

# Last-minute ruling prevents UK government deporting asylum seekers to Rwanda

Robert Stevens  
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The Johnson government has pledged to enforce its brutal policy of deporting asylum seekers to Rwanda after being prevented from launching its first flight on Tuesday evening.

After a legal challenge, seven people sitting on the runway of Boscombe Down Air Base in Wiltshire, England in a Boeing 767 were told they would not be deported and to leave the plane.

The flight was stopped by an intervention by the European Court of Human Rights (ECHR) over legal issues surrounding one of the people on board—a 54-year-old Iraqi man, K.N., who was a victim of torture, and who arrived in the UK by boat in May. The court ruled “that the applicant should not be removed until the expiry of a period of three weeks following the delivery of the final domestic decision in the ongoing judicial review proceedings.”

K.N. had been served a removal notice on June 6 and had his appeals denied by the UK High Court, Court of Appeal and Supreme Court. The ECHR decision provided a legal basis for the remaining six to appeal for their removal orders to be discarded, leading to two further injunctions by the ECHR and three successful challenges at the UK Court of Appeal.

The judicial review specified in the ECHR ruling was granted by the High Court in London last Friday and will take place in late July. It was brought by the Care4Calais migrant advocacy group, organisations including the Public and Commercial Services Union and Detention Action, and four asylum seekers scheduled to be on Tuesday’s flight.

They argue the Rwanda policy is illegal on multiple grounds. Care4Calais explained, “These... include, but are not limited to: the *vires* or legal authority of the Home Secretary to carry out the removals; the rationality of the Secretary of State’s conclusion that

Rwanda is generally a ‘safe third country’; the adequacy of provision for malaria prevention; and compliance with the Human Rights Act.”

The ECHR is overseen by the European Convention on Human Rights, of which the UK is a founding member. Britain’s departure from the European Union (EU) did not affect its membership of this body, separate from the EU and its own European Court of Justice.

Johnson’s Conservative Party MPs responded to Tuesday’s ruling with frothing hostility. The prime minister warned that night that Britain may withdraw from European Convention on Human Rights. A Downing Street press spokesperson confirmed Wednesday, “We are keeping all options on the table including any further legal reforms that may be necessary.”

That this is considered is a milestone in the British ruling class’s rapid dispensing of democratic norms and repudiation of international law. The European Convention on Human Rights was set-up after the Second World War on the initiative of British Prime Minister Winston Churchill, who envisaged a “Charter of Human Rights”. Established by the Council of Europe—a body founded in London—it was drafted mainly by British lawyers, with the *Financial Times* noting this week that they “based it on the United Nation’s Universal Declaration of Human Rights.”

Britain was the first signatory to the European Convention on Human Rights, which came into force on September 3, 1953. Its governing court was established January 21, 1959.

After announcing the Rwanda deportation policy in April, Johnson told the *Daily Mail* in May—in an intervention designed to throw “red meat” policies to his right-wing base and shore up his leadership—that 50

people had been given “notices of intent” to be flown to the East African country within two weeks. Johnson pledged then that the government would “dig in for the fight... We’ve got a huge flowchart of things we have to do to deal with... the Leftie lawyers.”

As it became clear on Monday that a number of those served with notices had successfully challenged their removal orders, leading Tory Brexiteer Peter Bone said in Parliament, “We hear that a number of the people who were to be on the flight to Rwanda tomorrow have somehow—miraculously—got some leftie lawyer to intervene and stop it. May I suggest... that instead of booking 50 people on to each flight to Rwanda, he books 250 people so that, when half the people are stopped from travelling, we would still have a full flight? Come on—get on and send them.”

The response to the ruling has been even more demented. On the WhatsApp group of “Common Sense Conservatives”, which represents at least 72 backbench right-wingers, one message immediately following the ECHR intervention read, “It’s time we kicked these bastards into touch. For once I won’t apologise for my French.”

Speaking in Parliament Wednesday, Home Secretary Priti Patel said the next flight to Rwanda was already being planned and that the government “will not be put off by the inevitable last-minute legal challenges, and nor will we allow mobs to block removals.” She attacked the “opaque nature” of the ECHR ruling made by an “out-of-hours judge in... Strasbourg.” Patel proclaimed the ECHR had not declared the Rwanda policy illegal, concealing the fact it has required to the government to prove the legality of its policy before any flights can be allowed.

A swathe of Tory MPs are calling for the government to just ignore the ruling with one telling the *Mail* that “ECHR decisions, unlike the European Court of Justice, do not have direct effect so can simply be overridden.

“When our own courts accept something is legal we should not allow an oddly constituted international court to overrule the democratic process. We should assert Parliamentary sovereignty.”

Among those making this demand is the Tory’s *Daily Telegraph* house organ. It warned in Wednesday’s editorial that “Boris Johnson’s flagship migration policy risks becoming a fiasco,” concluding “It is all

very well blaming the lawyers, but if there are legal impediments to the proper operation of ministers’ desired approach, including the role of overseas courts, the Government has it within its power to address them. Perhaps it ought to do so...”

Johnson is already planning to ditch the 1998 Human Rights Act, which requires UK courts to “take account” of ECHR rulings and case law. It would be replaced by a Bill of Rights scrapping this requirement.

Johnson and Patel can carry out their agenda because its faces no opposition in principle in parliament. The initial response of Labour’s shadow home secretary Yvette Cooper to the ECHR ruling was a complaint that the government’s policy “isn’t workable” and “won’t tackle criminal gangs”—a line that Patel herself has used to justify the policy. The policy was also too expensive, she said, as “they still paid Rwanda £120m and hired a jet that hasn’t taken off”. Cooper told MPs on Wednesday that the Rwanda flight “shambles” was “putting our country to shame.”

Even such carefully limited opposition is raised only to gloss over the fact that Labour has no real differences with the Tories’ anti-immigration agenda. The *Mail* trumpeted that “while Ms Cooper was on her feet, a spokesman for [Labour leader] Sir Keir Starmer repeatedly refused to confirm it would scrap the hardline policy if the party won the next election.”

In the population, however, there is massive opposition to the Rwanda policy and scapegoating of immigrants and asylum seekers generally. Patel’s denunciation of “mobs” who “block removals” was an angry reference to the hundreds of people who protested in Peckham, south London only last Saturday, gathering in the street to block a police van attempting to take away a man arrested in an immigration raid. This is the third such spontaneous event in the space of a year after another in Hackney, London last month and an earlier popular intervention in Glasgow.



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