REFUGEES INTERVENING)

1. This judgment concerns claims for judicial review brought by several individuals and organisations who challenge the decisions of the Home Secretary that asylum claims made in the United Kingdom should not be decided here but, instead, the persons who made the claim should be relocated to Rwanda and their asylum claims determined in that country in accordance with arrangements made between the governments of the United Kingdom and Rwanda. The individuals who are claimants in these proceedings travelled in small boats from France to England and claimed asylum on their arrival in the United Kingdom. They contend that the arrangements made by the Home Secretary to relocate asylum seekers to Rwanda are unlawful. They also contend that the Home Secretary did not consider their circumstances properly.
2. The government's proposal to relocate asylum seekers to Rwanda has been the subject of considerable public debate. The role of the court, however is only to ensure that the law is properly understood and observed, and that the rights guaranteed by Parliament are respected.
3. The court has concluded that, it is lawful for the government to make arrangements for relocating asylum seekers to Rwanda and for their asylum claims to be determined in Rwanda rather than in the United Kingdom. On the evidence before this court, the government has made arrangements with the government of Rwanda which are intended to ensure that the asylum claims of people relocated to Rwanda are properly determined in Rwanda. In those circumstances, the relocation of asylum seekers to

Rwanda is consistent with the Refugee Convention and with the statutory and other legal obligations on the government including the obligations imposed by the Human Rights Act 1998.

4. However, the Home Secretary must consider properly the circumstances of each individual claimant. The Home Secretary must decide if there is anything about each person's particular circumstances which means that his asylum claim should be determined in the United Kingdom or whether there are other reasons why he should not be relocated to Rwanda. The Home Secretary has not properly considered the circumstances of the eight individual claimants whose cases we have considered. For that reason, the decisions in those cases will be set aside and their cases will be referred back to the Home Secretary for her to consider afresh.

NOTE This summary is provided to assist in understanding the Court's decision. It does not form part of the reasons for the decision. The full judgment of the Court is the only authoritative document. Judgments are public documents and are publicly available. A copy of the judgment as handed down can be obtained after 10.30 on 19 December 2022 from the following website <https://www.judiciary.uk/judgments/>