

Safety of Rwanda (Asylum and Immigration) Bill

THIRD MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED

IN COMMITTEE OF THE WHOLE HOUSE

[Amendments marked ★ are new or have been altered]

Amendment
No.

After Clause 2

LORD GERMAN
LORD SCRIVEN

35 After Clause 2, insert the following new Clause—

“Applicability of decisions

A decision-maker must not make a decision relating to the removal to the Republic of Rwanda of a person who arrived in the United Kingdom before this Act has received Royal Assent.”

Member's explanatory statement

This amendment and the amendment to Clause 9, page 7, line 1 in the name of Lord German, seeks to ensure that the Act does not apply retrospectively.

Clause 3

BARONESS CHAKRABARTI
BARONESS HALE OF RICHMOND
THE LORD ARCHBISHOP OF CANTERBURY

36 Leave out Clause 3 and insert the following new Clause—

“Limited disapplication of section 6 of the Human Rights Act 1998

Section 6 of the Human Rights Act 1998 (acts of public authorities) will not require the Secretary of State to consider the accuracy of any relevant UNHCR advice before laying it before Parliament.”

Member's explanatory statement

This amendment limits the Bill's disapplication of the Human Rights Act to immunising the Secretary of State from challenge of his decision to lay positive UNHCR advice.

LORD GERMAN
 VISCOUNT HAILSHAM
 BARONESS LISTER OF BURTERSETT
 BARONESS BENNETT OF MANOR CASTLE

The above-named Lords give notice of their intention to oppose the Question that Clause 3 stand part of the Bill.

Clause 4

LORD GERMAN
 LORD SCRIVEN

- 37 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 ETHERTON
 LORD CASHMAN
 LORD PURVIS OF TWEED

- 38 Clause 4, page 4, line 12, after “question” insert “or, where the person in question is a member of a particular social group within Article 1A(2) of the Refugee Convention 1951, for that group”

Member's explanatory statement

This amendment and the related amendments to Clause 4(1)(b) and Clause 4(4) provide for the situation where the person in question is a member of a particular social group, the members of which have a well founded fear of persecution, and following the decision of the Supreme Court in HJ (Iran) v SSHD [2010] UKSC 31 the focus is on the group and not the individual circumstances of each member of the group.

BARONESS CHAKRABARTI
 BARONESS HALE OF RICHMOND
 THE LORD ARCHBISHOP OF CANTERBURY

- 39 Clause 4, page 4, line 12, leave out from “question” to end of line 14

Member's explanatory statement

This amendment, and other amendments to Clause 4 in the name of Baroness Chakrabarti, 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.

LORD EHERTON
LORD CASHMAN
LORD PURVIS OF TWEED

- 40 Clause 4, page 4, line 13, after “circumstances” insert “or, in the case of a particular social group, relating specifically to that group”

LORD DUBS

- 41 Clause 4, page 4, line 13, after “circumstances” insert “such as a claim based on the grounds outlined in Article 1A(2) of the Refugee Convention 1951 including on religion or belief grounds”

Member's explanatory statement

This amendment would provide for the grounds outlined in Article 1A(2) of the 1951 Refugee Convention including on religion or belief grounds to be taken into consideration on whether Rwanda is a safe country.

LORD GERMAN
LORD SCRIVEN

- 42 Clause 4, page 4, line 18, leave out 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.

LORD EHERTON
LORD CASHMAN
LORD PURVIS OF TWEED

- 43 Clause 4, page 4, line 19, after “question” insert “or, where the person in question is a member of a particular social group within Article 1A(2) of the Refugee Convention 1951, for that group”

BARONESS CHAKRABARTI
BARONESS HALE OF RICHMOND
THE LORD ARCHBISHOP OF CANTERBURY

- 44 Clause 4, page 4, line 19, leave out from “question” to end of line 22

Member's explanatory statement

This amendment, and other amendments to Clause 4 in the name of Baroness Chakrabarti, 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.

LORD EHERTON
LORD CASHMAN
LORD PURVIS OF TWEED

- 45 Clause 4, page 4, line 20, after “circumstances” insert “or, where the person in question is a member of a particular social group, relating specifically to that group”

LORD DUBS
BARONESS LISTER OF BURTERSETT

- 46 Clause 4, page 4, line 22, at end insert –
- “(c) a court or tribunal from considering, in the case of a person who was but has ceased to be an unaccompanied child, a claim that their removal to the Republic of Rwanda would be contrary to their rights under the European Convention on Human Rights based on compelling evidence relating specifically to the person’s particular individual circumstances.”

Member's explanatory statement

This amendment ensures that a person previously recognised as an unaccompanied child has the ability to challenge their removal to Rwanda when they cease to be an unaccompanied child at the age of 18 on the basis that removal would be contrary to their rights under the European Convention on Human Rights. In particular, this would enable consideration to be given to any rights accrued under Article 8, right to private and family life, by virtue of having lived in the UK for a period of time, including building relationships and connections etc.

LORD GERMAN
BARONESS BRINTON
LORD SCRIVEN

- 47 Clause 4, page 4, line 22, at end insert –
- “(1A) Under subsection (1) a decision-maker must, in particular, take into account circumstances including whether an individual –
- (a) is or arrived in the UK as an unaccompanied child,
 - (b) is a victim of human trafficking, or
 - (c) is a victim of modern slavery.”

Member's explanatory statement

This amendment aims to ensure that a decision-maker must specifically consider circumstances where an individual is an unaccompanied child, victim of human trafficking or a victim of modern slavery when they are considering individual cases.

LORD COAKER
LORD HOPE OF CRAIGHEAD
LORD PURVIS OF TWEED

48 Clause 4, page 4, line 23, leave out subsection (2)

Member's explanatory statement

This amendment ensures that decision-makers are still able to consider the risk of refoulement when making individual decisions on removals.

BARONESS CHAKRABARTI
BARONESS HALE OF RICHMOND
THE LORD ARCHBISHOP OF CANTERBURY

49 Clause 4, page 4, line 23, leave out subsections (2) and (3)

Member's explanatory statement

This amendment and others in the name of Baroness Chakrabarti to Clause 4 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 CHAKRABARTI
BARONESS HALE OF RICHMOND
THE LORD ARCHBISHOP OF CANTERBURY

50 Clause 4, page 4, line 34, leave out from “Rwanda” to end of line 37

Member's explanatory statement

This amendment and other amendments to Clause 4 in the name of Baroness Chakrabarti, 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.

LORD ETHERTON
LORD CASHMAN
LORD PURVIS OF TWEED

51 Clause 4, page 4, line 34, after “person” insert “or members of the group”

BARONESS CHAKRABARTI
BARONESS HALE OF RICHMOND
THE LORD ARCHBISHOP OF CANTERBURY

52 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 4 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 CHAKRABARTI
BARONESS HALE OF RICHMOND
THE LORD ARCHBISHOP OF CANTERBURY

53 Clause 4, page 4, line 42, leave out subsection (6)

Member's explanatory statement

This amendment, and other amendments to Clause 4 in the name of Baroness Chakrabarti, 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
THE LORD BISHOP OF CHELMSFORD
BARONESS NEUBERGER
BARONESS BRINTON

54 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
THE LORD BISHOP OF CHELMSFORD
BARONESS NEUBERGER
BARONESS BRINTON

55 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.”

Member's explanatory statement

This amendment avoids a situation in which an unaccompanied child is erroneously relocated to the Republic of Rwanda, given that the UK-Rwanda Treaty 'does not cover unaccompanied children'.

LORD DUBS

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

“(6A) Sections 3(3) and 3(4) (disapplication of the Human Rights Act 1998) of this Act do not apply to subsection (1)(c).”

Member's explanatory statement

This amendment is consequential on the amendment to Clause 4, page 4, line 22 in the name of Lord Dubs and would ensure that sections 2 and 3 of the Human Rights Act 1998 apply to challenges brought by a person who has ceased to be an unaccompanied child against their removal to Rwanda under the European Convention of Human Rights.

Clause 5

LORD GERMAN
LORD KERR OF KINLOCHARD
BARONESS D'SOUZA
LORD SCRIVEN

57 Clause 5, page 5, line 13, leave out subsection (2)

Member's explanatory statement

This amendment would omit the provision that only a Minister of the Crown can decide whether the United Kingdom will comply with interim measures of the European Court of Human Rights.

BARONESS CHAKRABARTI
BARONESS HALE OF RICHMOND
THE LORD ARCHBISHOP OF CANTERBURY
BARONESS BENNETT OF MANOR CASTLE

58 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.

LORD GERMAN
LORD KERR OF KINLOCHARD
BARONESS D'SOUZA
LORD SCRIVEN

59 Clause 5, page 5, line 15, leave out subsection (3)

Member's explanatory statement

This amendment would remove the requirement that a court or tribunal must not have regard to the interim measure when considering any application or appeal which relates to a decision to remove the person to the Republic of Rwanda.

BARONESS CHAKRABARTI
BARONESS HALE OF RICHMOND
THE LORD ARCHBISHOP OF CANTERBURY

60 Clause 5, page 5, line 15, leave out “not”

Member's explanatory statement

This amendment and other amendments to Clause 5 in the name of Baroness Chakrabarti 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

61 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 COAKER
LORD HOPE OF CRAIGHEAD

62 Clause 5, page 5, line 23, at end insert “following consultation with the Attorney General.”

Member's explanatory statement

This amendment ensures a Minister of the Crown making a decision on compliance with an interim injunction consults with the Attorney General.

VISCOUNT HAILSHAM

63 Clause 5, page 5, line 23, at end insert –

“(5) This section only applies to interim proceedings at which a Minister of the Crown was not present or represented at the European Court of Human Rights and did not have the opportunity to make substantive submissions.”

Member's explanatory statement

This amendment would restrict this section to apply to ex parte proceedings only.

LORD ETHERTON
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.

After Clause 5

LORD COAKER
LORD HOPE OF CRAIGHEAD
VISCOUNT HAILSHAM
LORD BLUNKETT

64 After Clause 5, insert the following new Clause –

“Monitoring Committee

- (1) A Monitoring Committee overseeing removals to Rwanda must be established and maintained in accordance with Article 15 of the Rwanda Treaty.
- (2) The Monitoring Committee must report to Parliament every 90 days from when it is first established to confirm that the obligations set out in the Rwanda Treaty are being complied with.
- (3) If a report made under subsection (2) either –
 - (a) is not received within a 90-day period, or
 - (b) does not confirm that the relevant obligations are being complied with, the provisions of this Act relating to the removal of persons to Rwanda do not apply.
- (4) Reports made under subsection (2) may be taken into consideration in proceedings of any court or tribunal.
- (5) Section 2(1) of this Act does not apply if –
 - (a) the Monitoring Committee established under subsection (1) has formally concluded that the Republic of Rwanda is in breach of its obligations under that Treaty,
 - (b) the Secretary of State has advised against travel to the Republic of Rwanda, or

- (c) if a court or tribunal has found the Republic of Rwanda to be unsafe in accordance with subsection (6) below.
- (6) On an application for judicial review, if a UK Senior Court determines that credible evidence exists that the Republic of Rwanda is no longer safe on the basis of non-compliance with its obligations under the Rwanda Treaty, nothing in this Act shall prevent a court or tribunal from further considering an application for judicial review brought by an individual so affected.”

Member's explanatory statement

This new Clause places the Monitoring Committee for the Rwanda Treaty on a statutory basis, creates a reporting requirement, and places conditions on when the classification of Rwanda as “safe” can be suspended in accordance with material conditions and/or non-compliance with obligations under the Rwanda Treaty.

LORD COAKER
LORD HOPE OF CRAIGHEAD
VISCOUNT HAILSHAM

65 After Clause 5, insert the following new Clause –

“Suspension of Act if Monitoring Committee not in operation

- (1) This Act ceases to have effect on the day after the Secretary of State has laid before Parliament a statement that the Monitoring Committee under Article 15 of the Rwanda Treaty has (for whatever reason) ceased to function.
- (2) The suspension of this Act under subsection (1) is terminated (and this Act accordingly resumes effect) on the day after the Secretary of State has laid before Parliament a statement that the Monitoring Committee under Article 15 of the Rwanda Treaty has started to function normally after a period when it had ceased to function.”

Member's explanatory statement

This new Clause makes the operation of the Act resulting from this Bill dependent on the continued operation of the Monitoring Committee to be established under Article 15 of the Rwanda Treaty.

LORD COAKER
LORD HOPE OF CRAIGHEAD

66 After Clause 5, insert the following new Clause –

“Reporting requirement

Within 60 days of this Act receiving Royal Assent the Secretary of State must provide a written report to Parliament setting out –

- (a) the number of individuals relocated under the Rwanda Treaty,
(b) the current location and immigration status of any individuals relocated under the Rwanda Treaty.”

Member's explanatory statement

This new Clause requires the Secretary to report to Parliament on the operation of the Rwanda Treaty.

LORD COAKER

67 After Clause 5, insert the following new Clause—

“Removals to Rwanda under the Illegal Migration Act 2023

Within 60 days of the day on which this Act is passed, the Secretary of State must lay before Parliament a statement referring to all individuals whose asylum claims have been deemed inadmissible since the granting of Royal Assent to the Illegal Migration Act 2023, confirming—

- (a) the number of such individuals due to be removed to Rwanda under the Rwanda Treaty,
- (b) the timetable for these removals, and
- (c) the arrangements in place for any such individuals not due to be removed to Rwanda during the time period set out in the Rwanda Treaty.”

Member's explanatory statement

This new Clause requires the publication of a timetable for the Government's plans to remove asylum cases accrued under the provisions of the Illegal Migration Act 2023 to Rwanda.

LORD COAKER

68 After Clause 5, insert the following new Clause—

“Return of individuals due to serious criminal offences

- (1) A Minister of the Crown must lay a statement before Parliament within 30 days if both of the following conditions are met—
 - (a) the Secretary of State has approved a request from the Republic of Rwanda to return to the UK a person previously relocated under the terms of the Rwanda Treaty, and
 - (b) the person specified in paragraph (a) had their permission to remain in the Republic of Rwanda revoked owing to the person's participation in serious crime.
- (2) If Parliament is notified of the conditions being met as set out in subsection (1)—
 - (a) a motion must be moved by a Minister of the Crown to be debated on the floor of the House of Commons, and
 - (b) the motion must require the House to—
 - (i) consider the statement laid before Parliament under section (1), and
 - (ii) consider whether or not as a result of the contents of the statement, there should be a suspension of the Rwanda Treaty.”

Member's explanatory statement

This new Clause would ensure that Parliament is notified of any individuals involved in criminal activity who are transferred from Rwanda to the UK, and that the House of Commons is able to both debate the case and discuss its implications for the future of the Rwanda scheme.

LORD COAKER

69 After Clause 5, insert the following new Clause—

“Financial reporting requirement

The Secretary of State must lay a statement in Parliament within 14 days of any direct payments made to the Republic of Rwanda for the following purposes—

- (a) under the terms of the Rwanda Treaty,
- (b) as part of Migration and Economic Development Partnership funding, or
- (c) as part of any financial memorandum signed between Rwanda and the UK relating to the Rwanda Treaty.”

Member's explanatory statement

This new Clause would ensure future payments to Rwanda are reported to Parliament.

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

70 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.

LORD GERMAN
LORD SCRIVEN

71 After Clause 5, insert the following new Clause –

“Six-month review

- (1) The Secretary of State must lay before each House of Parliament a draft statutory instrument stating that in their assessment the Republic of Rwanda continues to be a safe country every six-month review period.
- (2) A statutory instrument under subsection (1) must be approved by a resolution of each House of Parliament within a period of seven sitting days beginning immediately after each six-month review period.
- (3) If either House rejects the statutory instrument laid by the Secretary of State, removals to the Republic of Rwanda under the Rwanda Treaty must cease immediately and may not resume until a draft statutory instrument has been laid before, and approved by a resolution of, each House of Parliament, stating that, having addressed any issues identified, the Republic of Rwanda is a safe country.
- (4) In this section –
 - “six-month review period” means –
 - (a) the period of six months beginning with the day on which this Act is passed, and
 - (b) each subsequent period of six months;
 - “sitting day” means a day on which the House of Commons is sitting (and a day is only a day on which the House of Commons is sitting of the House begins to sit on that day).”

Member's explanatory statement

This amendment requires the Secretary of State to lay a statutory instrument before Parliament stating that in their assessment the Republic of Rwanda continues to be a safe country every six months. If either House rejects the statutory instrument, removals to Rwanda must cease until a subsequent instrument is passed responding to any issues identified.

LORD BLUNKETT
LORD KERR OF KINLOCHARD
THE LORD BISHOP OF ST EDMUNDSBURY AND IPSWICH
THE LORD BISHOP OF BRISTOL

72 After Clause 5, insert the following new Clause –

“Right to return to the United Kingdom for those granted refugee status

- (1) Those granted refugee status are automatically presumed to have the option of returning to the United Kingdom and, on the individual being granted refugee status, they must be facilitated in relocating to the United Kingdom.
- (2) Section 2 of the Illegal Migration Act 2023 is disapplied for the purposes of this section.”

Member's explanatory statement

This amendment, along with another amendment in Lord Blunkett's name, seeks to ensure that those granted refugee status are automatically presumed to have the option of returning to the United Kingdom, and that on being granted refugee status, they are facilitated in relocating to the United Kingdom.

BARONESS BUTLER-SLOSS
THE LORD BISHOP OF BRISTOL

73 After Clause 5, insert the following new Clause –

“Independent report on modern slavery and human trafficking

- (1) The Secretary of State must commission an independent report on the impacts of this Act on modern slavery and human trafficking.
- (2) Once the independent report has been published, it must be provided to the Independent Anti-Slavery Commissioner.
- (3) Within three months of the report being provided to the Independent Anti-Slavery Commissioner, the report must be laid before Parliament, accompanied by a statement from the Secretary of State.
- (4) The independent report must include, but need not be limited to, assessments of –
 - (a) the potential impact of this Act on the Home Office's strategy for modern slavery;
 - (b) the potential impact of this Act on the modern slavery strategies of Northern Ireland, Scotland and Wales;
 - (c) the legal compatibility of this Act with every section and article of the following relevant legal instruments –
 - (i) the Equality Act 2010;
 - (ii) the Windsor Framework;
 - (iii) the Convention for the Protection of Human Rights and Fundamental Freedoms (the “Human Rights Convention”);
 - (iv) the International Covenant on Civil and Political Rights of 1966;
 - (v) the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984;
 - (vi) the Council of Europe Convention on Action against Trafficking in Human Beings of 2005 (“Trafficking Convention 2005”);
 - (vii) the United Nations Convention against Transnational Organized Crime (UNTOC) and its protocols, including the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Sea and Air;
 - (viii) the Refugee Convention 1951;
 - (ix) customary international law; and

- (x) any other international law, convention or rule of international law whatsoever relating to modern slavery and human trafficking.
- (5) The statement required under subsection (3) accompanying the independent report must also provide details of how the Secretary of State will assess, monitor and evaluate this Act, in particular how the practice of removing persons to the Republic of Rwanda, and the capacity and resources in the Republic of Rwanda, will –
- (a) respect human rights and protect against discrimination of the persons removed to the Republic of Rwanda;
 - (b) interact with policies to tackle modern slavery in the Republic of Rwanda including, but not limited to, its prevention, protection and prosecution;
 - (c) ensure that victims of modern slavery removed to the Republic of Rwanda are identified in accordance with the obligations in the Trafficking Convention 2005 and the Human Rights Convention;
 - (d) remove the risks of re-exploitation or re-trafficking for those persons sent to the Republic of Rwanda who are victims of modern slavery;
 - (e) remove the risks of direct and indirect refoulement for those persons sent to the Republic of Rwanda who are victims of modern slavery;
 - (f) meet the individual risks and needs of each potential or identified victim of modern slavery sent to the Republic of Rwanda, in accordance with its obligations in the Trafficking Convention 2005 and the Human Rights Convention;
 - (g) ensure the provision of support to potential and identified victims of modern slavery sent to the Republic of Rwanda, including but not limited to access to legal advice, representation and access to remedies;
 - (h) reflect the findings of the Government’s ‘No Place to Hide: Serious and Organised Crime Strategy 2023-2028’ in relation to persons removed to the Republic of Rwanda under this Act.”

Member's explanatory statement

This amendment seeks to ensure that there are detailed assessments of the impact of the Bill on victims of modern slavery and human trafficking; and on tackling modern slavery as a whole. It would also require an assessment of the Bill's compliance with the international legal framework tackling modern slavery and human trafficking.

LORD PURVIS OF TWEED

74 After Clause 5, insert the following new Clause –

“Impact assessment and financial reporting

- (1) Within a period of one month beginning with the day on which this Act is passed, and every six months thereafter, the Secretary of State must lay before Parliament a full economic impact assessment of the removal of persons to the Republic of Rwanda under this Act.
- (2) The assessments under subsection (1) must include –

- (a) details of any direct payments made to the Republic of Rwanda, including—
 - (i) in consequence of the terms of the Rwanda Treaty,
 - (ii) under the Migration and Economic Partnership, or
 - (iii) any further direct payments in addition to those under paragraphs (i) and (ii),
 - (b) any indirect costs incurred, including legal fees incurred by the Government, and
 - (c) details of any ministerial directions that were issued in relation to such payments or expenditure.
- (3) A person may not be removed to Rwanda under section 2 until the first report under subsection (1) has been laid before Parliament.”

Member's explanatory statement

This amendment would ensure that the full costs of the Government's policy to remove persons to the Republic of Rwanda under this Bill are routinely reported to Parliament.

LORD BROWNE OF LADYTON
LORD STIRRUP
BARONESS COUSSINS
BARONESS SMITH OF NEWNHAM

75

After Clause 5, insert the following new Clause—

“Exemption for agents, allies and employees of the UK Overseas

- (1) Notwithstanding the Nationality and Borders Act 2022, the Illegal Migration Act 2023, any earlier Immigration Acts and the other provisions of this Act, the following categories of person may not be removed to the Republic of Rwanda—
 - (a) agents or allies who have supported His Majesty's armed forces overseas in an exposed or meaningful manner that now affects their claim for protection;
 - (b) persons who have been employed by or indirectly contracted to provide services to the United Kingdom Government in an exposed or meaningful manner that now affects their claim for protection;
 - (c) the partners and dependent family members of persons referred to in paragraph (a) or (b);
 - (d) persons who were the partners or family members of persons referred to in paragraph (a) or (b) in a manner that now affects their claim for protection.
- (2) The exemption in subsection (1) includes but is not limited to persons eligible for entry to the United Kingdom under the Afghan Relocations and Assistance Policy and Afghan Citizens Resettlement Scheme.”

Member's explanatory statement

This new clause would exempt people who have put themselves in harm's way in support of His Majesty's Armed Forces or otherwise via working with or for the UK Government overseas. It further exempts their partners and dependent family from removal to Rwanda.

LORD DUBS
BARONESS BUTLER-SLOSS

76 After Clause 5, insert the following new Clause –

“Age assessment

- (1) Section 57 of the Illegal Migration Act 2023 (decisions relating to a person's age) does not apply in relation to decisions made under this Act.
- (2) An age-disputed person cannot be removed from the United Kingdom to the Republic of Rwanda under the Rwanda Treaty if –
 - (a) they are awaiting an age assessment decision under section 50 or 51 of the Nationality and Borders Act 2022 (persons subject to immigration control);
 - (b) they have received a negative age assessment decision under section 50 or 51 of the Nationality and Borders Act 2022 and are awaiting a final determination of either an appeal under section 54 of the Nationality and Borders Act 2022 (appeals relating to age assessments) or a judicial review application.
- (3) In this section, “age-disputed person” has the same meaning as in section 49(1) of the Nationality and Borders Act 2022.”

Member's explanatory statement

This amendment seeks to ensure that an age-disputed person is not removed from the UK to the Republic of Rwanda under the Rwanda Treaty whilst they are awaiting a decision under section 50 or 51 of the Nationality and Borders Act 2022 or a final determination following an appeal under section 54 of the Nationality and Borders Act or judicial review application.

LORD PURVIS OF TWEED
BARONESS HAMWEE

76A★ After Clause 5, insert the following new Clause –

“Reports to Parliament: Joint Committee

- (1) The Secretary of State must, within 14 days of each meeting of the Joint Committee established by Article 16 of the Rwanda Treaty, lay a report before Parliament setting out –
 - (a) matters considered by the Joint Committee relating to the monitoring and review of the application and implementation of the Rwanda Treaty at the meeting,
 - (b) whether any recommendations were made at the meeting or subsequently and if so what such recommendations are, and

- (c) whether any disputes have been referred to the Joint Committee and the outcome of such disputes.
- (2) The first report under subsection (1) must provide details of the membership of the Joint Committee and forthcoming meetings.
- (3) Any subsequent report under subsection (1) must include any changes to such details.”

Member's explanatory statement

This amendment is intended to probe how the operation of the Joint Committee established under the Rwanda Treaty will be open to scrutiny by Parliament.

Clause 7

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

77 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.

LORD DUBS
BARONESS BUTLER-SLOSS

78 Clause 7, page 6, line 18, at end insert –

““unaccompanied child” means an individual under the age of 18, who at the time of their entry or arrival to the United Kingdom is separated from both parents and is not being cared for by an adult who in law or by custom has responsibility to do so.”

Member's explanatory statement

This amendment is consequential on the amendment in the name of Lord Dubs excluding unaccompanied children from the scope of this Bill and aligns the definition of an unaccompanied child with the definition in Part 11 of the Immigration Rules.

LORD DUBS
BARONESS BUTLER-SLOSS

79 Clause 7, page 6, line 21, after “Rwanda” insert “, or a person who is an unaccompanied child.”

Member's explanatory statement

This amendment excludes unaccompanied children from the scope of this Act.

Clause 8

LORD DODDS OF DUNCAIRN
LORD MORROW

80 Clause 8, page 6, line 24, at end insert –

“(1A) The provisions of this Act have effect in Northern Ireland, notwithstanding section 7A of the European Union (Withdrawal) Act 2018 (General implementation of remainder of withdrawal agreement).”

Clause 9

BARONESS CHAKRABARTI
VISCOUNT HAILSHAM
BARONESS BENNETT OF MANOR CASTLE

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

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

(1A) A statutory instrument containing regulations under this section may not be made unless –

- (a) the Joint Committee on Human Rights has reported its belief that the Republic of Rwanda is a safe country, and
- (b) a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

5

Member's explanatory statement

This amendment replaces commencement of the Act, currently triggered by the entry into force of the Rwanda Treaty (an executive act), with a parliamentary trigger requiring both a JCHR Report and resolution of each House of Parliament.

VISCOUNT HAILSHAM
BARONESS CHAKRABARTI

As an amendment to Amendment 81

82 After subsection (1A), at end insert –

“(1B) The Secretary of State may by regulations made in accordance with subsection (1A), provide for the Act to be in force for an initial period not exceeding two years (the initial implementation period).

(1C) At the expiration of the initial implementation period, the Secretary of State may by regulations made in accordance with subsection (1A), provide for a further

period during which the Act will be in force, provided that such an extension is for a period not exceeding 2 years.

- (1D) At the expiration of the first extension and in respect of any subsequent extension, the Secretary of State, may by regulation, made in accordance with subsection (1A) provide for the Act to be in force for a further period, any such extension must not be for a period exceeding two years.
- (1E) Provided that in the event that the Joint Committee on Human Rights is not in existence, the report referred to in subsection (1A) will be provided by a Joint Committee of both Houses of Parliament appointed for that purpose.”

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

83 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 GERMAN
LORD SCRIVEN

84 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 of 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.

BARONESS BUTLER-SLOSS
THE LORD BISHOP OF BRISTOL

85

Clause 9, page 6, line 38, leave out from “Act” until end of line 39 and insert “does not come into force until the conditions set out in subsections (1A), (1B) and (1C) have been met.

- (1A) The independent report into modern slavery under section (*Independent report on modern slavery and human trafficking*) has been laid before Parliament.
- (1B) The Monitoring Committee set out in Article 15 of the Rwanda Treaty–
 - (a) is operational, and
 - (b) includes independent specialist non-governmental organisations and multi-lateral institutions.
- (1C) The Republic of Rwanda has received Tier 1 status in the US Department of State Trafficking in Persons Report.”

Member's explanatory statement

This amendment seeks to make the commencement of the provisions in this bill conditional upon (1) the Independent Report on modern slavery and human trafficking being laid before Parliament, (2) the monitoring committee outlined in the Rwanda Treaty being operational and having membership drawn from non-government actors; and (3) Rwanda achieving Tier 1 status from the US Department of State in their Trafficking Persons Report.

LORD COAKER
LORD HOPE OF CRAIGHEAD
BARONESS D'SOUZA

- 86 Clause 9, page 6, line 38, leave out from “force” to end of line 39 and insert “on the day after the Secretary of State has laid before Parliament a statement that the Monitoring Committee under Article 15 of the Rwanda Treaty has been fully established (see section *(Suspension of Act if Monitoring Committee not in operation)*).”

Member's explanatory statement

This amendment makes the commencement of the Act contingent on the establishment of the Monitoring Committee under Article 15 of the Rwanda Treaty.

LORD COAKER

- 87 Clause 9, page 6, line 39, at end insert “, or the day on which a full economic impact assessment for the Act is published (including any financial memorandum signed between the Republic of Rwanda and the United Kingdom relating to the Rwanda Treaty), whichever is later.”

Member's explanatory statement

This amendment requires the publication of a full impact assessment on the costs involved in removals to Rwanda under the bill, including per-person removal costs and the confidential financial memorandum signed between the two countries, before the Bill enters into force.

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

- 88 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

- 89 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.

LORD GERMAN
LORD SCRIVEN

- 90 Clause 9, page 7, line 1, leave out from “force,” to end of line 2 and insert “and if the person has arrived in the United Kingdom after this Act has received Royal Assent.”

Member's explanatory statement

This amendment and the new Clause (Applicability of decisions) amendment in the name of Lord German, seeks to ensure that the Act does not apply retrospectively.

THE LORD BISHOP OF CHELMSFORD
LORD SCRIVEN
LORD BLUNKETT

- 91 Clause 9, page 7, line 2, at end insert –

- “(3) This Act expires at the end of the period of two years beginning with the day on which it comes into force.
- (4) But the Secretary of State may by regulations made by statutory instrument provide that subsection (3) is to cease to have effect and that this Act is accordingly to continue be in force.
- (5) Regulations under subsection (4) may not be made unless a draft of the statutory instrument containing the regulations has been laid before and approved by resolution of each House of Parliament.
- (6) A draft under subsection (5) may not be laid before Parliament unless the Secretary of State has laid before Parliament a report based on evidence obtained by the United Nations High Commissioner for Refugees that the Government of the Republic of Rwanda is fulfilling its obligations under the Rwanda Treaty.”

Member's explanatory statement

This amendment would insert a sunset provision for the Bill to expire two years after commencement unless Parliament decides that it should remain in force and the Government has produced a report containing evidence that the Rwandan government is fulfilling its Rwanda Treaty obligations.

After Clause 9

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

92 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).

BARONESS JONES OF MOULSECOOMB

93 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 the Republic of Rwanda is no longer a safe country.
- (2) The Secretary of State must lay before Parliament a statement that the Republic of Rwanda is no longer a safe country if such evidence is presented to them that the Republic of 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 the Republic of Rwanda is, in fact, a safe country.

Safety of Rwanda (Asylum and Immigration) Bill

THIRD MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

15 February 2024

PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS