

Britain's High Court rules asylum deportations to Rwanda legal

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The High Court has ruled that the British government's barbaric policy of deporting asylum-seekers to Rwanda is legal. The court's decision effectively overturns key provisions of the Geneva Convention (1951) and is a watershed in the assault on fundamental democratic rights.

In their written judgment handed down this morning, Lord Justice Lewis and Mr Justice Swift ruled that sending asylum-seekers 4,000 miles away to Rwanda did not breach the UN's Refugee Convention or human rights laws, "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."

The High Court was responding to a judicial review application by asylum seekers and their supporters challenging the legality of their deportation. Care4Calais, Detention Action and the Public and Commercial Services Union (whose members are charged with arranging deportation flights) brought the action in June alongside eight unnamed asylum seekers from Syria, Iran, Iraq, Vietnam and Albania.

Flights to Rwanda were halted on June 14 by an emergency intervention from the European Court of Human Rights after twenty asylum claims by some of those scheduled for deportation to Rwanda were refused by the Administrative Court, the Court of Appeal and Supreme Court between June 8 and June 14.

A crowdfund launched by Care4Calais to finance its legal appeal explained, "Sending asylum seekers to Rwanda would breach the UK's legal obligations under the European Convention on Human Rights and the Refugee Convention. The government cannot act with impunity, these proposals violate the most fundamental

tenets of domestic and international law."

This is exactly what the High Court has endorsed.

While the High Court today overruled deportation orders against eight asylum-seekers who brought the judicial review application, their fate is far from certain. The court merely found the Home Secretary had "not properly considered" the claimants' circumstances, concluding, "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."

Their fate will be determined by Home Secretary Suella Braverman, the equally sadistic successor to Priti Patel who announced the policy in April. Braverman told the Conservative Party conference in October it was her "dream" and "obsession" to see asylum seekers back on deportation flights to Rwanda. She has described English Channel crossings by defenceless migrants as "an invasion of our southern coast".

Braverman welcomed today's ruling, gloating, "We have always maintained that this policy is lawful and today the High Court has upheld this." She pledged that Rwanda deportations would commence "as soon as possible".

Refugee rights groups condemned today's High Court ruling and have indicated they will appeal. The Migrants' Rights Network called it "a dark day in the UK's history. The Government has now been given the green light to traffic refugees across the globe."

Josie Naughton, CEO of not-for-profit Choose Love which helped fund the legal action stated, "Today is a dark moment for upholding human rights in the UK. Hostility has come at the expense of compassion, and the country is turning its back on the principle that all should have rights to live in freedom and in safety. Today's ruling sets a dangerous precedent for evading

international and moral commitments towards those seeking asylum.”

Labour’s Shadow Home Secretary Yvette Cooper attacked the Conservative Party on the most right-wing grounds imaginable, declaring that its Rwandan scheme was “unworkable” and “extremely expensive”. Speaking in parliament, she said the government had presided over a “collapse” in people-smuggler prosecutions and had “totally failed to take action against the criminal gangs”, while its “flawed and chaotic” decisions in the eight cases reviewed by the High Court meant that deportation orders had been overturned.

Stephen Kinnock, Labour's shadow immigration minister, was more bellicose still, attacking the government for a massive backlog of deportations. He claimed that just 21 out of 18,000 inadmissible people had been deported so far, declaring that “sending 300 asylum seekers to Rwanda won't even touch the size of that 18,000”.

The High Court’s 139-page judgment upholds the right of the British government to deport those with asylum claims in Britain, with the ultimate decision on their asylum status contracted out to the Rwandan government under a £140 million five-year deal.

Human Rights Watch has accused the Rwandan government of major human rights violations: “Arbitrary detention, ill-treatment, and torture in official and unofficial detention facilities is commonplace, and fair trial standards are routinely flouted.” Yet Britain’s High Court has ruled that Rwanda is a “safe third country” to send traumatised and defenceless asylum seekers.

Rwanda’s Patriotic Front government—whose human rights abuses stretch back to the 1994 genocide—will return unsuccessful claimants to the countries from which they have sought refuge, contravening the core principle of “non refoulement”, the bedrock of international refugee law under both the Geneva Convention and the European Convention on Human Rights.

The High Court has crossed a Rubicon with today’s judgment. Justices Lewis and Swift referenced arguments “that the Refugee Convention imposes an obligation on contracting states to determine all asylum claims made, on their merits”, concluding, “We disagree... An obligation to determine every asylum

claim on its merits would be a significant addition to the Refugee Convention.”

In the aftermath of the Nazi Holocaust that claimed the lives of six million Jews, the right to asylum from political and religious persecution was enshrined in international law. Throughout the 1930s, the major imperialist “democracies” had rejected asylum applications from persecuted Jews, condemning them to death. In Britain, out of 500,000-600,000 refugee applications in the decade prior to World War II, just 80,000 were successful, with Jews frequently rejected as “undesirable”. More than 80 years later, the capitalist class is reviving such barbaric measures.

There is widespread revulsion toward the government’s brutal crackdown on asylum-seekers. A crowdfund has raised nearly £130,000 to finance the case, with thousands today condemning the decision on social media. There is recognition by workers that anti-immigrant sentiment is being stoked by the government to deflect from its own criminal policies.

As in the 1930s, the capitalist ruling class is adopting authoritarian measures, scapegoating immigrants as part of a broader crackdown on the democratic rights of the entire working class, aimed at enforcing capitalist austerity and imperialist war. The defence of immigrants is therefore inseparable from the struggle for socialism.



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