

# Safety of Rwanda (Asylum and Immigration) Bill

---

AMENDMENTS  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE

---

**Clause 1**

LORD GERMAN

Clause 1, page 1, line 11, leave out “Parliament” and insert “the Secretary of State”

***Member's explanatory statement***

*This amendment, along with Lord German's amendments to Clause 2, page 2, line 33; Clause 2, page 2, line, 39; Clause 2, page 3, line 3; and Clause 9, page 6, line 38 provide that it is the Secretary of State's judgement that Rwanda is a safe country and for this judgement to be linked to commencement of the Act. This suite of amendments provides criteria for how that judgement may be made, including compliance by the UK and Rwanda of their obligations under the Treaty in furtherance of the rule of law.*

LORD GERMAN

Clause 1, page 2, line 6, at end insert—

“(c) the primary responsibility of Parliament and the courts is to uphold the constitution of the United Kingdom, including that constitution's fundamental commitment to the rule of law.”

***Member's explanatory statement***

*This amendment is intended to probe the responsibility of Parliament in upholding the rule of law.*

LORD GERMAN

Clause 1, page 2, line 18, leave out “that country's” and insert “the United Kingdom's”

***Member's explanatory statement***

*This amendment is intended to probe whether it is appropriate for asylum claims to be evaluated in accordance with another country's international law obligations.*

## Clause 2

LORD GERMAN

Clause 2, page 2, line 33, leave out subsection (1) and insert –

- “(1) The Secretary of State may treat the Republic of Rwanda as a safe country, unless satisfied that the Republic of Rwanda is not a safe country.
- (1A) The Secretary of State may only treat the Republic of Rwanda as a safe country if they are satisfied that it is a safe country for every description of person (as defined in section 7(3) of the Illegal Migration Act 2023), having closely and carefully scrutinised –
- (a) all of the circumstances of the country (including its laws and how they are applied);
  - (b) information from any appropriate source (including member States and international organisations).”

### ***Member's explanatory statement***

*This amendment, along with Lord German's amendments to Clause 1, page 1, line 11; Clause 2, page 2, line 39; Clause 2, page 3, line 3; and Clause 9, page 6, line 38 provide that it is the Secretary of State's judgement that Rwanda is a safe country and for this judgement to be linked to commencement of the Act. This suite of amendments provides criteria for how that judgement may be made, including compliance by the UK and Rwanda of their obligations under the Treaty in furtherance of the rule of law.*

LORD GERMAN

Clause 2, page 2, line 34, at end insert “only if the decision-maker is satisfied that the available evidence demonstrates that conclusion to be true”

### ***Member's explanatory statement***

*This amendment is intended to probe the necessity of evidence in the processes undertaken by a decision-maker.*

LORD GERMAN

Clause 2, page 2, line 39, leave out paragraph (b)

### ***Member's explanatory statement***

*This amendment, along with Lord German's amendments to Clause 1, page 1, line 11; Clause 2, page 2, line 33; Clause 2, page 3, line 3; and Clause 9, page 6, line 38 provide that it is the Secretary of State's judgement that Rwanda is a safe country and for this judgement to be linked to commencement of the Act. This suite of amendments provides criteria for how that judgement may be made, including compliance by the UK and Rwanda of their obligations under the Treaty in furtherance of the rule of law.*

## LORD GERMAN

Clause 2, page 3, line 3, leave out “In particular, a court or tribunal must not consider” and insert “A court or tribunal must consider”

***Member's explanatory statement***

*This amendment, along with Lord German's amendments to Clause 1, page 1, line 11; Clause 2, page 2, line 33; Clause 2, page 2, line 39 and Clause 9, page 6, line 38 provide that it is the Secretary of State's judgement that Rwanda is a safe country and for this judgement to be linked to commencement of the Act. This suite of amendments provides criteria for how that judgement may be made, including compliance by the UK and Rwanda of their obligations under the Treaty in furtherance of the rule of law.*

**Clause 4**

## LORD GERMAN

Clause 4, page 4, leave out lines 11 to 14 and insert “that Rwanda is not a safe country for the person in question where the evidence shows that to be so,”

***Member's explanatory statement***

*This amendment is intended to probe the role of evidence in relation to individual cases.*

## LORD GERMAN

Clause 4, page 4, line 18, delete from “country” to end of line 22 and insert “if the evidence shows that to be so.”

***Member's explanatory statement***

*This amendment is intended to probe the role of evidence in the processes undertaken by the courts.*

**After Clause 5**

BARONESS BUTLER-SLOSS  
THE LORD BISHOP OF BRISTOL  
BARONESS HAMWEE  
LORD RANDALL OF UXBRIDGE

After Clause 5, insert the following new Clause –

**“Removal of victims of modern slavery and human trafficking**

- (1) A person with a positive reasonable grounds decision from the National Referral Mechanism stating that they may be a victim of modern slavery and human trafficking must not be removed from the United Kingdom on the basis of the Rwanda Treaty until a conclusive grounds decision has been made.
- (2) A person with a positive conclusive grounds decision from the National Referral Mechanism that they are a victim of modern slavery and human trafficking must

not be removed without a decision-maker considering whether such removal would negatively affect the physical health, mental health or safety of that person, including in particular the risk of re-trafficking.

- (3) If the decision-maker makes a finding that any of the factors in subsection (2) apply to that person they must not be removed from the United Kingdom without their consent.”

***Member's explanatory statement***

*This amendment is intended to identify and protect victims of modern slavery and human trafficking from being removed to Rwanda without their consent.*

**Clause 9**

LORD GERMAN

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

“(1) This Act comes into force of such day as the Secretary of State may by order appoint.

(1A) Before an order may be made under subsection (1) –

- (a) the Secretary of State must be satisfied that the Republic of Rwanda is a safe country, for every description of person (as defined in section 7(3) of the Illegal Migration Act 2023), having closely and carefully scrutinised –
  - (i) all the circumstances of the country (including its laws and how they are applied); and
  - (ii) information from any appropriate source (including member states and international organisations);
- (b) the Secretary of State must be satisfied that the Governments of the United Kingdom and the Republic of Rwanda can in fact comply with all their obligations under the Rwanda Treaty;
- (c) the Secretary of State has laid before Parliament a report setting out the steps which have been taken to undertake the scrutiny in subsection (1A)(a) and ensure that the governments of the United Kingdom and the Republic or Rwanda comply in practice with their obligations under the Rwanda Treaty, including (but not limited to) the steps to address the following matters –
  - (i) a new asylum law in Rwanda;
  - (ii) a system for ensuring that non-refoulement does not take place;
  - (iii) a process for submitting individual complaints to the Monitoring Committee;
  - (iv) the recruitment of a Monitoring Committee support team;
  - (v) the appointment of independent experts to advise the asylum First Instance and Appeals Bodies;
  - (vi) the appointment of co-presidents of the Appeals Body;
  - (vii) the appointment of international judges;
  - (viii) training for international judges in Rwandan law and practice;

- (ix) training for Rwandan officials dealing with asylum applicants; and
  - (x) steps to ensure a sufficient number of trained legal advisers and interpreters are available; and
- (d) a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

***Member's explanatory statement***

*This amendment, along with Lord German's amendments to Clause 1, page 1, line 11; Clause 2, page 2, line 33; Clause 2, page 2, line 39 and Clause 2, page 3, line 9 provide that it is the Secretary of State's judgement that Rwanda is a safe country and for this judgement to be linked to commencement of the Act. This suite of amendments provides criteria for how that judgement may be made, including compliance by the UK and Rwanda of their obligations under the Treaty in furtherance of the rule of law.*

**After Clause 9**

BARONESS JONES OF MOULSECOOMB

After Clause 9, insert the following new Clause—

**“Suspension of Act if Rwanda is not conclusively safe**

- (1) This Act ceases to have effect on the day after the Secretary of State has laid before Parliament a statement that Rwanda is no longer a safe country.
- (2) The Secretary of State must lay before Parliament a statement that Rwanda is no longer a safe country if such evidence is presented to them that Rwanda is not conclusively a safe country.
- (3) Section 2 does not apply in relation to this section.”

***Member's explanatory statement***

*This amendment seeks to ensure that the Act only persists for so long as Rwanda is, in fact, a safe country.*

# **Safety of Rwanda (Asylum and Immigration) Bill**

---

---

AMENDMENTS  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE

---

*5 February 2024*

---

PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS