

29 June 2023

Court of Appeal rules the government's Rwanda plan is unlawful

PCS welcomes today's Court of Appeal ruling that the UK government's plan to send asylum seekers to Rwanda is unlawful.

The court agreed with PCS' argument that Rwanda was not a safe country to deport refugees to; and that there was a serious risk that they could be sent back to a country in which they may be subjected to torture, inhuman or degrading treatment, contrary to Article 3 of the European Convention on Human Rights.

In July 2022, PCS, alongside Care4Calais, Detention Action and eight refugees, launched a legal challenge by way of judicial review to the government's Rwanda policy, which is designed to deport refugees to Rwanda without allowing due consideration of their asylum claims.

PCS was clear that we were taking action on behalf of our members in the Home Office, in order to improve their working environment by removing the hazards and hostility created by the policy; and in solidarity with refugees who were being subjected to its inhumanity.

In September 2022, the High Court ruled that the policy was lawful, but it quashed the decisions to deport the eight refugees and ruled that they should be reviewed. An application was made by the refugees to the Court of Appeal, adopting our generic grounds of argument as to the general unlawfulness of the policy.

Mark Serwotka, general secretary of PCS, said:

"Although we welcome this decision from the Court of Appeal, PCS recognises that the fight against this government's disgraceful anti-immigration agenda is far from over.

"It is not immigration but political choices by this government that have driven down wages and starved public services of the resources they need to prosper. Instead of facing up to the consequences of their actions, it acts to criminalise and scapegoat refugees who are fleeing from death, torture and persecution.

"As we have demonstrated through our work with Care4Calais and Detention Action, our union will not stand idly by as refugees are subjected to inhumane policy proposals and inflammatory rhetoric by this government."

PCS Head of Bargaining, Paul O'Connor, who has been leading the campaign for the union, said:

"The decision of the Court of Appeal is a vindication of our position. We do not take litigation lightly, but we could not stand by and allow our members to be subjected to stressful, dangerous and hostile working conditions; nor could we stand by and allow refugees to be subjected to this inhumanity.

"The government is consistently pouring money down the drain in its attempts to stop the Channel crossings – none of its plans are working. In fact, since the Rwanda policy was announced, far from being a deterrent, the number of crossings has increased.

"It is time for the government to adopt the [Safe Passage policy put forward by PCS and Care4Calais](#). That is the solution to the Channel crossings. It is the only way to prevent tragic deaths in the Channel. It would allow refugees to have their asylum claims properly and safely considered; and would allow our members to do their jobs without consistently ridiculous political interference."

[Reps and members can read more details about the PCS campaigning on this issue on PCS Knowledge \(login required\).](#)