

Safety of Rwanda (Asylum and Immigration) Bill

AMENDMENTS

TO BE MOVED

IN COMMITTEE OF THE WHOLE HOUSE

After Clause 1

LORD ANDERSON OF IPSWICH
LORD KERR OF KINLOCHARD
LORD CARLILE OF BERRIEW
BARONESS BUTLER-SLOSS

After Clause 1, Insert the following new Clause—

“Independent Reviewer

- (1) The Secretary of State must appoint a person (the “independent reviewer”) to review the implementation and operation of the Rwanda Treaty.
- (2) The independent reviewer—
 - (a) must review the implementation and operation of the Rwanda Treaty in each of the first four three-month periods in which the Rwanda Treaty is in force;
 - (b) must review the implementation and operation of the Rwanda Treaty in each subsequent twelve-month period.
- (3) The independent reviewer must send to the Secretary of State a report on the outcome of each review carried out under this section as soon as reasonably practicable after the end of each review period, together with the conclusion of the independent reviewer as to whether the Republic of Rwanda was a safe country at the end of the review period.
- (4) On receiving a report under this section, the Secretary of State must lay the report before Parliament within five sitting days of receipt.
- (5) The Secretary of State may pay to the independent reviewer—
 - (a) expenses incurred in carrying out the functions of the reviewer under this section, and
 - (b) such allowances as the Secretary of State determines.”

Member's explanatory statement

This new clause establishes an independent reviewer to review the implementation and operation of the Rwanda Treaty, and provides that its reports must be laid before Parliament.

LORD ANDERSON OF IPSWICH
 LORD KERR OF KINLOCHARD
 LORD CARLILE OF BERRIEW
 BARONESS BUTLER-SLOSS

After Clause 1, Independent Reviewer, insert the following new Clause –

“Procedure after reports of Independent Reviewer

If, within 28 days of a report by the Independent Reviewer which states that in their view the Republic of Rwanda is not a safe country, the House of Commons has not resolved that it is satisfied that Rwanda is a safe country, then removals to the Republic of Rwanda under the Rwanda Treaty must cease immediately, and may not resume until the day after the House of Commons has resolved that it is satisfied that the Republic of Rwanda is a safe country.”

Member's explanatory statement

This amendment provides that if the Independent Reviewer states that in their view Rwanda is not a safe country, the House of Commons has 28 days to consider this report and pass a Resolution that Rwanda is nevertheless a safe country. If it does not do so within that time, removals to Rwanda must cease until the day after the House of Commons passes a Resolution that Rwanda is a safe country.

Clause 4

BARONESS CHAKRABARTI
 BARONESS HALE OF RICHMOND
 THE LORD ARCHBISHOP OF CANTERBURY

Clause 4, page 4, line 38, leave out subsection (5) and insert –

“(5) Section 54 of the Illegal Migration Act 2023 is disapplied for the purposes of this Act.”

Member's explanatory statement

This amendment and others in the name of Baroness Chakrabarti to clause four restore the jurisdiction of domestic courts by rendering the future safety of Rwanda (evidenced by UNHCR advice) a rebuttable presumption and restoring the ability for UK courts and tribunals to grant interim relief.

BARONESS LISTER OF BURTERSETT

Clause 4, page 4, line 44, at end insert –

“(6A) In section 54A of the Borders, Citizenship and Immigration Act 2009 (Independent Family Returns Panel), for subsection (3A) (as inserted by section 14 of the Illegal Migration Act 2023) substitute –

“(3A) The duty under subsection (2)(a) does not apply where the proposed removal is for the purposes of section 2 or 4(2) of the Illegal Migration Act

2023 (duty or power to make arrangements for removal), unless the removal is to the Republic of Rwanda.””

Member's explanatory statement

This amendment ensures the Secretary of State consults the Independent Family Returns Panel on how best to safeguard and promote the welfare of the children of families to be removed to the Republic of Rwanda under the Illegal Migration Act 2023 and the UK-Rwanda Treaty.

BARONESS LISTER OF BURTERSETT

Clause 4, page 4, line 44, at end insert –

“(6A) Section 57 of the Illegal Migration Act 2023 does not apply in relation to this Act.”

Clause 5

BARONESS CHAKRABARTI
BARONESS HALE OF RICHMOND
THE LORD ARCHBISHOP OF CANTERBURY

Clause 5, page 5, line 13, leave out subsection (2) and insert –

“(2) In responding to any interim measure, the Secretary of State must comply with international law.”

Member's explanatory statement

This amendment and others to Clause 5 in the name of Baroness Chakrabarti seek to ensure that proper regard is given to interim measures of the European Court of Human Rights in accordance with international law.

BARONESS CHAKRABARTI
BARONESS HALE OF RICHMOND
THE LORD ARCHBISHOP OF CANTERBURY

Clause 5, page 5, line 19, leave out subsection (4) and insert –

“(4) Section 55 of the Illegal Migration Act 2023 is disapplied for the purposes of this Act.”

Member's explanatory statement

This amendment and others to Clause 5 in the name of Baroness Chakrabarti seek to ensure that proper regard is given to interim measures of the European Court of Human Rights in accordance with international law.

LORD EHERTON
LORD ANDERSON OF IPSWICH

The above-named Lords give notice of their intention to oppose the Question that Clause 5 stand part of the Bill.

Clause 7

LORD ANDERSON OF IPSWICH
 LORD KERR OF KINLOCHARD
 LORD CARLILE OF BERRIEW
 BARONESS BUTLER-SLOSS

Clause 7, page 6, line 8, at end insert –

““independent reviewer” means the person appointed under section (*Independent reviewer*);”

Member's explanatory statement

This amendment is consequential on amendments creating a new independent reviewer to review the implementation and operation of the Rwanda Treaty.

Clause 9

LORD ANDERSON OF IPSWICH
 LORD KERR OF KINLOCHARD
 LORD CARLILE OF BERRIEW
 BARONESS BUTLER-SLOSS

Clause 9, page 6, line 38 leave out subsection (1) and insert –

“(1) Subject to subsection (2), this Act comes into force on the day after the House of Commons resolves that, following a report from the independent reviewer, it is satisfied that the Republic of Rwanda is a safe country.”

Member's explanatory statement

This amendment makes the commencement of the Bill contingent on the House of Commons passing a resolution that Rwanda is a safe country within the meaning of Clause 1(5). It would be able to take into account reports from the proposed new independent reviewer and any other information it considered appropriate.

LORD ANDERSON OF IPSWICH
 LORD KERR OF KINLOCHARD
 LORD CARLILE OF BERRIEW
 BARONESS BUTLER-SLOSS

Clause 9, page 6, line 39, at end insert –

“(1A) Section (*Independent reviewer*) comes into force on the day on which the Rwanda Treaty enters into force.”

Member's explanatory statement

This amendment brings into force the section on a new independent reviewer on the day the Rwanda Treaty enters into force.

LORD ANDERSON OF IPSWICH
LORD KERR OF KINLOCHARD
LORD CARLILE OF BERRIEW
BARONESS BUTLER-SLOSS

Clause 9, page 7, line 1, leave out the “Rwanda Treaty enters” and insert “all sections of this Act enter”.

Member's explanatory statement

This amendment would mean that the Act applies to decisions relating to the removal of a person to the Republic of Rwanda from the date the Act (rather than the Treaty) enters into force, regardless and irrespective of when the person arrived in the United Kingdom. It reflects the aim of connected amendments that the provisions of this Act (other than the proposed new clause establishing an independent reviewer) should not come into force until after the House of Commons is satisfied that Rwanda is a safe country.

After Clause 9

LORD ANDERSON OF IPSWICH
LORD KERR OF KINLOCHARD
LORD CARLILE OF BERRIEW
BARONESS BUTLER-SLOSS

After Clause 9, insert the following new Clause--

“Expiry

- (1) This Act expires on the date on which the Rwanda Treaty is terminated, subject to subsection (2).
- (2) A Minister of the Crown may by regulations make transitional, transitory or saving provision in connection with the expiry of any provision of this Act.”

Member's explanatory statement

This amendment means that the Act will expire on the same day as the Treaty is terminated (13 April 2027, or earlier or later in certain circumstances as specified by Article 23 of the Treaty).

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