



Baroness Chakrabarti  
The Earl of Kinnoull  
House of Lords  
London  
SW1A 0AA

3 May 2022

Dear Shami, Charles,

### **Memorandum of Understanding (MoU) between the UK and Rwanda**

During the recent PNQ on the UK-Rwanda Migration and Economic development Partnership I gave a commitment to write in response to a number of questions and points that were raised in the debate.

The first point concerned whether the MoU between the UK and Rwanda which sets out the partnership should have been subject to ratification procedures under the Constitutional Reform and Governance Act 2010 (CRaG). An MoU is a specific arrangement between countries. It is not an 'agreement' in the strict sense as defined within clause 25 of the Constitutional Reform and Governance Act 2010 and so is not subject to CraG ratification. Nonetheless we considered it important that the MoU was subject to scrutiny and accordingly the MoU was published on 14 April when the new partnership with Rwanda was publicly announced.

I was also asked about the decision to use an MoU to establish the partnership. An MoU is a common mechanism for establishing an arrangement or partnership between countries and/or international organisations. For example, in 2019, the UNHCR and African Union signed a Memorandum of Understanding with Rwanda to establish the "Emergency Transit Mechanism", this partnership facilitates the relocation of refugees and asylum seekers from the conflict zones in Libya to the safety of Rwanda. The UNHCR recently extended this MoU, which will now run until 31 December 2023.

The MoU governing the UK-Rwanda MEDP was negotiated with close care and attention to ensure that assurances were in place to ensure the partnership operated appropriately, with a strong regard to the welfare of those it concerns, and in line with both parties' international obligations. However, an MoU has the added benefit of allowing the partnership to change and the technical details to be adjusted quickly if needed with the agreement of both partners. Given the innovative nature of the partnership this flexibility is an important advantage. Of course, if any changes are made, these will be announced and published and my Noble Lords will be able to seek points of clarification and ask questions as they have done so this week.

In terms of the MoU itself, as I reassured my Noble Lords during the debate during the Nationality and Borders Bill debate on 26 April, the criteria in the MoU mean we will only ever remove someone to a safe third country where it is in accordance with the Refugee Convention and European Convention on Human Rights. Everyone considered for relocation will be screened, interviewed, and have access to legal advice. Decisions will be taken on a case-by-case basis, and nobody will be removed if it is unsafe or inappropriate for them.

There has been significant debate on the partnership and I look forward to updating my Noble Lords on its progress in due course.

A copy of this letter will be placed in the libraries of both houses.

A handwritten signature in black ink, appearing to read 'Susan', written in a cursive style.

**Baroness Williams of Trafford**