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## Continued consequences of UNHCR removal of Rwandan refugee status

A focus on UNHCR decisions that continues to pressure Rwandans to return to unsafe conditions.

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Rwandans have a long history of seeking safety abroad due to pervasive conflict. In an effort to facilitate the return of Rwandan refugees, the United Nations High Commissioner for Refugees (UNHCR) has collaborated with Rwanda to implement return programs and ceased group refugee status for Rwandans abroad. These decisions continue to pressure Rwandans to return to unsafe conditions, and conflict with international mandates prohibiting forced returns to countries where individuals face persecution or serious harm.

### Rwandan refugees abroad

Rwandans have been seeking safety in neighboring countries since before the country's independence in 1962. The Rwandan Revolution of 1959 pushed some 300,000 Rwandans into exile. Just over a decade later in 1973, a military coup caused an additional 40,000 refugees to flee the country. The Rwandan Genocide in 1994 forced 1.75 million people to seek refuge.

Rwandans fleeing these conflicts were largely recognized as refugees on prima facie basis, meaning they were afforded expedited protections as a group due to generalized violence in their country. A protection that is closely tied to ensuring refugee safety is the international rule of non-refoulement, which prohibits the forced return of individuals to countries where they face serious harm. The prohibition of refoulement is explicitly included in international human rights law, such as the Convention against Torture (CAT) and the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED). As Rwandans faced grave risks if returned to Rwanda, adherence to the principle of non-refoulement was recognized as essential.

## **UNHCR: Removal of refugee status**

In the decades after the Rwandan Genocide, the Government of Rwanda has been taking steps to bring refugees home. Larger efforts have been facilitated by the UNHCR such as the creation of “tripartite repatriation agreements.” These three-party agreements between Rwanda, the UNHCR, and host nations established the legal and policy framework for the return of Rwandans abroad. The UNHCR agreed to promote and facilitate voluntary returns through various means with neighboring nations such as Zambia, Uganda, and Tanzania.

In 2009, the Government of Rwanda began engaging in a dialogue with the UNHCR to remove the refugee status of Rwandans abroad to further encourage returns. The UNHCR agreed to a Cessation Clause, built into the 1951 Refugee Convention and the 1969 Organization of African Unity Refugee Convention, that ended the group refugee status for Rwandans who had left the country before November 1998. The UNHCR and Rwanda contended that the genocidal violence and harsh repression that forced thousands to flee had ended and made the country safe for return. This decision came into effect in June 2013.

A few years later, refugee status was eliminated for all Rwandans abroad, regardless of when they fled the country. A UNHCR Representative in Rwanda urged Rwandans to take advantage of return programs and concluded that “Rwanda is safe and the best place to live so there is no need to have refugees stay outside.”

### **Pressure to return to unsafe conditions**

The invocation of the Cessation Clause has promoted the flawed assumption that positive developments in Rwanda have ensured refugees can return safely. Repression of political opinion and association have raised significant doubt that the key criteria of the Cessation Clause — that the circumstances that caused people to be recognized as refugees had “ceased to exist” to the extent that their home country would now protect them — had been met.

According to the Human Rights Watch World Report 2023, widespread human rights abuses and political repression orchestrated by the ruling Rwandan Patriotic Front continue to put Rwandans in danger. The government's crackdown on dissent extends beyond the country's borders, with evidence of Rwandan forces supporting armed groups in neighboring countries. Respected international NGOs have continually illuminated the poor civil liberties and political rights in the country. Just a few months ago, the UK Supreme Court struck down a proposed resettlement program for Rwandan refugees in Britain, stating that Rwanda is not a safe third country and this program would violate international law.

The failure of the UNHCR to recognize the severity and scope of state-sanctioned human rights violations has left many Rwandans with nowhere to turn. The threat of losing refugee

status or of forcible return to Rwanda left tens of thousands of Rwandans in a dire state of limbo. Many struggle to get permanent refugee status, or obtain other permits and identification documents allowing them to maintain legal status, work, study, and travel. The removal of refugee status impedes Rwandans' ability to access numerous basic services and undermines their health and security. This coercive environment pushes refugees towards return even if it means risking their safety or well-being, and undermines the principle of non-refoulement.

## **Ensuring safety**

The number of Rwandan refugees in Africa and beyond remains high. According to the most recent survey of migrants by the UN Population Division in 2020, there are still more than 200,000 Rwandan refugees in the DRC, close to 100,000 in Uganda, and over 130,000 in Burundi. According to the UNHCR in 2023 alone, some 7,826 Rwandans fled the country and applied for asylum elsewhere.

If the UNHCR continues to encourage Rwandan citizens back inside Rwanda's borders, the Government of Rwanda must take significant steps to end violence in the country and emerge as a stable, democratic country that can welcome asylum seekers from around the world. It must take all necessary steps to divorce Rwandan politics from violence, and promulgate reforms that guarantee political inclusion and respect for human rights within the Rwandan rule of law.

The most salient need is for the UNHCR to refrain from terminating the refugee status of Rwandans and other vulnerable groups based on blanket applications of Cessation Clauses. The UNHCR must take action to ensure no Rwandan refugee or asylum seeker with a pending claim is forcibly returned to Rwanda to uphold the principle of non-refoulement and align to UNHCR's stated mission: to ensure that the return of Rwandans is voluntary, dignified, and safe.