

Safety of Rwanda (Asylum and Immigration) Bill

AMENDMENTS
TO BE MOVED
ON REPORT

Clause 1

BARONESS CHAKRABARTI
VISCOUNT HAILSHAM
BARONESS HALE OF RICHMOND
THE LORD BISHOP OF ST EDMUNDSBURY AND IPSWICH

Clause 1, page 1, line 2, after “The” insert “first”

Member's explanatory statement

This amendment is consequential to the amendment at Clause 1, page 1, line 5, in the name of Baroness Chakrabarti, to add the purpose of compliance with the rule of law to that of deterrence.

BARONESS CHAKRABARTI
VISCOUNT HAILSHAM
BARONESS HALE OF RICHMOND
THE LORD BISHOP OF ST EDMUNDSBURY AND IPSWICH

Clause 1, page 1, line 5, at end insert—

- “(1A) The second purpose is to ensure compliance with the domestic and international rule of law by providing that no person will be removed to the Republic of Rwanda by or under such provision, unless the conditions under subsection (1B) and (1C) have been met and continue to be met.
- (1B) The first condition is that the Secretary of State has considered all relevant evidence, including of full and satisfactory implementation of safeguards under the Rwanda Treaty, and is satisfied that the Republic of Rwanda is a safe country for the processing of asylum and humanitarian protection claims before successful claimants are returned to the United Kingdom by request of the Secretary of State under Article 11(1) of the Rwanda Treaty.
- (1C) The second condition is that the Secretary of State has laid a statement before each House of Parliament to the effect that they are satisfied that the Republic of Rwanda is currently a safe country, and has not amended or rescinded that statement because of new evidence or changed circumstances.”

Member's explanatory statement

This amendment, and others in the name of Baroness Chakrabarti to Clause 1, add the purpose of compliance with the rule of law to that of deterrence. The amendments require the Secretary of State to consider all relevant evidence and lay a statement of satisfaction that the Republic of Rwanda is currently a safe country, before protection claims in the UK may be processed in the Republic of Rwanda.

BARONESS CHAKRABARTI
 VISCOUNT HAILSHAM
 BARONESS HALE OF RICHMOND
 THE LORD BISHOP OF ST EDMUNDSBURY AND IPSWICH

Clause 1, page 1, line 12, leave out “is” and insert “may become”

Member's explanatory statement

This amendment is consequential to the amendment at Clause 1, page 1, line 5, in the name of Baroness Chakrabarti, to add the purpose of compliance with the rule of law to that of deterrence.

LORD BLUNKETT

Clause 1, page 2, line 3, at end insert –

“(3A) Those granted refugee status while in the Republic of Rwanda are automatically presumed to have the option of returning to the United Kingdom, and if an individual is granted refugee status, they must be facilitated in relocating to the United Kingdom.”

Member's explanatory statement

This amendment, along with another amendment in Lord Blunkett’s name after Clause 5, 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.

Clause 2

BARONESS CHAKRABARTI
 VISCOUNT HAILSHAM
 BARONESS HALE OF RICHMOND
 THE LORD BISHOP OF ST EDMUNDSBURY AND IPSWICH

Leave out Clause 2 and insert the following new Clause –

“Safety of the Republic of Rwanda

Once laid pursuant to section 1(1C), the statement of the Secretary of State will create a rebuttable presumption that the Republic of Rwanda is a safe country.”

Member's explanatory statement

This amendment provides that the statement of the Secretary of State will create a rebuttable presumption that the Republic of Rwanda is a safe country.

Clause 3

BARONESS CHAKRABARTI
VISCOUNT HAILSHAM
BARONESS HALE OF RICHMOND
THE LORD BISHOP OF ST EDMUNDSBURY AND IPSWICH

Leave out Clause 3 and insert the following new Clause –

“Application of the Human Rights Act 1998

Section 1(5) of the Illegal Migration Act 2023 does not apply in relation to removals to the Republic of Rwanda.”

Member's explanatory statement

This amendment restores Human Rights Act protection for individuals to be removed to the Republic of Rwanda.

Clause 4

BARONESS CHAKRABARTI
VISCOUNT HAILSHAM
BARONESS HALE OF RICHMOND
THE LORD BISHOP OF ST EDMUNDSBURY AND IPSWICH

Leave out Clause 4 and insert the following new Clause –

“Decisions in individual claims

- (1) Section 2 does not prevent –
 - (a) the Secretary of State or an immigration officer from deciding (under any applicable provision of, or made under, the Immigration Acts) whether the Republic of Rwanda is a safe country for the person in question or for a group of persons to which that person belongs; or
 - (b) a court or tribunal considering a review of, or an appeal against, a relevant decision to the extent that the review or appeal is brought on the grounds that the Republic of Rwanda is not a safe country for the person in question or for a group of persons to which that person belongs; or
 - (c) a decision-maker considering whether there is a real risk that the Republic of Rwanda will remove or send the person in question to another State in contravention of any of its international obligations.
- (2) The court or tribunal may grant an interim remedy that prevents or delays, or that has the effect of preventing or delaying, the removal of the person to the Republic of Rwanda.

- (3) Section 54 of the Illegal Migration Act 2023 is disapplied for the purposes of this Act.
- (4) In this section –
- “interim remedy” means any interim remedy or relief however described (including, in particular, an interim injunction or interdict);
- “relevant decision” means a decision taken by the Secretary of State or an immigration officer (under any applicable provision of, or made under, the Immigration Acts) that the Republic of Rwanda is a safe country for the person in question.”

Member's explanatory statement

This amendment restores the ability of the Secretary of State, immigration officers, courts, and tribunals, to consider whether the Republic of Rwanda is a safe country and jurisdiction of domestic courts and tribunals to grant interim relief.

Clause 5

BARONESS CHAKRABARTI
BARONESS HALE OF RICHMOND
THE LORD BISHOP OF ST EDMUNDSBURY AND IPSWICH

Leave out Clause 5, and insert the following new Clause –

“Interim measures of the European Court of Human Rights

Section 55 of the Illegal Migration Act 2023 is disapplied for the purposes of this Act.”

Member's explanatory statement

This amendment seeks to ensure that proper regard is given to interim measures of the European Court of Human Rights in accordance with international law.

After Clause 5

LORD BLUNKETT

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 to Clause 1, 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.

LORD COAKER

After Clause 5, insert the following new Clause –

“Number of individuals relocated to Rwanda

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

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.

Clause 9

BARONESS CHAKRABARTI
VISCOUNT HAILSHAM
BARONESS HALE OF RICHMOND
THE LORD BISHOP OF ST EDMUNDSBURY AND IPSWICH

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 Secretary of State has laid a statement before each House of Parliament pursuant to section 1(1C), and
 - (b) a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (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 2 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.”

Member's explanatory statement

This amendment replaces commencement of the Bill, currently triggered by the entry into force of the Rwanda Treaty (an executive act), and the Act's continuation for periods of no more than two years, with a parliamentary trigger requiring both a statement from the Secretary of State and resolution of each House of Parliament.

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