



UK Mission
Geneva

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David Kaye
Special Rapporteur on the promotion and protection
of the right to freedom of opinion and expression

Juan E. Méndez
Special Rapporteur on torture and other cruel, inhuman
or degrading treatment or punishment

OHCHR
Palais des Nations
1211 Geneva 10

Dear Special Rapporteurs,

Thank you for your letter of 14 November regarding Mr Niyonsaba's asylum claim. Your letter was sent after our office opening hours and was therefore not received until 17 November.

All asylum claims in the UK are carefully considered on their individual merits, taking into consideration the up-to-date country situation. Decisions are based upon the totality of available evidence, in line with guidance provided to our caseworkers for considering asylum claims. If a claimant qualifies for refugee status under the terms of the Refugee Convention, asylum will normally be granted. When a grant of asylum is not appropriate, caseworkers go on to consider whether a grant of protection under the ECHR is warranted.

Decisions to refuse asylum are subject to a right of appeal to the independent courts. Where a decision has been made that a person does not require international protection and there are no remaining rights of appeals or obstacles to their return, individuals are expected to return to their country of origin. Assistance is available for the return and reintegration of those who wish to return voluntarily, which enables them to rebuild their lives in their country of origin. In order to maintain the integrity of our asylum system, it is important that the UK is able to enforce the return of those individuals who are found not to be in need of protection and who have no other basis to remain in the UK. The UK's

priority is to return individuals to their country of origin with dignity and will only do so when their circumstances and the country conditions are deemed safe to do so.

Mr Niyonsaba's asylum claim has been considered in line with the UK's obligations under the Refugee Convention, as well as in relation to the UK's obligations under the ECHR and it has been decided that he does not qualify for a grant of asylum or humanitarian protection in the UK. This decision was upheld in fair proceedings before an independent and impartial tribunal.

Mr Niyonsaba's removal from the UK was deferred on receipt of a sealed application for Judicial Review. No removal action will be taken until the courts issue a decision on the papers.

All information given by an asylum applicant is regarded as confidential and must not be disclosed to a third party without the consent of that individual.

Yours sincerely,



Karen Pierce CMG
Ambassador and Permanent Representative to the UN and Other International Organisations, Geneva