

A POLICY REVIEW AND RHETORICAL ANALYSIS OF NEO-RACIST POPULIST DISCOURSE ON THE UK-RWANDA PARTNERSHIP

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Abstract

From 2022 until their election loss in 2024, prominent British Tory politicians intentionally conveyed harmful populist rhetoric regarding the influx of irregular migrants to the United Kingdom. The ill-conceived and ill-fated UK-Rwanda Partnership, along with the rationales adopted by the Tories to circumvent court rulings and other liberal democratic institutions, sought to limit the rights of asylum seekers fleeing persecution. Employing Martin Barker's Argument from Genuine Fears framework, this paper sheds light on the use of neo-racist logical fallacies designed to ostracize asylum seekers and migrants alike by portraying them as socially incompatible, wholly undesirable, and a threat to British culture and values. These hostile depictions subsequently justified the legislative implementation of a two-tiered asylum system that targeted 'undesirable' migration, favoring those considered more acceptable based on race and nationality. Using textual analysis software, anti-migrant rhetoric was measured in speeches delivered by former Home Secretary Suella Braverman in the House of Commons, testing the constructs of hardship, aggression, blame, exclusion, liberation, and human interest. The results demonstrate that Braverman—a notable anti-migrant advocate, a leading UK-Rwanda Partnership architect, a minority politician, and a child of immigrants—employed nearly 200% more divisive rhetoric on migrants

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and migration compared to other issues after her promotion to ministerial roles. By applying the Argument from Genuine Fears framework and conducting a quantitative rhetorical analysis of Braverman’s speeches, this policy review and study argues that prominent British Tory politicians intentionally employed neo-racist populist rhetoric to justify harmful border externalization policies, marginalize asylum seekers, and undermine their liberal democratic protections.

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I. INTRODUCTION

In April 2022, former British Prime Minister (PM) Boris Johnson¹ and his Home Secretary, Priti Patel² announced the UK-Rwanda Partnership³ seeking to deport asylum seekers arriving irregularly to the UK via small boats. Johnson's announcement was considered strategic to detract attention from his scandalous pandemic lockdown parties dominating British headlines at the time.⁴ Since the announcement, and until their fall in July 2024, Tory politicians have attempted to push through border externalization policies and limit protections afforded to asylum seekers by domestic and international courts and pre-existing legislation. Consequently, the UK-Rwanda Partnership had been marred by legal challenges, unsustainable financial commitments, logistic uncertainties, and frequent legislative amendments with little debate and no recourse. Unsurprisingly, criticisms by legal scholars, non-governmental organizations (NGOs), and various parliamentary factions, notably fierce debates by many peers from the House of Lords (HoL), lambasted the proposed UK-Rwanda Partnership and its potential breach of multiple international laws and conventions, including its contravention of the European Convention on Human Rights,⁵ the 1951 Refugee Convention,⁶ and its 1967 Protocol.⁷

The UK-Rwanda Partnership and its corresponding sociolegal implications are novel in academic research, with few publications on the topic currently available.⁸ Nevertheless, border externalization policies are

1. See Boris Johnson, U.K. Prime Minister, *PM Speech on Action to Tackle Illegal Migration* (Apr. 14, 2022), <https://www.gov.uk/government/speeches/pm-speech-on-action-to-tackle-illegal-migration-14-april-2022>.

2. See *World First Partnership to Tackle Global Migration Crisis*, GOV.UK: NEWS (Apr. 14, 2022), <https://www.gov.uk/government/news/world-first-partnership-to-tackle-global-migration-crisis>.

3. See *Addendum to the Memorandum of Understanding Between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Rwanda*, GOV.UK: POL'Y PAPER, <https://www.gov.uk/government/publications/memorandum-of-understanding-mou-between-the-uk-and-rwanda/addendum-to-the-memorandum-of-understanding> (Apr. 6, 2023) [hereinafter *Addendum to the Memorandum of Understanding*].

4. See Jill Lawless, *UK Plan to Fly Asylum-Seekers to Rwanda Draws Outrage*, ASSOC. PRESS (Apr. 14, 2022, 10:00 AM), <https://apnews.com/article/immigration-boris-johnson-africa-europe-migration-30126570727dd5227f8cde50392c9b01>.

5. EUROPEAN CONVENTION ON HUMAN RIGHTS (1950).

6. 1951 CONVENTION RELATING TO THE STATUS OF REFUGEES (1951).

7. 1967 PROTOCOL RELATING TO THE STATUS OF REFUGEES (1951).

8. See Michael Collyer & Uttara Shahani, *Offshoring Refugees: Colonial Echoes of the UK-Rwanda Migration and Economic Development Partnership*, SOC. SCIS., Aug. 11, 2023, at 1; Jason Haynes, *Human Trafficking: Iconic Victims, Folk Devils and the Nationality and Borders Act 2022*, 86 MOD. L. REV. 1232 (2023); Talitha Kwon, *Illegal Migration Act: A Strain on the UK's Economy and International Law*, CHI. POL'Y REV. (Jan. 29, 2024),

not new; time and again, Western nations have regularly employed externalization practices with the ulterior motive of progressing population control and demographic engineering.⁹ The scholarship on border externalization and the nexus of race, gender, and other intersecting identities demonstrate an innate relationship with Western anti-migrant attitudes propagated by populist politicians to cement unlawful extraterritorial migration practices.¹⁰ Nevertheless, a significant gap exists in the scholarship regarding the role of the UK-Rwanda Partnership in institutionalizing a neo-racist and tiered asylum system that relies on logically fallacious hostile portrayals of asylum seekers and migrants to justify unlawful deportation measures.

The following research considers transgressive populist rhetoric and racially divisive state policies progressed by minority spokespersons to justify inequitable migration directives that violate international asylum laws. Initially, this paper reviews the UK-Rwanda Partnership and the ill-conceived painstaking legal maneuvers instituted by the ruling Tories to deport asylum seekers to Rwanda. This study employs Martin Barker's conceptual framework, the *Argument from Genuine Fears*, to explain the use of neo-racist logical fallacies in justifying the UK-Rwanda Partnership.¹¹ Finally, this work evaluates divisive rhetoric on migrants espoused by former Home Secretary Suella Braverman in the House of Commons, who

<https://chicagopolicyreview.org/2024/01/29/illegal-immigration-act-a-strain-on-the-uks-economy-and-international-law/>; Todd Landman et al., *Taking Back Control: Human Rights and Human Trafficking in the United Kingdom*, SOCIETIES, Apr. 3, 2024, at 1; Jennifer Morgan & Lizzy Willmington, *The Duty to Remove Asylum Seekers Under the Illegal Migration Act 2023: Is the Government's Plan to 'Stop the Boats' Now Doomed to Failure?*, 52 COMMON L. WORLD REV. 103 (2023); Sian Oram, *Modern Slavery in the United Kingdom: The Illegal Migration Act Risks Undermining Efforts to Combat Exploitation*, PLOS MED., Sept. 5, 2023, at 1; Alex Powell & Raawiyah Rifath, *Sexual Diversity and the Nationality and Borders Act 2022*, 43 LEGAL STUD. 757 (2023); Cristina Saenz Perez, *The Securitization of Asylum: A Review of UK Asylum Laws Post-Brexit*, 35 INT'L J. REFUGEE L., 304 (2023); Alexander Smith et al., *The United Kingdom's Rwanda Asylum Policy and the European Court of Human Rights' Interim Measure: Challenges for Mental Health and the Importance of Social Psychiatry*, 69 INT'L J. SOC. PSYCHIATRY 239 (2023).

9. See Ridvan Emini & Mentor Tahiri, *Forced Migrations and the International Law*, 17 SEEU REV. 34, 37 (2022).

10. See Hindpal Singh Bhui, *The Place of 'Race' in Understanding Immigration Control and the Detention of Foreign Nationals*, 16 CRIMINOLOGY & CRIM. JUST. 267 (2016); Sigrid Corry, *Carceral Islands: The Rise of the Danish Deportation Archipelago*, 64 RACE & CLASS 94 (2022); Arun Kundnani, *The Racial Constitution of Neoliberalism*, 63 RACE & CLASS 51 (2021); Alpa Parmar, *The Power of Racialized Discretion in Policing Migration*, 10 INT'L J. CRIME, JUST. & SOC. DEMOCRACY 41 (2021); Alpa Parmar, *Feeling Race: Mapping Emotions in Policing Britain's Borders*, 31 IDENTITIES 14 (2024); Sarah Turnbull, *Immigration Detention and the Racialized Governance of Illegality in the United Kingdom*, 44 SOC. JUST. 142 (2017).

11. MARTIN BARKER, *THE NEW RACISM: CONSERVATIVES AND THE IDEOLOGY OF THE TRIBE* 14-16 (1981).

“want[ed] to make her mark as the toughest home secretary to date.”¹² The textual analysis software measuring anti-migrant rhetoric in speeches delivered by former Home Secretary Suella Braverman, tests the constructs of hardship, aggression, blame, exclusion, liberation, and human interest. The results of this study demonstrate that as a cabinet minister, Braverman—a notable anti-migrant advocate, a leading UK-Rwanda Partnership architect, a minority politician, and a child of immigrants—employed nearly 200% more divisive rhetoric on migrants and migration in juxtaposition to other issues. This paper’s policy critique, conceptual framework, and quantitative rhetorical analysis address the following research question: How have Tory politicians employed anti-migrant rhetorical strategies and logical fallacies to advocate for border externalization policies?

II. THE UK-RWANDA PARTNERSHIP

Much of the legislation that was adopted by the Tories amended pre-existing policies and established new questionable protocols for managing asylum seekers. While it is not uncommon for Western nations to implement specific policies to address migration, the distinctive nature of the UK-Rwanda Partnership lies squarely in the Tories’ attempt to undermine national and international laws designed to protect the most vulnerable of people globally. Moreover, established international laws under fire have been deliberately integrated into the UK’s domestic legal framework to safeguard refugees and asylum seekers from opportunistic politicians and neo-racist policies that have shaped European sociopolitical discourse on migration since the Second World War.

Johnson and Patel relied on a non-binding and legally unenforceable Memorandum of Understanding (Memorandum) to establish a border and asylum externalization partnership with Rwanda.¹³ The UK-Rwanda Partnership’s foundation and justification were predicated on the rationale—and misguided notion—that the threat of externalizing the asylum process would deter irregular migration.¹⁴ The HoL International Agreements Committee, tasked with reviewing international treaties¹⁵ were aggrieved by

12. Erica Consterdine, *The Government Passed a Major Immigration Law Last Year – So Why Is It Trying to Pass Another One?*, THE CONVERSATION (July 13, 2023, 12:00 PM), <https://theconversation.com/the-government-passed-a-major-immigration-law-last-year-so-why-is-it-trying-to-pass-another-one-207343>.

13. See *Addendum to the Memorandum of Understanding*, *supra* note 3.

14. See *id.*

15. The House of Commons International Agreements Committee reviews all treaties that fall under the terms of the Constitutional Reform and Governance Act 2010. See Constitutional Reform and Governance Act 2010, c. 25 (Eng.) [hereinafter CReG]; see also *Treaty scrutiny under the*

the Tories' use of a Memorandum rather than a bona fide and binding international treaty.¹⁶ Nevertheless, despite bypassing appropriate parliamentary processes, procedures, and scrutiny reflecting proper protocol when engaging in nation-to-nation agreements, the HoL International Agreements Committee opted to review the Memorandum and concluded that they had grave concerns about the possibility of human rights violations.¹⁷

The HoL International Agreements Committee was not the sole authority assessing the severity of the challenges linked to the Memorandum. Both the Supreme Court of the United Kingdom (UKSCt) and the European Court of Human Rights (ECtHR) also examined the UK-Rwanda Partnership, highlighting its failure to ensure the safety of asylum seekers.¹⁸ For instance, on June 14, 2022, the ECtHR, through an interim measure, issued an injunction that prevented the initial deportation of an Iraqi asylum seeker who had crossed the English Channel in a small boat.¹⁹ The Iraqi national had his asylum application and subsequent appeal rejected.²⁰ However, when he appealed to the UK High Court of Justice to block his impending deportation and review the lawfulness of the UK-Rwanda Partnership, the Court agreed that there were serious concerns with the structure of the UK-Rwanda Partnership.²¹ Nevertheless, they remained overly optimistic that Rwanda would adhere to the stipulations outlined in the Memorandum.²² After failed appeals in the Court of Appeal and the Supreme Court, the European Court of Human Rights intervened, issuing an interim measure under Rule 39 of the European Convention on Human Rights temporarily halting his deportation.²³

Constitutional Reform and Governance Act 2010, UK PARLIAMENT, (Jan. 5, 2020), <https://committees.parliament.uk/committee/448/international-agreements-committee/content/116407/treaty-scrutiny-under-the-constitutional-reform-and-governance-act-2010/>.

16. See UK-Rwanda Asylum Agreement: Why is it a Memorandum of Understanding and not a Treaty?, UK PARLIAMENT, (Jan. 26, 2023), <https://lordslibrary.parliament.uk/uk-rwanda-asylum-agreement-why-is-it-a-memorandum-of-understanding-and-not-a-treaty/>.

17. See INTERNATIONAL AGREEMENTS COMMITTEE, MEMORANDUM OF UNDERSTANDING BETWEEN THE UK AND RWANDA FOR THE PROVISION OF AN ASYLUM PARTNERSHIP AGREEMENT, 2022–23 HL 71, at 10 (UK).

18. See *R v. Secretary of State for the Home Dep't* [2023] WLR 4433 (UKSC), at ¶ 149.

19. See *N.S.K. v. United Kingdom*, App. No. 28774/22, at 1 (Apr. 5, 2023), <https://hudoc.echr.coe.int/eng?i=001-224302>.

20. See *id.*

21. See *id.*

22. See *id.*

23. See *id.*

The European Court of Human Rights highlighted that the Memorandum offered no mechanism, nor did the government demonstrate any ability, to ensure that asylum seekers would be protected from degrading, torturous, or inhuman treatment.²⁴ This included physical and psychological harm, extreme forms of detention, and the threat of torture.²⁵ Consequently, the potential for ill-treatment was found to violate Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms,²⁶ which is also domestically enforced through the Human Rights Act 1998.²⁷ Moreover, the European Court of Human Rights concluded that asylum seekers were likely to face unfair treatment in determining their refugee claims, with minimal or no opportunity for objective appeal, increasing the risk of refoulement.²⁸ This concern reiterated the High Court's opinion that designating Rwanda as a safe third country lacked evidentiary support.²⁹ Citing concerns about Rwanda's general safety, the absence of guarantees for human rights, the risk of refoulement, and the Memorandum's failure as an effective governing mechanism, the European Court of Human Rights deemed the UK-Rwanda Partnership's legal standing highly questionable.³⁰

III. LAWFULNESS OF THE MEMORANDUM

The HoL International Agreements Committee scrutinized the use of a Memorandum rather than an international treaty.³¹ The Committee pointed out that the Memorandum serves only to bypass parliamentary scrutiny afforded by the legislative process in testing the UK-Rwanda Partnership's congruency with domestic and international law, its feasibility, financial ramifications, and preventive measures that protected asylum seekers from refoulement, torture, and persecution.³²

Moreover, the government's deliberate attempt to circumvent the rigor of the parliamentary processes had not gone unnoticed. Baroness Hayter and Lord Lansley stated that the Tory Government intentionally used the Memorandum to avoid the power afforded by the Constitutional Reform and

24. *See id.* at 2.

25. *See id.*

26. *See id.*; Convention for the Protection of Human Rights and Fundamental Freedoms, art. 3, Nov. 4, 1950, 213 U.N.T.S. 221.

27. *See* Human Rights Act 1998, c. 42 (UK).

28. *See* N.S.K., App. No. 28774/22, at 1–2.

29. *See id.*

30. *See id.*

31. *See* Memorandum of Understanding, *supra* note 16, at 9.

32. *See id.*

Governance Act 2010 (CRAg).³³ Under CRAg, the government must present nation-to-nation treaties before the Parliament with haste for further scrutiny, and either the House of Commons or House of Lords may criticize or object to the treaty's parameters.³⁴ A Memorandum of Understanding is not classified as an international agreement or covered under the stipulations outlined in CRAg.³⁵ Both Hayter and Lansley, peers of opposing parties, agreed that the government employed the Memorandum to evade formal scrutiny afforded by outlined parliamentary processes on a matter that holds significant national and international interest, and may impose severe consequences for the human rights of individuals fleeing persecution.³⁶

The HoL International Agreements Committee made it a point to consult various organizations, including the Anti Trafficking Monitoring Group, Bail for Immigration Detainees, Medical Justice, Public Law Project, Refugee and Migrant Children's Consortium, Refugee Law Initiative-University of London, Queen Mary School of Law, Amnesty International UK, United Nations High Commissioner for Refugees, and the Law Society of England and Wales.³⁷ Unsurprisingly, they concluded that the plan egregiously violated "the Refugee Convention, the European Convention on Human Rights, and the Council of Europe Convention on Action against Trafficking in Human Beings."³⁸ The consensus of the proceedings affirmed that the agreement breached multiple international conventions, including a higher and unacceptable propensity for claimants to face additional penalization and refoulement.³⁹

IV. THE NATIONALITY AND BORDERS ACT 2022 AND THE UK-RWANDA PARTNERSHIP

The Nationality and Borders Act was instrumental in progressing the UK-Rwanda Partnership's objectives in legislating a two-tiered asylum system into practice.⁴⁰ Under the Nationality and Borders Act, Patel and the Tories championed a segregationist, two-tier asylum system hindering the rights of asylum seekers hailing from certain nations that lack direct access

33. See HL (1 Feb. 2023) (827) col(s) 1037–39.

34. See CRAg, *supra* note 15; see also *Treaty scrutiny under the Constitutional Reform and Governance Act 2010*, *supra* note 15.

35. See CRAg, *supra* note 15.

36. See HL (1 Feb. 2023) (827).

37. See Memorandum of Understanding, *supra* note 16, at 13.

38. *Id.* at 6.

39. See *id.*

40. See Nationality and Borders Act 2022 (NBA), c. 36 (UK).

to the UK.⁴¹ If the Tories deemed certain refugees admissible, they would be granted access to the UK via restrictive and exclusive resettlement schemes that limited the number and types of asylum seekers arriving.⁴² However, if one were to cross into the UK via irregular means, their asylum claims would be rejected on the grounds of their ‘illegal’ status in the country; claiming asylum in the UK is no longer an option despite the protection afforded to asylum seekers by the 1951 Refugee Convention and its 1967 Protocol, the European Convention on Human Rights, and various domestic legal frameworks.⁴³

The Nationality and Borders Act endorsed the reclassification of asylum, increased penalties on human smugglers facilitating entry through irregular means and removed provisions that hindered deportation attempts. The purpose of the Nationality and Borders Act was not to fix an ailing asylum system; rather, its rationale could be explained by the Copenhagen School of Securitization⁴⁴ framework.⁴⁵ Within this framework, asylum seekers pose a danger not in tangible security concerns, but instead, they are depicted as a social concern that poses a threat to national cohesion.⁴⁶ In doing so, this paradigm justifies the espousal of intentionally divisive and incendiary rhetoric about othered and vulnerable groups. Political actors rationalize seemingly coherent policies by expressing that the survivability of identity, culture, and values hinges on enacting divisive and unfavorable policies typically absent from conventional political processes. Thus, it would be justifiable in the case of the UK-Rwanda Partnership and the Nationality and Borders Act to adopt policies that infringe on legitimate human rights since the status, condition, and incongruent cultural attributes of asylum claimants are incompatible with Britishness.⁴⁷

Cristina Saenz Perez, a lecturer in the School of Law at the University of Leeds in the UK, posits that the Nationality and Borders Act divides the asylum system into two inequitable tiers; the first tier permits asylum claims from migrants arriving directly to the UK who have no association to and

41. *See id.* § 12(5).

42. *See id.* § 13(1)(3A).

43. *See id.* § 40; 1951 CONVENTION RELATING TO THE STATUS OF REFUGEES, *supra* note 6; 1967 PROTOCOL RELATING TO THE STATUS OF REFUGEES, *supra* note 7.

44. *See* Haynes, *supra* note 8, at 1263 (stating that “For scholars belonging to the Copenhagen School, issues become security threats through language. It is language that characterises certain actors as existentially threatening to a particular political community, thereby enabling securitization.”).

45. *See* Titilayo Aishat Otukoya, *The Securitization Theory*, 11 INT’L J. SCI. & RSCH. ARCHIVE, 1747 (2024).

46. *See id.* at 1749.

47. *See* Haynes, *supra* note 8, at 1232.

have not stopped in a safe third country.⁴⁸ The second tier is reserved for applicants who have landed in safe third countries before continuing their journey to the UK.⁴⁹ The top tier is exclusive, benefiting claimants who have been granted permission to claim asylum in the UK, possess no affiliation with a safe third country, or have had the privilege of arriving directly without transiting through a safe third country.⁵⁰ The system is strategically designed with inequity in mind to limit certain individuals arriving from specific nationalities while offering resettlement to others deemed more compatible with European and British culture. The asylum system hinges on the nature and will of the government actors who offer resettlement through restrictive schemes reserved solely for first-tier asylum claimants. Individuals unable to comply with first-tier requirements face limited options and often choose to arrive irregularly—through smuggling—across the English Channel in small boats.⁵¹ Claimants who enter the UK irregularly face the prospect of failed claims under section 16 of the Nationality and Borders Act.⁵²

Scholar, Frances Webber, human rights lawyer and Vice Chair of the Institute of Race Relations in the UK, advances that resettlement schemes are highly exclusive and that accepting asylum seekers who satisfy the requirements is nearly impossible, impeding access to safe, secure, and lawful pathways for people fleeing persecution.⁵³ Moreover, mandating that asylum seekers file claims after arriving in the first safe country is antithetical to Refugee Convention principles, enforcing what amounts to a government-concocted fiction.⁵⁴

V. RESETTLEMENT DISCRIMINATION

A noteworthy difference exists between satisfying the requirements and acceptance under a resettlement scheme. The UK's withdrawal from Afghanistan⁵⁵ demonstrates the privilege imparted to refugees who are

48. See Perez, *supra* note 8, at 310.

49. See *id.* (citing AUTHORITY OF THE HOUSE OF COMMONS, NATIONALITY AND BORDERS BILL: EXPLANATORY NOTES ¶¶ 142–54 (2021)).

50. See *id.* (citing Nationality and Borders Act 2022, *supra* note 40).

51. See *id.* at 309 (citing INDEP. CHIEF INSPECTOR OF BORDERS AND IMMIGR., AN INSPECTION OF THE HOME OFFICE'S RESPONSE TO IN-COUNTRY CLANDESTINE ARRIVALS ('LORRY DROPS') AND TO IRREGULAR MIGRANTS ARRIVING VIA 'SMALL BOATS,' (2019)).

52. See *id.* at 310.

53. See Frances Webber, *Impunity Entrenched: The Erosion of Human Rights in the UK*, 63 RACE & CLASS 56, 62 (2022).

54. See *id.* at 64.

55. See generally HOUSE OF COMMONS DEFENSE COMMITTEE, WITHDRAWAL FROM AFGHANISTAN, 2022–23 HC 725 (UK).

fortunate enough to have been bestowed admission under intentionally restrictive criteria while neglecting rightful asylum status for Afghan nationals who, during the Afghan war, were employed by the British Armed Forces or UK subsidiaries. Their affiliation with the British has designated them enemies of the state, and in doing so, they face retribution from the Taliban.⁵⁶ Despite promises, after a long delay, the Home Office developed a resettlement scheme that, at face value, seemingly ensures the safety of those at risk.⁵⁷ In true fashion and through discriminatory intent, the Tories limited the number of allowable claims by Afghan nationals whose lives were at risk for assisting the British.⁵⁸

To amplify adversity and deepen the inequality, Afghans who had worked with the British in some capacity during the war and who opted to arrive via irregular routes without being previously enrolled in a restrictive resettlement scheme were met with the prospect of deportation to Rwanda.⁵⁹ The narrative of Muhammad captured the hearts and minds of British citizens and illustrated the maltreatment of individuals who were devoted to British service during the war. Muhammad, a British citizen, served as an interpreter for the British Armed Forces for a decade, and as a result, his family, who are Afghan nationals, are currently in Belgium, facing barriers to entering the United Kingdom.⁶⁰ Since the Home Office designed Afghan resettlement schemes with exclusive intent, Muhammad's family did not meet the admission requirements.⁶¹ If Muhammad's family had resolved to brave the risky and often deadly journey to the UK through an irregular route, they would have faced deportation to Rwanda.⁶² Moreover, Muhammad cannot afford the exorbitant fees necessary to legally challenge his family's right to be in the UK.⁶³ Likewise, other Afghan Special Forces who served alongside British troops for years faced expulsion if they journeyed across the English Channel.⁶⁴

56. See Webber, *supra* note 53, at 62 (citing Nigel Morris, *Why the Government Considered Shipping Refugees 4,000 Miles to a Remote Asylum Processing Centre Island in the Atlantic*, THE PAPER, (Sept. 30, 2020, 11:32 am), <https://inews.co.uk/news/politics/government-considered-refugees-immigration-ascension-island-atlantic-ocean-shipping-explained-671347>).

57. See *id.* (citing Morris, *supra* note 56).

58. See *id.*

59. See Haroon Siddique, *Afghanistan Interpreter Told His British Citizenship Bars Family from UK Visa*, THE GUARDIAN (Apr. 21, 2024, 3:05 pm), <https://www.theguardian.com/uk-news/2024/apr/21/afghanistan-interpreter-told-his-british-citizenship-bars-family-from-uk-visa>.

60. See *id.*

61. See *id.*

62. See *id.*

63. See *id.*

64. See Holly Bancroft, *Rwanda Bill: Afghans Who Helped British Troops Beg Rishi Sunak to Back Deportation Exemption*, INDEPENDENT (Apr. 22, 2024, 4:11 PM),

The Nationality and Borders Act enforced a two-tier asylum system that privileged top-tier claimants and subsequently approached second-tier “asylum applicants as second-class asylum seekers and expose[d] them to relocation under nonbinding bilateral agreements, such as the UK–Rwanda MoU.”⁶⁵ Furthermore, Section 16 of the Nationality and Borders Act ⁶⁶ amends the Nationality, Immigration, and Asylum Act 2002, furnishing the government with the necessary instruments to deny a claim based on an individual’s ‘connection’ to a safe third country. Perez postulates that ‘connection’ to a safe third country ubiquitously broadens the interpretation to include previous asylum approval, another protection status, or if a claimant landed in a safe country before arriving in the UK and failed to file an asylum claim.⁶⁷

Perez also asserts that adverse consequences emerged based on the differentiation between the two tiers that legislated a variance of rights for each applicant class.⁶⁸ The Nationality and Borders Act criminalized involvement in human trafficking, outlawing the facilitation of irregular migration.⁶⁹ Conversely, the Act does not differentiate between traffickers and asylum seekers, criminalizing both for failure to obtain the necessary visa to enter the UK.⁷⁰ As such, second-class claimants fleeing persecution are criminalized and accordingly revictimized based solely on their pathway of entry. Webber argues that contrary to the Refugee Convention and long-standing international legal norms, the UK cannot penalize a claimant based on their path of entry.⁷¹ Nevertheless, the Act dictates that landed individuals fleeing oppression who have not been endorsed under a pre-existing tier-one resettlement scheme, having not received the appropriate documentation to enter the UK, may face fines or imprisonment for up to four years or both.⁷²

Central to the Tory-driven anti-migrant legislation is the core claim that forceable deportations will deter future second-tier asylum seekers from undertaking the perilous journey across the Channel.⁷³ Tories argued that

<https://www.independent.co.uk/news/uk/home-news/rwanda-flights-bill-afghan-deportation-mps-lords-b2532470.html>.

65. Perez, *supra* note 8, at 320.

66. See Nationality and Borders Act 2022, *supra* note 40, § 16.

67. See Perez, *supra* note 8, at 310.

68. See *id.*

69. See Nationality and Borders Act 2022, *supra* note 40, §§ 68–69.

70. See *id.*

71. See Webber, *supra* note 53, at 61.

72. See Nationality and Borders Act 2022, *supra* note 40, § 40.

73. See Powell & Rifath, *supra* note 8, at 758 (citing Lucy Mayblin, *Complexity Reduction and Policy Consensus: Asylum Seekers, the Right to Work, and the ‘Pull Factor’ Thesis in the UK Context*, 18 BRITISH J. POL & INT’L REL. 812 (2016)).

deterrence will stifle criminal organizations' primary source of revenue and, in doing so, will curtail or end the influx of small boats arriving on UK shores.⁷⁴ However, in scrutinizing the objective of deterrence as a central rationale for anti-migrant laws, the notion of forcible deportation and the premise of the UK-Rwanda Partnership efficaciously reformulated the conditions of criminality, unfavorably positioning human traffickers and asylum seekers under one offending category. Thus, the objective of deterrence shifts the focus of human rights away from the oppressed, leading to further retribution and punishment.⁷⁵

Webber contends that the absolutist tendencies of the Nationality and Borders Act epitomized Johnson and Patel's migrant-averse authoritarian vision.⁷⁶ Accordingly, their aspirations have enabled the unconstitutional compromise of a judiciary that has opposed the deprivation of asylum rights. Their legislation has reframed the status of migrants, amplifying anti-migrant attitudes and racist perceptions levied on vulnerable asylum seekers. Divisive rhetoric in support of the Nationality and Borders Act sanctions the renunciation of structural racism, disregards the enduring legacy of colonialism, shuns the prevalence of modern slavery, and fortifies anti-migrant securitization practices. The Act and subsequent anti-migrant legislation discussed in this paper contravene international conventions that safeguard basic human rights and are liable to result in additional deaths, and if not the demise of asylum seekers, then the inevitability of "desperation . . . self-harm, [and] . . . destitution."⁷⁷

VI. THE ILLEGAL MIGRATION ACT 2023

The Illegal Migration Act 2023⁷⁸ was the brainchild of former Home Secretary Suella Braverman, who zealously endorsed her anti-migrant prejudiced philosophy whenever given the opportunity. Erica Consterdine, Senior Lecturer in Public Policy at Lancaster University, posits that ratifying the Illegal Migration Act was intrinsically an inadvertent confession by the Tories that their ill-conceived Nationality and Borders Act strategy failed in deterring unwanted second-tier asylum seekers.⁷⁹ Consterdine furthers that

74. See *id.* (citing Mayblin, *supra* note 73).

75. See Perez, *supra* note 8, at 315 (citing Michael Welch & Liza Schuster, *Detention of Asylum Seekers in the US, UK, France, Germany and Italy: A Critical View of the Globalizing Culture of Control*, 5 CRIMINOLOGY & CRIM. JUST. 331 (2005)).

76. See Webber, *supra* note 53, at 57.

77. *Id.*

78. Illegal Migration Act 2023, c. 37 (UK).

79. See Consterdine, *supra* note 12.

the Illegal Migration Act's immoderate nature was unrivaled compared to other migrant-centric legislation at the time.⁸⁰

The Illegal Migration Act added provisions like amending the offshore processing of asylum seekers.⁸¹ The Home Office has stated that the Act was built on the Nationality and Borders Act because it reinforced the criminalization of tier-two asylum seekers prescribing that anyone arriving on or after March 7, 2023, will no longer have the right to remain in the UK.⁸² True to the UK-Rwanda Partnership and the Nationality and Borders Act, the Illegal Migration Act's stated purpose is to act as a deterrent. The goal of deterrence undermines human rights, and despite this, legislative attempts to dissuade individuals from crossing the English Channel have proven unsuccessful.⁸³ Moreover, by their own admission, the Home Office declared that policies related to deterrence do not follow the standard research or practices evident in other countries.⁸⁴ It must be said that deterrence as a policy rationale has simply served to support and enshrine the determination of human traffickers and has subsequently resulted in higher risk, harm, and death of asylum seekers.⁸⁵

Valdez-Symonds asserted that the Illegal Migration Act revokes human rights protected by asylum laws.⁸⁶ The Act intensifies the pressure on asylum seekers, making the asylum system a quagmire of hurdles. Furthermore, "UN experts deem the act to be punitive more than a resolution of root causes."⁸⁷ In a system already mired by staffing shortages, bureaucratic hurdles, and overwhelming legal issues,⁸⁸ the Illegal Migration Act contributed another layer of difficulty for asylum seekers, introducing processes that punished those seeking refuge.

Morgan and Willmington contend that the Illegal Migration Act gave the Home Secretary the power to enforce removals to Rwanda and to

80. *See id.*

81. *See id.*

82. *See The Illegal Migration Act: Latest Updates*, RIGHT TO REMAIN: LEGAL UPDATES, <https://righttoremain.org.uk/the-illegal-migration-act-latest-updates/> (May 15, 2024).

83. *See THE TRUTH ABOUT CHANNEL CROSSINGS AND THE IMPACT OF THE ILLEGAL MIGRATION ACT*, REFUGEE COUNCIL (2013), <https://refugeenetwork.hyadcms.net/files/refugeenetwork/resources/174/additional/The-truth-about-channel-crossings-and-the-impact-of-the-illegal-migration-act-Oct-2023.pdf> (stating that refugees are nonetheless crossing the English channel to come to England).

84. *See Consterdine, supra* note 12.

85. *See Webber, supra* note 53, at 57.

86. *See Steve Valdez-Symonds, UK's Cruel Immigration Bill: Explained*, AMNESTY INT'L: BLOGS (Apr. 5, 2023), <https://www.amnesty.org.uk/blogs/campaigns-blog/immigration-bill>.

87. Kwon, *supra* note 8.

88. *See id.*

distinguish the status of second-tier asylum seekers.⁸⁹ The Nationality and Borders Act presented several difficult legal issues that limited the Tories response. The Illegal Migration Act was designed to address legal concerns by limiting court challenges from asylum claimants who have crossed the border irregularly.⁹⁰ The United Nations High Court for Refugees argued that removing the rights afforded to asylum seekers to make claims under the Illegal Migration Act “increas[es] the burden placed on asylum seekers and the country to which they are being sent.”⁹¹

The Illegal Migration Act acknowledged the global humanitarian crisis caused by slavery and human trafficking.⁹² Notwithstanding, it subsequently deprived asylum seekers of the ability to file claims related to trafficking and exploitation.⁹³ The Act “significantly diminishes” the safeguards guaranteed to protect individuals from modern slavery, further reinforcing an already prevalent global humanitarian crisis.⁹⁴ Landman, Brewster, and Thorton of the University of Nottingham’s Rights Lab convey that the UK-Rwanda Partnership emerges “[a]gainst this backdrop of estimated prevalence of modern slavery and human trafficking and the array of anti-slavery organizations, the issue of immigration has in part confounded the policy agenda and raised significant concerns over the UK’s commitment to human rights.”⁹⁵

The Illegal Migration Act and its precursor, the Nationality and Borders Act, refocuses the standard of proof on asylum seekers to present credible claims. Powell and Rifath argue that the lives and liberty of claimants are at stake “because asylum seekers are unlikely to compile and carry dossiers of evidence out of the country of persecution.”⁹⁶ To some, this is a reasonable practice. However, the standard has been heightened to an unachievable level, further victimizing claimants facing violence, abuse, or exploitation. The type of evidence requested is often challenging to acquire and attempts to obtain any level of evidence retraumatizes victims in the process.⁹⁷

89. See Morgan & Willmington, *supra* note 8, at 104–5.

90. See *id.* at 105.

91. Kwon, *supra* note 8.

92. See Consterdine, *supra* note 12.

93. See *id.*

94. See Oram, *supra* note 8, at 1 (citing MODERN SLAVERY & HUMAN RIGHTS, EXPLAINER: THE ILLEGAL MIGRATION ACT MODERN SLAVERY PROVISIONS (2023)).

95. Landman et al., *supra* note 8, at 8.

96. Powell & Rifath, *supra* note 8, at 760 (citing United Kingdom: Home Office, *Asylum Policy Instruction: Assessing Credibility and Refugee Status, Version 9.0*, (Jan. 6, 2015), <https://www.refworld.org/policy/legalguidance/ukho/2015/en/103849>).

97. See Loraine Masiya Mponela, “Our Wish is to be Human Again”: *Refugee Women Speaking Up and Taking Space*, 41 REFUGEE SUR. Q. 381 (2022).

Former PM Theresa May stressed that the Act threatens the safety of claimants fleeing modern slavery, adding to an already existing problem, and rather than collaborating on ways to reject trafficking victims, the UK and other Western nations can pool resources to mitigate and remedy the issue of human smuggling.⁹⁸ May's perspective juxtaposed Braverman's wholehearted defense of the Act⁹⁹ and her public avowal that "modern slavery victims were gaming the system."¹⁰⁰

Perhaps most concerning, the Illegal Migration Act also extended the revocation of rights, detention, and deportation of children.¹⁰¹ In a report published by Medical Justice, Burnett indicated that the indefinite detention of children amounted to state-sponsored cruelty.¹⁰² Their findings outline that children in detention faced "depression, withdrawal, and anxiety," with some attempting to take their own lives.¹⁰³ Needless to say, the ill-informed and ill-conceived legislation denied fundamental human rights, criminalizing vulnerable groups in the process.

Consterdine posits that both the Nationality and Borders Act and the Illegal Migration Act are legally dubious and are, in essence, a political strategy embedded in performance politics.¹⁰⁴ They divert the preoccupied attention of Conservative voters from other pressing issues and tangible, legitimate steps to solve the problems within the asylum system.¹⁰⁵

VII. THE SUPREME COURT OF THE UNITED KINGDOM

In November 2023, the UKSCt declared the UK-Rwanda Partnership non-binding and unlawful.¹⁰⁶ Justices stated that deportations could not

98. See Margaret Evans, *New U.K. Law Allowing Deportation of Illegal Migrants Benefits Traffickers, Says Former PM*, CBC: NEWS, <https://www.cbc.ca/news/world/modern-slavery-migrants-traffickers-theresa-may-1.6989373> (Oct. 8, 2023, 1:00 AM).

99. See *id.*

100. Landman et al., *supra* note 8, at 11 (citing Lizzie Dearden, *Suella Braverman's Claims Modern Slavery Victims Are 'Gaming' System Questioned by Home Office's Own Stats*, THE INDEP. (Feb. 23, 2023), <https://www.the-independent.com/news/uk/home-news/modern-slavery-migrants-home-office-b2287965.html>).

101. See Valdez-Symonds, *supra* note 86.

102. See JON BURNETT ET AL., STATE SPONSORED CRUELTY: CHILDREN IN IMMIGRATION DETENTION (2010), https://medicaljustice.org.uk/wp-content/uploads/2022/02/2010_State-Sponsored-Cruelty_Final.pdf.

103. *Id.* at 41.

104. See Consterdine, *supra* note 12.

105. See *id.*

106. See *R v. Secretary of State for the Home Department*, [2023] UKSC 42, Judgment [149] (appeal taken from Eng.).

proceed without the commitment and assurance of Rwanda's safety and certainty of nonrefoulement.¹⁰⁷

Refoulement is prohibited by numerous international law instruments, including the European Convention on Human Rights, the UN Refugee Convention, the UN Convention against Torture, and the UN International Covenant on Civil and Political Rights. Those instruments have been given effect in UK national law by the Human Rights Act 1998, the Asylum and Immigration Appeals Act 1993, the Nationality, Immigration and Asylum Act 2002, and the Asylum and Immigration (Treatment of Claimants etc) Act 2004.¹⁰⁸

International conventions stipulate that any transfer agreements must possess legally binding mechanisms that provide an avenue to contest decisions and permit enforcement through legal proceedings.¹⁰⁹ The UKSCt, the HoL International Agreements Committee, and multiple NGOs have demonstrated that the Tories have adopted overt disconcerting approaches in crafting the UK-Rwanda Partnership. The improper considerations and lamentable method by which the Partnership materialized ignored asylum laws and directly violated international conventions and their supporting domestic provisions.

VIII. THE SAFETY OF RWANDA (ASYLUM AND IMMIGRATION) ACT 2024¹¹⁰

Former PM Rishi Sunak wasted no time addressing the UKSCt's ruling on the Partnership. In December 2023, his Home Secretary, James Cleverly, tabled the Safety of Rwanda Bill (which then became known as the Safety of Rwanda Act upon royal assent), asserting, once again, that the Safety of Rwanda Bill advances the objectives of the Nationality and Borders Act and the Illegal Migration Act to deal with an influx of irregular migration.¹¹¹ Nevertheless, Home Secretary Cleverly "explicitly states on the face of the

107. See *id.* at [5].

108. See Jonathan Jones, *The Supreme Court's Rwanda Verdict and Rishi Sunak's Response: What Happens Next?*, INST. FOR GOV'T (Nov. 16, 2023), <https://www.instituteforgovernment.org.uk/comment/supreme-court-rwanda-rishi-sunak-response>.

109. See Perez, *supra* note 8, at 318 (citing U.N. High Commissioner for Refugees (UNHCR), *Guidance Note on Bilateral and/or Multilateral Transfer Arrangements of Asylum-Seekers*, ¶ 3 (2013), <https://www.refworld.org/policy/legalguidance/unhcr/2013/en/16943>).

110. Safety of Rwanda (Asylum and Immigration) Act 2024, c. 8 (UK) [hereinafter Safety of Rwanda Act].

111. See *Safety of Rwanda (Asylum and Immigration) Bill: Factsheet*, GOV.UK: POLICY PAPER, <https://www.gov.uk/government/publications/the-safety-of-rwanda-asylum-and-immigration-bill-factsheets/safety-of-rwanda-asylum-and-immigration-bill-factsheet-accessible> (Apr. 25, 2024).

bill that he is unable to confirm it complies with the European Convention on Human Rights.”¹¹² In rebuke of the UKSCt ruling, the Home Office boasted that they “have devised a solution that, while innovative, is within the framework of [i]nternational law.”¹¹³ However, they refrained from mentioning the imminent threat posed by the ‘solution.’¹¹⁴ In its illiberal affront to the judiciary, the Safety of Rwanda Act capacitates a potential constitutional crisis pitting parliament’s powers against the courts.¹¹⁵

The Safety of Rwanda Bill received royal assent in April 2024, nearly two years after Johnson announced the ill-conceived Partnership.¹¹⁶ Singer argues that the Safety of Rwanda Act radically challenges the UKSCt ruling, appropriating the judiciary’s role.¹¹⁷ Like the Memorandum of Understanding, the Nationality and Borders Act and the Illegal Migration Act, the Safety of Rwanda Act undermines protections guaranteed by the 1951 Refugee Convention and its 1967 Protocol, the European Convention on Human Rights, and the domestic provisions that support international conventions set in the Human Rights Act 1998.¹¹⁸

The UKSCt questioned the safety of asylum seekers in Rwanda imposed by the possibility of refoulement.¹¹⁹ They deemed the border externalization initiative unlawful.¹²⁰ In response to the question of Rwanda’s safety, Sunak, Cleverly, and the Tories, offered no tangible assurances to satisfy the

112. Rashmin Sagoo, *The UK’s Safety of Rwanda Bill is a Reminder That Democracies are not Immune from Attacks on the Rule of Law*, CHATHAM HOUSE, <https://www.chathamhouse.org/2023/12/uks-safety-rwanda-bill-reminder-democracies-are-not-immune-attacks-rule-law> (Mar. 21, 2024).

113. *Safety of Rwanda (Asylum and Immigration) Bill: Factsheet*, *supra* note 111.

114. *See id.*

115. *See* Conor Crummey, *The Safety of Rwanda (Asylum and Immigration) Bill and the Judicial ‘Disapplication’ of Statutes*, UK CONST. L. ASS’N (Mar. 26, 2024), <https://ukconstitutionallaw.org/2024/03/26/conor-crummey-the-safety-of-rwanda-asylum-and-immigration-bill-and-the-judicial-disapplication-of-statutes>.

116. *See* Safety of Rwanda Act, *supra* note 110.

117. *See* Sarah Singer, *Why the Safety of Rwanda Bill Should Be Concerning for Us All*, LSE BLOG (Dec. 20, 2023), <https://blogs.lse.ac.uk/politicsandpolicy/why-the-safety-of-rwanda-bill-should-be-concerning-for-us-all/>.

118. *See Analysis of Safety of Rwanda (Asylum and Immigration) Bill (as Introduced to Parliament)*, AMNESTY INT’L UK (2023), https://www.amnesty.org.uk/files/2023-12/Safety%20of%20Rwanda%20%28Asylum%20and%20Immigration%29%20Bill_2.pdf?VersionId=BrnmmsE5dvsFSMvnyCUVly_nbx4DQ_wL; Joe Middleton et al., *Rwanda Supreme Court Ruling LIVE: Cleverly Says Plan B ‘Is Ready’ as Sunak Unveils Effort to Save Scheme*, THE INDEP. (Nov. 16, 2023, 9:09 AM), <https://www.independent.co.uk/news/uk/politics/rwanda-ruling-supreme-court-braverman-b2447567.html>; *see also id.*

119. *See* *Safety of Rwanda (Asylum and Immigration) Bill: Factsheet*, *supra* note 111.

120. *See* Jones, *supra* note 108; *see also* R v. Secretary of State for the Home Department, [2023] UKSC 42, Judgment [72]–[73] (appeal taken from Eng.); Sagoo, *supra* note 112.

UKSCt's concerns.¹²¹ Instead, the Safety of Rwanda Act specified that Rwanda is a safe country and, as such, there should be no doubt that Rwandan officials will uphold their end of the agreement.¹²²

The normal course of action in liberal democracies, following the ratification of questionable legislation, is to bring the draconian regulation before the courts to determine its constitutional and legal viability. However, the Tories declared triumphantly that they had 'devised a solution' to limit the scrutiny of domestic courts.¹²³ In knowingly setting a harmful precedent and potentially triggering a constitutional crisis, the Tories employed the Safety of Rwanda Act as a tool to legislate domestic courts out of the process of questioning Rwanda's safety for asylum seekers. "[D]ecision-makers and courts and tribunals [must] treat Rwanda as generally safe, when making decisions, or hearing claims about decisions relating to the removal of a person to Rwanda."¹²⁴

The Safety of Rwanda Act was expedited with limited scrutiny. The House of Lords, among others, proposed numerous changes, including exempting certain second-tier asylum seekers, but all proposed amendments were rejected.¹²⁵ Unsurprisingly, the House of Commons and House of Lords Joint Committee on Human Rights concurred that little advancement has been made on the status of Rwanda's safety.¹²⁶ Moreover, NGOs like Amnesty International UK have expressed grave concerns about the lawfulness and lack of protection afforded by the Safety of Rwanda Act.¹²⁷

121. See Jones, *supra* note 108.

122. See Safety of Rwanda Act, *supra* note 110, at 1–2.

123. See *Safety of Rwanda (Asylum and Immigration) Bill: Factsheet*, *supra* note 111.

124. *Id.*

125. See Crummey, *supra* note 115.

126. See Elspeth Guild & Valsamis Mitsilegas, "Get That Judge Out of My Sight": The Safety of Rwanda (Asylum and Immigration) Bill, EU IMMIGR. & ASYLUM L. & POL'Y BLOG (Mar. 4, 2024), <https://eumigrationlawblog.eu/get-that-judge-out-of-my-sight-the-safety-of-rwanda-asylum-and-immigration-bill/>.

127. See Adam Tucker, *The Rwanda Policy, Legal Fiction(s), and Parliament's Legislative Authority*, UK CONST. L. ASS'N (Nov. 22, 2023), <https://ukconstitutionallaw.org/2023/11/22/adam-tucker-the-rwanda-policy-legal-fictions-and-parliaments-legislative-authority/>; *Analysis of Safety of Rwanda*, *supra* note 118; ; Crummey, *supra* note 115; Joshua Jowitt, *Parliament Passes Bill Declaring Rwanda Safe – but Can It Really Be Called a Law at All?*, THE CONVERSATION (Apr. 23, 2024, 12:21 PM), <https://theconversation.com/parliament-passes-bill-declaring-rwanda-safe-but-can-it-really-be-called-a-law-at-all-228541>; *Rwanda Bill Seeks to Overturn Finding of Fact Confirmed by the Highest Court in the UK*, THE L. SOC'Y.: PRESS RELEASE, (Dec. 11, 2023), <https://www.lawsociety.org.uk/contact-or-visit-us/press-office/press-releases/rwanda-bill-seeks-to-overturn-finding-of-fact-confirmed-by-the-highest-court-in-the-uk>; *Serious Human Rights Concerns About United Kingdom's Rwanda Bill*, COMM'N. FOR HUM. RTS. (Apr. 23, 2024), <https://www.coe.int/en/web/portal/-/serious-human-rights-concerns-about-united-kingdom-s-rwanda-bill>; Guild & Mitsilegas, *supra* note 126; Sagoo, *supra* note 112; Singer, *supra* note 117.

This paper outlines only ten criticisms of the Safety of Rwanda Act, although countless more exist:

1. The Safety of Rwanda Act limits the judiciary's role as a check on power and balance by ignoring fact-based findings presented in the UKSCt ruling. Purposefully disregarding the evidence adversely affects the constitutionally protected division of power between parliament and the courts and, in doing so, the basis of legal doctrine.¹²⁸

2. Governing bodies, policy architects, and decision-makers that willfully discount the will of the courts and fact-based evidence give legal precedence "to a fiction."¹²⁹

3. The UKSCt exhibited Rwanda's political, cultural, and institutional ineptitude in ensuring just and fair operations of an asylum processing system. The Safety of Rwanda Act does not eliminate the threat of refoulement, indicating that human rights violations are possible.¹³⁰

4. The European Convention on Human Rights and the Refugee Convention forbid the subjugation of any person to refoulement, directly or indirectly.¹³¹ The Safety of Rwanda Act willingly violates stipulations outlining the protection of asylum seekers from the risk of refoulement.¹³²

5. The Human Rights Act 1998, among other domestic legislation, reinforces the protection of asylum seekers mandated by the European Convention on Human Rights.¹³³

6. The Tories have not demonstrated interest in amending the domestic legal framework that protects asylum seekers from deportation because of potential refoulement.¹³⁴

7. The Safety of Rwanda Act permits retroactive deportations based on the Illegal Migration Act schedule.¹³⁵ Retroactive laws are also proscribed by the Human Rights Act 1998 and the European Convention on Human Rights.¹³⁶

128. See *Rwanda Bill Seeks to Overturn Finding of Fact Confirmed by the Highest Court in the UK*, *supra* note 127.

129. Jowitt, *supra* note 127.

130. Tucker, *supra* note 127.

131. See EUROPEAN COURT OF HUMAN RIGHTS, COURTALKS DISCOURSE 2 (2016), https://www.echr.coe.int/documents/d/echr/COURTalks_Asyl_Talk_ENG; Final Act and Convention to the Status of Refugees, U.N. Doc. A/CONF.2/108 (Dec. 14, 1950).

132. See *Serious Human Rights Concerns About United Kingdom's Rwanda Bill*, *supra* note 127; Tucker, *supra* note 127.

133. See Tucker, *supra* note 127.

134. See *id.*

135. See *Illegal Migration Act 2023*, *supra* note 78, §2(3).

136. See *GUIDE ON ARTICLE 7 OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS*, EUR. CT. H.R. (2024) (first citing *Del Rio Prada v. Spain*, App. No. 42750/09, ¶ 116 (Oct. 21, 2013), <https://hudoc.echr.coe.int/eng?i=001-127697>; and then citing *Kokkinakis v. Greece*,

8. Deportations that contravene international obligations will remain legally unchallenged, and claimants with inappropriate outcomes have no avenue for appeal or recourse.¹³⁷

9. The Safety of Rwanda Act proactively withdraws the jurisdiction of domestic courts to administer any interim measure presented by the European Court of Human Rights.¹³⁸ Noting this, the Act's integrity, credibility, and validity are questioned based on its scripted attempt to evade a European Court of Human Rights challenge.¹³⁹

10. The Home Secretary retains the authority to review European Court of Human Rights interim measures.¹⁴⁰ They may inevitably conduct themselves in a manner that excludes and prohibits any form of judicial oversight of their conduct.¹⁴¹

The Safety of Rwanda Act provides little assurance to alleviate the UKSCt's apprehensions. Unsettlingly, the Home Office openly proposed that other nations dealing with an influx of asylum seekers should adopt the same questionable and unprecedented practices they have embraced to circumnavigate legal challenges.¹⁴² Tory architects have set a precedent that weakened the judiciary's power and, consequently, the mechanisms protecting asylum seekers to achieve border externalization. They encouraged future governments to enact the omission of courts when faced with legal opposition.¹⁴³

If the reader considers this a heavy accusation of Tory conduct, one need not look further than Braverman's assertions, as the UK-Rwanda Partnership was before the UKSCt. Braverman stated that she expects the UKSCt to agree that the Partnership is lawful: "If the government is 'thwarted' they are prepared to do 'whatever it takes' to action the Rwanda policy, displaying a total disregard for the principles of the separation of powers and

App. No. 14307/88, ¶ 52 (May 25, 1993), <https://hudoc.echr.coe.int/eng?i=001-57827>); see also Jowitt, *supra* note 127; Singer, *supra* note 117.

137. See Guild & Mitsilegas, *supra* note 126.

138. See *id.*

139. See *id.*; see Singer, *supra* note 117.

140. See Adrian Berry, *The Illegal Migration Bill: Interim Measures from the European Court of Human Rights*, COSMOPOLIS (Apr. 1, 2023), <https://cosmopolismigration.com/2023/04/01/the-illegal-migration-bill-interim-measures-from-the-european-court-of-human-rights/>.

141. See *Analysis of Safety of Rwanda*, *supra* note 118, ¶ 13.

142. See *Safety of Rwanda (Asylum and Immigration) Bill: Factsheet*, *supra* note 111.

143. See Alice Donald & Joelle Grogan, *What are the Rwanda Treaty and the Safety of Rwanda (Asylum and Immigration) Bill?*, UK IN A CHANGING EUROPE (Apr. 17, 2024), <https://ukandeu.ac.uk/explainers/what-are-the-rwanda-treaty-and-the-safety-of-rwanda-asylum-and-immigration-bill/>.

independence of the judiciary.”¹⁴⁴ The Safety of Rwanda Act was thus a domineering, unyielding, undemocratic, and illiberal populist gambit designed to outmaneuver the judiciary’s power, setting a dangerous precedent in the process.

IX. THE ARGUMENT FROM GENUINE FEARS - CONCEPTUAL FRAMEWORK

This review has thus far offered insight into the legislative parameters and the illiberal practices employed by Tory politicians to deal with asylum seekers and irregular migration. The Copenhagen School of Securitization demonstrates that security concerns expressed by politicians exert the rhetoric of survival, existentialism, and a risk to society, “thereby enabling securitization.”¹⁴⁵ To understand the Copenhagen approach, this paper employs the Argument from Genuine Fears framework to consider the central rationale of the Partnership, and each subsequent piece of legislation enacted. The Argument from Genuine Fears explains the rhetoric and rationale adopted by the Tories to condone hostility towards asylum seekers and support their claims of a supposed threat to British culture.¹⁴⁶ To understand the role of the Argument from Genuine Fears, one must first consider the relationship between biological racism and neo-racism. Both biological racism and neo-racism are more commonly associated with anti-migrant sentiments than widely discussed. Biological racism is regarded as the antecedent to neo-racist practice and thought—the evolution from one to the other stems from the political incorrectness of biologically racist justifications.¹⁴⁷

It has been nearly 185 years since the publication of *Crania Americana* by Samuel George Morton.¹⁴⁸ His research was seminal in laying a foundation for biological supremacy and the justification riddled with methodological fallacies and racially supremacist rationales.¹⁴⁹ Morton, along with others in the study of Phrenology, progressed prejudiced arguments and outlined a connection between discriminatory and stratified

144. Morgan & Willmington, *supra* note 8, at 107 (citing Radio 4: Today, Suella Braverman at 2:20–2:24:30, (Aug. 28, 2023), <https://www.bbc.co.uk/sounds/play/m001q0mp> (last visited Sept. 18, 2023)).

145. Haynes, *supra* note 8, at 1236.

146. See BARKER, *supra* note 11, at 14–16.

147. See *id.* at 4–5.

148. See SAMUEL GEORGE MORTON, *CRANIA AMERICANA OR A COMPARATIVE VIEW OF THE SKULLS OF VARIOUS ABORIGINAL NATIONS OF NORTH AND SOUTH AMERICA: TO WHICH IS PREFIXED AN ESSAY ON THE VARIETIES OF THE HUMAN SPECIES* (1839).

149. See generally *id.*; Paul Wolff Mitchell, *The Fault in his Seeds: Lost Notes to the Case of Bias in Samuel George Morton’s Cranial Race Science*, PLOS BIOLOGY, Oct. 4, 2018, at 1.

biological and social hierarchies.¹⁵⁰ Using little scientific rigor, he concluded that Caucasians occupy superior positions in the biological order.¹⁵¹ Under the pretext of science, Morton's research considered cranial sizes to explain race stratification in society.¹⁵² Colonial regimes employed his research to legitimize enslavement, exploitation, and deprivation of so-called 'lesser' races.¹⁵³

Biologically supremacist research was not exclusively limited to Morton or his era of research. In *Race, Evolution, and Behavior*, Canadian Psychologist J. Philippe Rushton suggested that race-based behavior is predisposed to genetic variations along with environmental conditions.¹⁵⁴ Rushton argued that "racial group differences in intelligence are observed worldwide, in Africa and Asia, as well as in Europe."¹⁵⁵ Others like Herrnstein and Murray asserted that lower IQ scores among Black populations in the United States warranted the reconsideration and limitation of social and education funding since inherently genetic conditions constrained their progress.¹⁵⁶

Today, explicit biologically supremacist explanations have been replaced with modern politically correct assertions justifying exclusionary practices. Modern assertions have evolved to include arguments that stress the incompatibility of beliefs, values, cultural variations, and the imperative desire to defend cultural homogeneity. Neo-racist discourse, riddled with logical, culturally specific fallacies, imposes cultural, linguistic, and religious differences as a cover to validate the institutionalization of racist policies. Neo-racism also justifies xenophobia and discrimination against the other in the name of nationalism and national security. By invoking seemingly rational arguments, neo-racist rhetoric and strategies are employed to justify two-tiered, discriminatory, and unlawful border externalization policies.

X. NEO-RACISM AND LOGICAL FALLACIES

Logical fallacies have been exercised in defense of neo-racist policies for decades. Martin Barker argued that Tories have expertly navigated the delicately sensitive tapestry of race and migration by invoking neo-racist

150. *See id.*

151. *See id.* at 8.

152. *See id.* at 100–64.

153. *See Mitchell, supra* note 149, at 1.

154. *See J. PHILIPPE RUSHTON, RACE, EVOLUTION, AND BEHAVIOR: A LIFE HISTORY PERSPECTIVE* 27 (3rd ed. 2000).

155. *Id.* at 4.

156. *See RICHARD J. HERRNSTEIN & CHARLES MURRAY, THE BELL CURVE: INTELLIGENCE AND CLASS STRUCTURE IN AMERICAN LIFE* 314–15 (1994).

logical fallacies without explicit reference to biologically racist justifications.¹⁵⁷ Since 1968, the Tories have carefully and methodically crafted logically fallacious arguments to convey an unassailable ‘genuine’ fear of the ‘other.’¹⁵⁸ The arguments repeatedly emerge when presented with an influx of undesirable migration and a purported threat to cultural homogeneity. Race-based logical fallacies stringently adhere to the steps of an unsound argumentation model adopted by Tory politicians—the Argument from Genuine Fears.¹⁵⁹

The Argument from Genuine Fears model is simplistic in its orientation but considers the application of culturally divisive rhetoric that conveys seemingly reasonable arguments while simultaneously evading racially intolerant sentiments. The Argument from Genuine Fears facilitates arguments that generalize the ‘other’ as a culturally incongruent entity.¹⁶⁰ The model offers a pathway for Tories to endorse neo-racist policies since measures adopted advocate for cultural protection. Veiled by the rationally unsound genuine fears façade, neo-racist policies cannot be labeled as racist since biologically supremacist arguments are never explicitly mentioned.¹⁶¹ Barker posits that the Argument from Genuine Fears model utilizes a tripartite approach:

[1] The argument begins with the apparently unchangeable statement that these people are ordinary normal citizens; [2] Before you can take a breath it adds that the feelings they express are real, powerful sentiments, not to be ignored; [3] And then, as though no change has been made in the argument, it is stated that the object of [British] fears [are] real.¹⁶²

However, a newly inaugurated fallacious step embraced by the Tory Party must also be considered when analyzing the UK-Rwanda Partnership. The argument is presented by a high-profile racial minority designated as a spokesperson to champion a discriminatory and neo-racist policy. The racialized representative, celebrated as a diverse leader, embodies the illusive impression of progressive ideals. They have shattered the proverbial multicultural glass ceiling. The diverse spokesperson unveils the neo-racist argument without the risk of being portrayed as intolerant. Their minority status and the high-profile government position they occupy are pivotal characteristics in marketing fear, and as such, the plan is not perceived as racist by any stretch of the imagination. Intolerant policies shared by

157. See BARKER, *supra* note 11, at 25.

158. See *id.*

159. See *id.* at 14.

160. See *id.* at 2.

161. See generally *id.*

162. See *id.* at 15.

minorities have accordingly blurred the boundaries of race and social order, making racism a complex attitude to discern.¹⁶³ Thus, it is prudent to consider a diverse spokesperson as the newly instated fourth condition of the modern Argument from Genuine Fears process: *Finally, the object of their fear is infallible, as validated by a diverse spokesperson.*

Barker posits that the Argument from Genuine Fears approach has emerged “as a central weapon in the Tory armory.”¹⁶⁴ For instance, Margaret Thatcher, among other Tories, have incorporated the Argument from Genuine Fears model in her rhetoric on immigration:

If we went on as we are, then by the end of the century there would be [four] million people of the New Commonwealth of Pakistan here. Now that is an awful lot and I think it means that people are really rather afraid that this country might be swamped by people with a different culture. And, you know, the British character has done so much for democracy, for law, and done so much throughout the world, that if there is a fear that it might be swamped, people are going to react and be rather hostile to those coming in.¹⁶⁵

Barker argues that the rhetoric employed by Thatcher reinforces the importance of upholding values of British supremacy, “providing a myth of something to defend.”¹⁶⁶ The Argument from Genuine Fears process of concocting a myth around race and immigration fosters the blurring of boundaries between the two, obscuring their prominent distinctions and justifying rhetoric by fallaciously asserting that the “other” is unable to integrate. Tories have repeatedly leveraged the Argument from Genuine Fears blueprint to garner support, all under the guise of: “[D]efending our way of life. A way of life is what binds us together, gives the possibility of unity and purpose. Immigration somehow threatens all that.”¹⁶⁷ Arriving at the crux of the issue, Thatcher’s 1978 commentary ominously mirrors the racially divisive sentiments expressed by Braverman in her 2023 keynote at the American Enterprise Institute.¹⁶⁸ Just like Thatcher, Braverman employed logically fallacious reasoning, specifically following the Argument from Genuine Fears approach in her disagreement over immigration policy:

163. See Oyku Hazal Tural, *Reinscribing Migrant “Undeservingness” and “Deportability” into Detention Centres’ Visiting Rooms*, 11 SOC. INCLUSION 59 (2023).

164. See BARKER, *supra* note 11, at 15.

165. *Id.* (quoting TV interview with Margaret Thatcher, Leader of the Conservative Party in UK (Jan. 30, 1978)).

166. *Id.*

167. *Id.* at 16.

168. See Suella Braverman, UK Sec’y of State for the Home Dep’t, Keynote Address: American Enterprise Institute (Sept. 26, 2023).

There is an optimal level of immigration. It is not zero. But there has been more migration to the UK and Europe in the last 25 years than in all the time that went before. It has been too much too quick, with too little thought given to integration and the impact on social cohesion. And the fact that the optimal level is hard to define, and will vary across time and for different countries, doesn't change that fundamental fact. Nor should it blind us from the simple truth. If cultural change is too rapid and too big, then what was already there is diluted. Eventually, it will disappear.¹⁶⁹

Braverman's invocation of the Argument from Genuine Fears suggests that various categories of migration threaten the unity and fabric of the nation-state. The logically fallacious construction of her argument "enabled the theory of new racism [neo-racism] to step forward when needed."¹⁷⁰ In this context, neo-racist sentiments emerge when Tories are confronted with a deluge of 'undesirable' asylum seekers hailing from the 'wrong' nationalities. The UK-Rwanda Partnership enabled the Tories to craft a solution—a two-tiered asylum system—that restricted asylum access by labeling as criminal what they deemed were unfavorable and undesirable foreign nationals. Concurrently, they implemented more expansive resettlement schemes that exclusively guaranteed asylum for individuals originating from more desirable nations.

Barker posits that the Argument from Genuine Fears bolsters the myth that the nation requires defense, legitimizing the fears of the citizenry.¹⁷¹ The object of these fears remains unquestioned, and the distinction between race and immigration is neither acknowledged nor considered. To further reinforce the myth of defense, high-ranking politicians occupying prominent political offices and possessing notable gravitas, like Sir Winston Churchill, emphasize fear-ridden fairy tales to validate the reality of these fears. "Winston Churchill . . . put it with complete bluntness: 'we cannot fail to recognise the deep bitterness that exists among ordinary people who one day were living in Lancashire, and woke up the next day in New Delhi, Calcutta or Kingston, Jamaica.'"¹⁷²

Braverman flagrantly articulates equally polarizing language with more racially charged generalizations to convey fabricated narratives of undesirability and incompatibility. Braverman states: "UK police chiefs have warned me of heightened levels of criminality connected to some small boat arrivals, particularly in relation to drug crime, exploitation, and prostitution.

169. *Id.*

170. BARKER, *supra* note 11, at 15.

171. *See id.*

172. *Id.* (quoting HC Deb (5 July 1976) (914) cols. 964–1094 (Eng.)).

People who choose to come across the Channel illegally from another safe country have already shown contempt for our laws.”¹⁷³

When pressed to verify facts about criminal behavior, Braverman admitted that her evidence was anecdotal and based solely on conversations with law enforcement.¹⁷⁴ Moreover, criminologists have long acknowledged that “crime and offences by asylum seekers are reported disproportionately, sensationalised with emotive language and given more space than befits the crime.”¹⁷⁵ The Office for National Statistics also confirmed that no available numbers exist on crimes asylum seekers commit.¹⁷⁶ Fabricated realities, devised with the intent to stereotype by further blurring the lines between criminality and migrants, effectively convey the object of fear. Imposing the illegality of asylum status, alongside fabricated criminality, myths about the inability to integrate, the conflation of race and immigration, and the perceived threat posed by ‘the other’ to British supremacy, have each reinforced Tory efforts to circumvent democratic processes and legitimized the unlawful deportation of asylum seekers.

It is prudent to note that the Argument from Genuine Fears model required refinement to align with more recent Tory practices. By extending the framework’s parameters, the Argument from Genuine Fears now reflects endorsements from diverse spokespersons. Their minority status is left unquestioned and serves to validate the object of fear. The diverse spokesperson often remains unchallenged, sustaining the logically fallacious argument confirming its infallibility. Braverman was not the first diverse Home Secretary to utilize the Argument from Genuine Fears framework to support the UK-Rwanda Partnership. Priti Patel has also engaged in similar “disreputable, dishonest, and dangerous arguments,” conflating the number of asylum seekers with genuine intent to arrive in the UK, and arguing that they were male migrants seeking economic relief when, in reality, the number of those fleeing persecution were much greater.¹⁷⁷ Thus, the enactment of a racialized, two-tier asylum system relegated certain nationalities to lower

173. Braverman, *supra* note 168.

174. See Rajeev Syal, *Does Suella Braverman Have Evidence to Link Boat Arrivals to Crime?*, THE GUARDIAN (Apr. 26, 2023, 1:47 PM), <https://www.theguardian.com/politics/2023/apr/26/does-suella-braverman-have-evidence-to-link-boat-arrivals-crime>.

175. Keelin Howard et al., *Is It a Crime to Seek Refuge?*, 43 CRIM. JUST. MATTERS 18, 18 (2001) (emphasis omitted).

176. See *Crimes Committed by Asylum Seekers or Illegal Immigrants Since 2020*, OFF. FOR NAT’L STAT.: FREEDOM OF INFO. (FOI) (Oct. 9, 2023), <https://www.ons.gov.uk/aboutus/transparencyandgovernance/freedomofinformationfoi/crimescommittedbyasylumseekersorillegalimmigrantsince2020..>

177. Frances Webber, *Impunity Entrenched: Policing the Borders*, INST. OF RACE RELS. (Jan. 17, 2022), <https://irr.org.uk/article/policing-the-borders-impunity-entrenched/>.

echelons of the social order, subjecting asylum claimants to discriminatory rules, undefined confinement, indefinite detention, deplorable living conditions, and indiscriminate criminalization of status.¹⁷⁸

Haynes argues that the political elite have wantonly and collectively reframed asylum seekers, smugglers, and terrorists as a unified criminal entity, depicting them as a collective threat to British existentialism.¹⁷⁹ Migrant criminalization and overgeneralized narratives of their ‘illegality’ are thus state constructs conceived to undermine their legitimate and legally protected status.¹⁸⁰ The success of prejudiced policies like the UK-Rwanda Partnership hinges on the criminalization of asylum seekers to formally substantiate the violation of international human rights.¹⁸¹ The characterization of asylum seekers as a threat to social unity is legitimized by divisive rhetoric espoused “by politicians and in the media, with words like “bogus,” “economic migrants” arriving without authorisation, “abusers” of the system, and “illegal” people “deserving” of punishment.”¹⁸² The undesirable has been “universally recognized [as a] ‘folk devil,’ the ‘usual suspect’ par excellence.”¹⁸³ Hostile portrayals and institutionalized illegality enhance the legitimacy of policies that seek to abolish international rights and, in doing so, threaten the stability of democratic institutions. “The depiction of asylum seekers in terms of liabilities, a risky group that needs to be prevented, contained and, preferably, repatriated, is one that permeates liberal democracies.”¹⁸⁴ Consequently, illiberal approaches—progressed by divisive populist actors that violate liberal democratic institutions and aim to strip asylum seekers of their human rights by circumventing court rulings—are packaged and presented to the public as genuine, pragmatic, and reasonable safeguards. Illiberal measures are framed as imperative to shield ‘normal’ homogenous citizens from the perceived undesirability and deplorability of the ‘other’ while being systematized to uphold the mirage of protecting the sanctity of Britishness.

178. See Ana Aliverti, *Making People Criminal: The Role of the Criminal Law in Immigration Enforcement*, 16 THEORETICAL CRIMINOLOGY 417, 422 (2012).

179. See Haynes, *supra* note 8, at 1236.

180. See Simon Goodman & Susan A. Speer, *Category Use in the Construction of Asylum Seekers*, 4 CRIT. DISCOURSE STUD. 165 (2007).

181. See Nicholas P. De Genova, *Migrant “Illegality” and Deportability in Everyday Life*, 31 ANN. REV. ANTHROPOLOGY 419, 439 (2002).

182. Tural, *supra* note 163, at 59; see also *id.* at 419.

183. See Ben Bowling & Sophie Westenra, ‘A Really Hostile Environment’: *Adiaphorization, Global Policing and the Crimmigration Control System*, 24 THEORETICAL CRIMINOLOGY 164, 178 (2020) (emphasis omitted).

184. Margaret S. Malloch & Elizabeth Stanley, *The Detention of Asylum Seekers in the UK: Representing Risk, Managing the Dangerous*, 7 PUNISHMENT & SOC’Y 53, 54 (2005).

Hostile portrayals of racial minorities have been used recurrently to justify the maltreatment of asylum seekers and endorse the expansion of an asymmetrical two-tier border externalization system. Turnbull notes that “the UK’s nine immigration removal centers primarily incarcerate racialized people [underscoring] the salience of race for making sense of the logics of confinement” and the governing of illegality.¹⁸⁵ Accepting externalization as the norm reinforces the dispensability, alienation, and marginalization of immigrants as a whole.¹⁸⁶ The Tories’ resolute defense of the UK-Rwanda Partnership, despite its illegality, can be explained by the dominant predisposition of neo-racist ideology found hidden under the thinly veiled outer layer of their Party. Political operatives, bureaucrats, and populist politicians tasked with progressing divisive and illiberal policies have developed masterful proficiency in negotiating the Argument from Genuine Fears. In doing so, they have reframed debates about the vulnerability of those fleeing persecution to condemn their presence as security risks and cultural pariahs.¹⁸⁷

Considering the difference in refugee portrayals emerging from different global conflicts lends credence to the Argument from Genuine Fears and border externalization.¹⁸⁸ Objectively, Western governments and Western media organizations are both guilty of depicting the criminality of racialized migrants. Połńska-Kimunguyi describes the broad disparities in portraying migrants fleeing persecution from Ukraine who were offered asylum through generous resettlement schemes compared to those crossing the English Channel.¹⁸⁹ Ukrainians were seen as European, biologically identified as blond-haired and blue-eyed, and expressed as civilized compared to third-world refugees. They were shown as having fallen victim to the whims of a dictatorial regime through no fault of their own.¹⁹⁰ The same kindness offered through expansive resettlement schemes that welcomed Ukrainian refugees to the UK was not extended to refugees from other ‘undesirable’ nations.

Anti-migrant sentiments have been utilized as a justification for population control and demographic engineering.¹⁹¹ The dualized, segregationist, and exclusionary treatment of certain racial groups that

185. Turnbull, *supra* note 10, at 143.

186. See Kundnani, *supra* note at 10; see *id.* at 143.

187. See Perez, *supra* note 8, at 314.

188. See Eva Połńska-Kimunguyi, *War, Resistance and Refuge: Racism and Double Standards in Western Media Coverage of Ukraine*, LONDON SCH. ECON. & POL. SCI. (May 10, 2022), <https://blogs.lse.ac.uk/media/2022/05/10/war-resistance-and-refuge-racism-and-double-standards-in-western-media-coverage-of-ukraine/>.

189. See *id.*

190. See *id.*

191. See *id.*

embody the second tier epitomizes the prejudiced intentions of the UK-Rwanda Partnership architects. A system that promotes justice and equality while concurrently denying the rights of specific racial groups is rendered hypocritical and ineffective.

XI. THE ARGUMENT FROM GENUINE FEARS AND DIVISIVE POPULIST RHETORIC

When questioned about Braverman's inflammatory populist rhetoric, moderate Tory MPs accused Braverman of hurting the Tory brand by frequently provoking racial polarization.¹⁹² One former senior Minister under Johnson indicated that Braverman is egregiously chauvinistic, remarking that the former Home Secretary is "not stupid, she believes she has a license to say these things because she's not white [b]ut all her language does is exacerbate hatred."¹⁹³

Braverman unambiguously applies the fourth step by methodically outlining her minority status as a child of immigrants. This, her justification as a racialized minority, is integrated into her fallacious proposition that endorsed racially divisive ideologies and polarizing policy positions. "Saying so does not make one anti-immigrant, nor does it mean you are anti-immigration. I am the child of immigrants. And it is no betrayal of my parents' story to say that immigration must be controlled."¹⁹⁴ Her racial positionality affirms the infallibility of her policy. She frames her racially alienating perspectives as "practical argument[s] against controlled and illegal immigration," presenting her logic as unimpeachable.¹⁹⁵

Populists have adopted seemingly pragmatic illustrations to address the migration influx, employing antagonistic depictions and derogatory generalizations.¹⁹⁶ Columnist Nesrine Malik stresses that Braverman leans on generalities to substantiate her anti-migrant attitudes.¹⁹⁷ Braverman ensures that her rhetoric incorporates "everyone who has migrated, not only the several cohorts over time ("illegals," "fake asylum seekers," or simply

192. See Aletha Adu et al., *Senior Conservatives Hit Out Suella Braverman's 'Racist Rhetoric'*, THE GUARDIAN, (Apr. 13, 2023, 4:12 pm), <https://www.theguardian.com/world/2023/apr/13/senior-conservatives-hit-out-at-suella-bravermans-racist-rhetoric>.

193. *Id.*

194. Braverman, *supra* note 168.

195. *Id.*

196. See Nesrine Malik, *In One Vulgar Swoop, Suella Braverman Has Humiliated Every Single Migrant in the UK*, THE GUARDIAN, (Oct. 2, 2023, 1:00 AM), <https://www.theguardian.com/commentisfree/2023/oct/02/suella-braverman-migrant-uk-multiculturalism>; see also De Genova, *supra* note 181, at 419; BARKER, *supra* note 11, at 12.

197. See Malik, *supra* note 196.

“the boats”) that have served as the targets of the government’s most extreme rhetoric and policies.”¹⁹⁸ Adversarial stereotypical generalizations stand out prominently in the void between the second and third steps of the Argument from Genuine Fears *framework*. Moreover, rhetorical generalizations facilitate the illustration of endangered Britishness, notably as a threat posed by the racialized other. Malik asks:

What level of assimilation does Braverman think is desirable? To what extent are we expected to shed the different religions, customs, foods and cultural heritages in order to render the UK a place where there is only one culture? Is it OK to attend a mosque, a synagogue, a temple? [T]here is no coherent answer to this of course, other than Braverman’s repetition of a conveniently uncoded set of British values.¹⁹⁹

Braverman’s main concerns are not based on the distinction between race, ethnicity, and religion. Instead, in service to her populist strategies and overarching Tory policies, her anti-migrant rhetoric is meant to depict the racialized other as a viable threat to British homogeneity.

Accordingly, Barker proposes a reconceptualization to comprehend racial prejudice adopted by Tory-led Argument from Genuine Fears practice.²⁰⁰ The UK-Rwanda Partnership’s survival relies on an institutionalized subscription to the doctrine of cultural homogeneity. Tories market the proposition that lacking the protectionist measures to preserve “traditions, customs, beliefs, language – in a word, culture – there could be no society The fears are self-validating.”²⁰¹ The reconceptualization advances the ideological proposition that racial prejudice ceases to be about outwardly loathing minorities or blatantly positioning them at the bottom of the social order without justification; rather, their undesirability is endowed to them because of their incapacity to assimilate. Furthermore, ‘illegal’ migrants will never achieve the backing of perfect assimilation; their dissimilarities and criminality are excessively too significant to gratify.

For the Tory Party, Braverman has succeeded in embodying the quintessentially homogenized minority. Conversely, the values, beliefs, customs, and traditions of asylum seekers are irreconcilable with British homogeneity. Thus, the logical fallacies adopted by Tories on combatting ‘illegal’ migration promote the perils that migrants pose to British homogeneity, and the only reasonable next step is externalization. Rationally minded, logically oriented British citizens daring to question the official policy adopted by the Tories and their proposed illegal deportation measures

198. *Id.*

199. *Id.*

200. See BARKER, *supra* note 11, at 16.

201. *Id.* at 17.

are concurrently generalized as woke, leftist, irrational individuals²⁰² and have, in the process, signified their own abandonment and betrayal of British values and demonstrated resistance to safeguarding British society. Braverman concurs that those who are worried about the illegality of asylum seekers, based on her own logically fallacious justifications, should not be ignored: “Dismissing as idiots or bigots, those members of the public who express legitimate concerns, is not merely unfair, it is dangerous.”²⁰³ However, historical Tory strategies bare the truth proposed by Braverman and her rhetoric. Other Tory Members of Parliament (MPs) have previously embraced the same Argument from Genuine Fears process to portray the cultural vulnerabilities manifested by the arrival of undesirable migration. Former MP John Stokes said:

I came here [as an MP] only six years ago. I came to help my country. I have seen my task as that of trying to keep all that is best in England and to be able to hand on to my children, as my father handed to me, a country to be proud of, a homogenous nation sharing the same faith, history and background. I must make it clear that I do not blame the immigrants for coming – they came largely for the money – but I blame those who encouraged and still encourage them.²⁰⁴

Like Stokes, Braverman interrogates the genuine intentions of migrants arriving irregularly in the United States. She begrudgingly confesses that “some, perhaps many, were genuine refugees.”²⁰⁵ However, she qualifies the preceding premise: “But not all of them were.”²⁰⁶ Since trusting the authentic intent of ingenuine migrants arriving irregularly is an ineptly hazardous enterprise, she argues, “if immigration is uncontrolled, it makes it harder for society to adapt and accommodate new cultures and customs, and for communities to meld together.”²⁰⁷ Thus, migrants are inevitably a threat to the sanctity of cultural homogeneity. Affirming her resolute intent of protecting homogeneity, Braverman issues a sweeping indictment of multiculturalism, the very construct that binds the diverse social fabric of British and European societies. Thus, “uncontrolled immigration, inadequate integration, and a misguided dogma of multiculturalism have proven a toxic combination for Europe over the last few decades.”²⁰⁸

202. See Webber, *supra* note 53, at 57.

203. Braverman, *supra* note 168.

204. BARKER, *supra* note 11, at 18 (quoting HC Deb (5 July 1976) (914) (Eng.)).

205. Braverman, *supra* note 168.

206. *Id.*

207. *Id.*

208. *Id.*

To ensure that her illogically fashioned and ambiguously distorted argument successfully achieves the desired outcome, she notably underlines the impossibility of migrant assimilation: “If people are not able to settle in our countries and start to think of themselves as British, American, French, or German, then something is going badly wrong.”²⁰⁹ The migrant’s inability to integrate thus confirms the irrefutable threat they pose to national identity. And to Braverman, “[n]ational identity is not something invented in an ivory tower or by advertising executives. The nation-state has endured because it means something real to almost all of us.”²¹⁰ Migrant values are not British, European, or Western values. Since migrant allegiances will never matriculate to the supposed superiority of Braverman’s representation of British identity, and since British identity, according to her, is a homogenous concept that cannot be combined with the distorted tenets of multiculturalism, the undesirable migrant is rendered unwanted and unwelcomed.²¹¹

Braverman’s unwavering support for the UK-Rwanda Partnership, up until her dismissal for inflammatory rhetoric about hate marches and homelessness, is difficult to comprehend.²¹² Yet, her sentiments on migrants and border externalization epitomize the Argument from Genuine Fears process and the polarizing nature of the Tory Party in recent years. The Argument from Genuine Fears provides a blueprint for the scrutiny of Tory-oriented racial prejudice and divisive political rhetoric on race and migration. The Argument also explains why a racialized minority politician like Braverman would blatantly share her aspirations, her “dream,” and her “obsession” to see asylum seekers deported to Rwanda.²¹³

Political regimes have propagandized externalization policies by selling illogical narratives to rationalize and legitimize their strategies²¹⁴ despite the violations of international covenants.²¹⁵ According to Braverman, international humanitarian laws established to protect the most vulnerable threaten British values, and as a result, she argues that safeguarding Western

209. *Id.*

210. *Id.*

211. *See id.*

212. *See* Jill Lawless, *A Day After Britain’s Prime Minister Fired Her, Suella Braverman Accuses Him of Being a Weak Leader*, ASSOCIATED PRESS, (Nov. 14, 2023, 10:15 AM), <https://apnews.com/article/fired-braverman-british-sunak-government-8c101f1f08c80e750d2623cc61612feb>.

213. *See* Lizzie Dearden, *Suella Braverman Says It Is Her ‘Dream’ and ‘Obsession’ to See a Flight Take Asylum Seekers to Rwanda*, INDEPENDENT, (Oct. 5, 2022, 10:10 AM), <https://www.the-independent.com/news/uk/politipo/suella-braverman-rwanda-dream-obsession-b2195296.html>.

214. *See* Emini & Tahiri, *supra* note 9.

215. *See generally* Victoria Colvin & Phil Orchard, *A Forgotten History: Forcible Transfers and Deportations in International Criminal Law*, 32 SPRINGER NATURE 51 (2021).

values must be supported by the restructuring of humanitarian protections established in the Refugee Convention: “Throughout the course of the Rwanda litigation through the courts, the Home Secretary has ramped up the rhetoric on the role of the European Convention on Human Rights and the Court in Strasbourg, stating that they are at odds with British values.”²¹⁶ For Braverman, the Refugee Convention realized its intended purpose after World War II, asserting that reform would better align with the modern globalized order.²¹⁷ However challenging the task may be, one must objectively question any political intent seeking to legitimize internationally established human rights reform. Despite this, when speaking on the Illegal Migration Act, Braverman openly admitted that the legislation would test the limits and endanger the sanctity of international laws.²¹⁸ Thus, the intent of the Act, and indeed the UK-Rwanda Partnership, was based solely on the ambition of unrestrained and immoderate politicians to administer a policy that seeks to demographically engineer incompatible undesirability, guarantee the prominence of homogeneity, achieve objectives in cultural rebalancing, and realign the organizing principles of liberal democratic institutions.

XII. METHOD

This paper has provided a cross-examination of the illiberal and populist legislative agenda adopted by the Tories, the hostility of anti-migrant depictions, and the logically fallacious arguments employed to conjure support for the UK-Rwanda Partnership. Each piece of legislation enacted by the Tories was predicated on the promise that further regulations would reinforce deterrence, limiting asylum seekers from arriving in the UK irregularly. According to the Argument from Genuine Fears framework, the legislative agenda was aided by hostile rhetoric to legitimize the adoption of a two-tiered asylum system. To understand the rhetorical strategies of leading policy architects and to help explain the purpose of the Argument from Genuine Fears approach, this research considers the rhetoric adopted by former Home Secretary Suella Braverman on migration in her House of Commons speeches.

This study utilizes all speeches delivered by Braverman in the House of Commons (N=305) since her election in May 2015 until her dismissal as

216. Morgan & Willmington, *supra* note 8, at 107.

217. See Natasha Mellersh, *Braverman Questions Role of U.N. Refugee Convention*, INFOMIGRANTS, (Sept. 26, 2023), <https://www.infomigrants.net/en/post/52099/braverman-questions-role-of-un-refugee-convention>.

218. See Kwon, *supra* note 8.

Home Secretary by Sunak in November 2023.²¹⁹ The test examines migration rhetoric in comparison to other issues, employing the constructs of hardship, aggression, blame, exclusion, liberation, and human interest.

Speeches were collected using publicly available parliamentary proceedings.²²⁰ The Hansard transcripts were edited to remove exchanges by others, ensuring that only Braverman's language appears in the sample. The sample consists of thirty-five speeches on migrants and migration, fifty-three speeches on Brexit, eight speeches on terrorism, eighty-three speeches on crime and criminal justice, forty-five speeches related to the economy and economic development, eight speeches on the military, sixty-nine speeches on social development (including healthcare, taxes, education, families, to other local constituency issues), and four uncategorized speeches. Other than migration, the remaining topics formed a comparison group (N=270) to compare her rhetoric across the identified constructs.

Finally, the sample is further divided to analyze speeches delivered before and after her promotion to Cabinet. The second test aims to assess whether there was a shift in rhetoric following her ministerial appointments. Braverman held several ministerial posts. She served as Attorney General under Boris Johnson (February 13, 2020 to September 6, 2022) and had two tenures as Home Secretary—first under Liz Truss (September 6, 2022 to October 19, 2022) and later under Rishi Sunak (25 October 2022 to 13 November 2023).²²¹

This paper uses Diction 7.2.1²²² to analyze rhetorical constructs and determine whether Braverman is excessively harsh, more aggressive, overly condemning, unnecessarily exclusionary, and openly nationalistic when discussing migrants and migration in juxtaposition to speeches on other issues.

A. Variables

1. Hardship

The hardship construct focuses on qualities expressing “hostile actions . . . censurable human behavior . . . unsavory political outcomes . . . normal

219. See Nikhil Batra, *Who Is Suella Braverman? Know Why the UK Minister Is Fired*, JAGRAN JOSH (Nov. 14, 2023, 9:14 PM), <https://www.jagranjosh.com/general-knowledge/know-why-suella-braverman-is-fired-1699976279-1>.

220. See Hansard, UK PARLIAMENT, <https://hansard.parliament.uk>.

221. See *Suella Braverman: Parliamentary Career*, UK PARLIAMENT: HOUSE OF COMMONS, <https://members.parliament.uk/member/4475/career> (last visited May 23, 2025).

222. See DIGITEXT, INC., DICTION 7.2 HELP (2013) (referring to the software manual for reader's reference) [hereinafter DICTION MANUAL].

human fears . . . [and] capacities (error, cop-outs, weakness).”²²³ Rhetoric that emphasizes hardship capitalizes on social anxieties associated with adverse events. Hardship also reflects immoral behavior, weakness, or insecurity and invokes fear as it relates to the human condition. According to the Argument from Genuine Fears framework, Braverman’s speeches concerning migrants and migration are hypothesized to contain more hardship-oriented rhetoric in comparison to all other issues.²²⁴

2. Aggression

The aggression construct examines two dimensions—one centered on competition and opposition and the other on force and coercion.²²⁵ Aggression encompasses rhetoric related to obliteration, resistance, and social domination.²²⁶ Given that the Tory approach often emphasizes aggression on migration, the Argument from Genuine Fears framework provides rhetorical justification for Braverman’s use of aggressive language. Accordingly, Braverman’s speeches concerning migrants and migration are hypothesized to contain more aggressive rhetoric than her speeches across all other issues.

3. Blame

The blame construct examines political incorrectness, denigration in verbiage, social immodesty, malevolence, and conveys culpability.²²⁷ It also considers descriptors describing unfortunate and ill-fated situations.²²⁸ Since blame for the encumbered social conditions attributed to migrants is commonly expressed in the Tory approach, according to the Argument from Genuine Fears framework, Braverman’s speeches concerning migrants and migration are hypothesized to contain more blame-oriented language on migrants and migration than on all other issues.

4. Exclusion

The exclusion construct focuses on the nature of social division, seclusion, and isolationist rhetoric.²²⁹ It considers both active and passive sentiments

223. *Id.* at 7.

224. *See generally* BARKER, *supra* note 11, at 14–16.

225. *See* DICTION MANUAL, *supra* note 223, at 8.

226. *See id.*

227. *See id.* at 7.

228. *See id.*

229. *See id.* at 10.

that evoke separation and segregationist ideals.²³⁰ Exclusion conveys purposeful and accidental perspectives reflecting exclusionary political principles like secession, ostracism, discrimination, small-mindedness, loneliness, right-wing ideologies, and nihilism.²³¹ According to the Argument from Genuine Fears framework, Tories have frequently promoted the exclusion of migrants, thus Braverman's speeches concerning migrants and migration are hypothesized to contain greater exclusionary rhetoric in comparison to other issues.

5. Liberation

Liberation is a political construct reflecting individualism and autonomy and a "rejection of social conventions (unencumbered, radical, released)."²³² It conveys ideas of "suffrage, liberty, freedom, emancipation...exodus, riotous[ness, and] deliverance."²³³ Since Tory rhetoric on migrants often reflects a need to protect British cultural homogeneity, promote nationalism, and oppose perceived threats from outsiders, according to the Argument from Genuine Fears approach, Braverman's speeches concerning migrants and migration are hypothesized to evoke stronger nationalist sentiments than on other issues.

6. Human Interest

The human interest construct conveys an understanding of the human condition, emphasizing human activities, behavior, authentic experience, and realistic human actions.²³⁴ Higher human interest scores reflect a focused interest in subjects and their behavior.²³⁵ A higher score on migrants and migration relative to other issues would confirm Braverman's targeted interest in them and a lack of interest in other issues.

XIII. RESULTS

Table 1 reports construct means, standard deviations, and p-values. To analyze rhetoric, independent sample t-tests were conducted to compare the thirty-five speeches on migration with Braverman's other speeches. Table 2 presents the results of independent sample t-tests, illustrating changes in

230. *See id.*

231. *See id.*

232. *Id.*

233. *Id.*

234. *See id.* at 9.

235. *Id.*

means and percentage shifts in rhetorical constructs before and after her promotion to Cabinet.

Table 1: Construct–Migration Rhetoric vs All Other Rhetoric

Construct	M/SD	Other Rhetoric N = 270	Migration Rhetoric N = 35	P-Value
Hardship	M	2.44	3.89	0.016
	SD	3.36	2.96	
Aggression	M	1.84	3.09	0.002
	SD	2.22	2.43	
Blame	M	.72	1.74	<0.001
	SD	1.09	1.92	
Exclusion	M	1.09	1.85	0.008
	SD	1.45	2.41	
Liberation	M	1.17	1.38	0.534
	SD	1.95	1.26	
Human Interest	M	9.72	14.91	<0.001
	SD	8.06	10.82	

Table 2: Pre-Ministerial and Post-Ministerial Appointment Change in Rhetoric

Construct	Pre-Ministerial Appointment Mean (SD)	N	Post-Ministerial Appointment Mean (SD)	N	M Change	Percentage Change (+/-)	Post-Ministerial P-values
Hardship	1.66 (2.01)	16	5.76 (2.26)	19	4.10	+247%	0.490
Migration Speeches							
Hardship	1.69 (2.84)	211	5.14 (3.71)	59	3.45	+204%	
All Other Speeches							0.133
Aggression	1.57 (1.81)	16	4.37 (2.16)	19	2.80	+178%	
Migration Speeches							
Aggression	1.44 (1.79)	211	3.27 (2.93)	59	1.83	+127.08%	<0.001
All Other Speeches							
Blame	0.56 (.95)	16	2.73 (1.99)	19	2.17	+387.5%	
Migration							0.027
Blame	0.56 (.93)	211	1.31 (1.40)	59	0.75	+133.9%	
All Other Speeches							
Exclusion	1.69 (3.33)	16	1.99 (1.31)	19	0.30	+17.75%	<0.001
Migration Speeches							
Exclusion	1.07 (1.45)	211	1.13 (1.48)	59	0.06	+5.61%	
All Other Speeches							<0.001
Liberation	0.85 (1.14)	16	1.83 (1.21)	19	0.98	+115.29%	
Migration Speeches							
Liberation	1.28 (2.15)	211	0.78 (.85)	59	0.50	-39.06%	<0.001
All Other Rhetoric							
Human Interest	6.56 (5.72)	16	21.93 (8.94)	19	15.38	+234.70%	
Migration Speeches							<0.001
Human Interest	9.01 (8.13)	211	12.27 (7.31)	59	3.26	+36%	
All Other Speeches							
Total	12.89 (12.43)	16	38.62 (13.02)	19	25.73	+199.3%	<0.001
Migration Speeches							
Total	15.05 (13.33)	211	23.89 (12.73)	59	8.84	+58.6%	
All Other Speeches							

A. Results: Hardship Rhetoric

Braverman utilizes more hardship-oriented rhetoric on migration (M: 3.89; $p < 0.016$) than other constructs, except for human interest. Hardship evoked fear of the ‘other’ and portrayed the undesirability of migrants. Braverman employs hardship rhetoric on migration, expressing hostility, unsavory political outcomes, censurable human behavior, and the immorality of such actions, reflecting her negative perceptions of migrants. Although her hardship rhetoric increased by 247% after her Cabinet promotion, the results are statistically insignificant ($p < .490$), indicating that the variability in her language patterns makes consistency harder to identify. The increased use of hardship rhetoric before and after her promotion to Cabinet does not show any systematic difference.

B. Results: Aggression Rhetoric

Regarding aggression, Braverman employs a higher degree of aggressive rhetoric on migration (M = 3.09) compared to all other speeches

delivered ($M=1.84$) with statistically significant results ($p<0.001$). According to the Argument from Genuine Fears framework, aggression and othering rhetoric on migrants and migration are central to the Tory approach.²³⁶ More prominently, after her promotion to Cabinet, Braverman's aggressive response to migration and migrant-related rhetoric increased by 178% compared to 127% on other topics, with marginally significant differences ($p<0.133$). Braverman's aggressive rhetoric toward migrants reflects her willingness to adopt a more hostile and forceful tone on migration issues.

C. Results: Blame Attribution

Braverman employs significantly more blame-ridden rhetoric, assigning culpability to migrants ($M=1.74$) compared to other issues ($M=.72$; $p<0.001$). Braverman's rhetoric on blame and blameworthiness of migrants rose exponentially by 387.5% after her promotion to Cabinet ($p<0.001$). Blame demonstrated the most significant increase in her rhetoric, far surpassing all other constructs tested, highlighting her attitudes and polarizing tendencies as a minister.

D. Results: Exclusionary Language

On exclusion, Braverman reinforces attitudes of isolation, seclusion, divisiveness, and marginalizing migrants within society ($M=1.85$) compared to the other topics ($M=1.09$; $p<0.008$). In line with the Argument from Genuine Fears, Braverman's exclusionary rhetoric on migrants increased by nearly 18% ($p<0.027$) compared to only 5.61% on other topics after her promotion to Cabinet. Braverman adopted more polarizing rhetoric following her rise in power, suggesting that exclusionary rhetoric is central to her political strategy.

E. Results: Liberation Rhetoric

Braverman's overt nationalistic rhetoric on migrants and migration is statistically insignificant ($p<0.534$) compared to other topics. However, after her promotion to Cabinet, Braverman increased liberation-related rhetoric by 115% on migrant-related issues while reducing it by 39% on other topics. Braverman's post-Cabinet strategy emphasizes liberation rhetoric, reflecting nationalistic tendencies to ostracize migrants. Liberation emerges as a

236. See BARKER *supra* note 11, at 15.

cornerstone of Braverman's post-Cabinet strategy to reject migrants in British society ($p < 0.001$).

F. *Results: Human Interest Appeal*

Human interest as a construct analyzes rhetoric related to humanity and humanism and evaluates Braverman's rhetoric on migration relative to other issues impacting the British public. The results show that Braverman focuses more on the status of migrants ($M = 14.91$; $p < 0.001$) than on issues affecting British citizens ($M = 9.72$). This construct highlights Braverman's disproportionate focus on migrants in her speeches. After her promotion, disproportionality became central to her strategy, with her human interest rhetoric on migrants and migration increasing by 234% compared to 36% on other issues ($p < 0.001$).

G. *Total Rhetorical Intensity Across Constructs*

The total score reflects divisiveness, polarization, and injustice, demonstrating Braverman's overt and transgressive rhetoric as a means to legitimize her anti-migrant stance, externalization policies, and the othering of groups. The results show that Braverman's anti-migrant rhetoric increased by nearly 200% after her promotion to Cabinet across all constructs compared to an increase of 60% on all other topics ($p < 0.001$).

XIV. DISCUSSION AND CONCLUSION

Braverman and the Tories' disdain for migrants and the racialized other, along with the justifications employed to illiberally defend border externalization policies and the revocation of internationally protected human rights, is evident. Braverman's overall approach to migrants and migration, marked by a 199.3% shift in anti-migrant rhetoric as a senior Cabinet minister, reflects a worrying change in attitudes toward human rights and the protection of vulnerable populations.

Consterdine argues that adopting illiberal policies like externalization "will be done at all costs, even through unworkable, unethical and unevidenced policies."²³⁷ Morgan and Willmington advocated that the government must adopt "a less ideology-fuelled and more research-based policy" to address the current crisis.²³⁸ The new UK government may explore alternatives to criminalizing vulnerability and focus on combatting human

237. Consterdine, *supra* note 12.

238. Morgan & Willmington, *supra* note 8, at 109.

smuggling while also reassessing discriminatory and racially divisive resettlement schemes. The rise of right-wing and far-right-wing populist attitudes has only served to instigate anti-migrant sentiments, undermining asylum protections and reinforcing discriminatory policies.²³⁹

The policy review, Argument from Genuine Fears framework, and rhetorical analysis of speeches delivered by a senior cabinet minister and key policy architect demonstrate how the Tories have sought to justify the UK-Rwanda Partnership. The findings of the rhetorical analysis reveal that Braverman's divisive and polarizing rhetoric on migration is strategically motivated. The updated Argument from Genuine Fears framework outlines that Braverman's minority status is tokenized on the Tory political platform, projecting strength and policy legitimacy despite its illiberal nature and overt neo-racist tonality.

In concluding this analysis, it is impossible to ignore the level in which neo-racist attitudes have influenced senior members of the Tory Party—a party that governed a multiracial nation for fourteen years.²⁴⁰ The UK-Rwanda Partnership diverted attention from the root causes of asylum and reinforced a racist two-tier asylum system that criminalized asylum seekers for failing to adhere to impossible standards embedded in restrictive resettlement schemes. Echoing some of the darkest chapters of British colonialism, the Tories adopted the UK-Rwanda Partnership to maliciously perpetuate dehumanization by criminalizing race and migrant status in defense of cultural purity.

The divisive rhetoric adopted by Braverman and the Tories has surreptitiously enforced through the state apparatus a pledge that the most “vulnerable people will be exposed to further harm, hostility, and xenophobia.”²⁴¹ Despite their fervent chase for a flawed border externalization policy, pinpointing the threat to the nation-state remains genuinely unclear—is it the undesirable racialized migrant fleeing persecution and seeking refuge under the protection of a set of predetermined international laws or the incongruous and deceptive illiberal actions by the Tories to outmaneuver and weaken liberal democratic institutions to achieve border externalization?

239. See Kwon, *supra* note 8.

240. See Sam Knight, *Time's Up*, THE NEW YORKER, (Apr. 1, 2024).

241. Kwon, *supra* note 8.