

Safety of Rwanda (Asylum and Immigration) Bill

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

[Amendments marked ★ are new or have been altered]

Amendment
No.

Clause 1

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

1 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.

LORD COAKER

2★ Clause 1, page 1, line 5, at end insert “while maintaining full compliance with domestic and international law.”

Member's explanatory statement

This amendment seeks to ensure that the eventual Act is fully compliant with the rule of law.

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

3 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to the effect that they are satisfied that the Republic of Rwanda is currently a safe country, and has not amended or rescinded that statement because of new evidence or changed circumstances.”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.

LORD HOPE OF CRAIGHEAD
LORD ANDERSON OF IPSWICH
BARONESS D'SOUZA
LORD GERMAN

- 4 Clause 1, page 1, line 12, leave out “is a safe country” and insert “will be a safe country when, and so long as, the arrangements provided for in the Rwanda Treaty have been fully implemented and are being adhered to in practice.”

Member's explanatory statement

This amendment, read with new sections 1(7) and 1(8), seeks to give effect to the proposition that Parliament cannot judge Rwanda to be a safe country until the Rwanda Treaty has been, and continues to be, fully implemented.

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

- 5 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
THE LORD BISHOP OF ST EDMUNDSBURY AND IPSWICH
BARONESS CHAKRABARTI
THE LORD BISHOP OF BRISTOL

6 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.

LORD HOPE OF CRAIGHEAD
LORD ANDERSON OF IPSWICH
BARONESS D'SOUZA
LORD GERMAN

Revised version of Lord Hope of Craighead's amendment printed on amendment sheet HL 41 – R(e)

7★ Clause 1, page 2, line 31, at the end insert –

- “(7) The Rwanda Treaty will have been fully implemented for the purposes of this Act when the Secretary of State has obtained and laid before Parliament a statement from the independent Monitoring Committee formed under Article 15 that the objectives referred to in Article 2 of the Treaty have been secured by the creation of the mechanisms listed in that Article.
- (8) The Secretary of State must consult the Monitoring Committee every three months during the period that the Treaty remains in force, and must make a statement to Parliament at the earliest opportunity in the event that the advice of the Monitoring Committee is that the provisions of the Treaty are not being adhered to in practice.
- (9) If the advice of the Monitoring Committee is as referred to in subsection (8), the Rwanda Treaty shall cease to be treated as fully implemented for the purposes of this Act unless and until the Secretary of State has obtained from the Monitoring Committee, and laid before Parliament, subsequent advice that the provisions of the Treaty are being adhered to in practice.”

Member's explanatory statement

This amendment seeks to provide a means by which it can be determined for the purposes of this Act that the Rwanda Treaty has been, and continues to be, fully implemented.

Clause 2

LORD HOPE OF CRAIGHEAD
LORD ANDERSON OF IPSWICH
BARONESS D'SOUZA
LORD GERMAN

- 8 Clause 2, page 2, line 34, at end insert “when, and only so long as, the arrangements provided for in the Rwanda Treaty have been fully implemented and are being adhered to in practice.”

Member's explanatory statement

This amendment, read with new sections 1(7) and 1(8), seeks to give effect to the proposition that Parliament cannot judge Rwanda to be a safe country until the Rwanda Treaty has been, and continues to be, fully implemented.

LORD ANDERSON OF IPSWICH
LORD CARLILE OF BERRIEW
THE LORD BISHOP OF MANCHESTER
LORD CLARKE OF NOTTINGHAM

- 9 Clause 2, page 2, line 34, at end insert “unless presented with credible evidence to the contrary”

Member's explanatory statement

The amendments to Clause 2 in the name of Lord Anderson of Ipswich would allow the presumption that Rwanda is a safe country to be rebutted by credible evidence presented to decision-makers, including courts and tribunals.

BARONESS D'SOUZA

- 10 Clause 2, page 2, line 34, at end insert “provided that there is no ruling from the Supreme Court declaring that this is not the case”

LORD COAKER

- 11 Clause 2, page 2, line 34, at end insert “unless considering whether the Republic of Rwanda will or may remove or send a person to another State in contravention of any of its international obligations, including in particular its obligations under the Refugee Convention.”

Member's explanatory statement

This amendment, along with others tabled to Clauses 2 and 4 by Lord Coaker, would ensure that decision-making takes into account the systematic or individual risk to refoulement.

LORD ANDERSON OF IPSWICH
LORD CARLILE OF BERRIEW
THE LORD BISHOP OF MANCHESTER
LORD CLARKE OF NOTTINGHAM

- 12 Clause 2, page 2, line 41, leave out subsections (3) to (5)

Member's explanatory statement

The amendments to Clause 2 in the name of Lord Anderson of Ipswich would allow the presumption that Rwanda is a safe country to be rebutted by credible evidence presented to decision-makers, including courts and tribunals.

LORD HOPE OF CRAIGHEAD
LORD ANDERSON OF IPSWICH
BARONESS D'SOUZA
LORD GERMAN

- 13 Clause 2, page 2, line 41, after “not” insert “, after the arrangements provided for in the Rwanda Treaty have been fully implemented and only so long as they are being adhered to in practice,”

Member's explanatory statement

This amendment, read with the new sections 1(7) and 1(8), seeks to give effect to the proposition that Parliament cannot judge Rwanda to be a safe country until the Rwanda Treaty has been, and continues to be, fully implemented.

LORD COAKER
LORD HOPE OF CRAIGHEAD

- 14 Clause 2, page 3, line 2, at end insert “but may consider claims or complaints that the Republic of Rwanda will or may remove or send a person to another State in contravention of any of its international obligations, including in particular its obligations under the Refugee Convention.”

Member's explanatory statement

This amendment, along with others tabled to Clause 2 and 4 by Lord Coaker, would ensure that decision-making takes into account the systematic or individual risk to refoulement.

LORD COAKER

- 15 Clause 2, page 3, line 4, leave out paragraph (a)

Member's explanatory statement

This amendment, along with another tabled by Lord Coaker to clause 4, page 4, line 23, would ensure that decision-making taking into account the systematic or individual risk to refoulement is able to take place.

BARONESS LISTER OF BURTERSETT
 BARONESS D'SOUZA
 LORD CASHMAN

16 Clause 2, page 3, line 12, at end insert –

- “(4A) Subsections (1), (3) and (4) do not apply if the relevant court or tribunal finds that –
- (a) torture (as defined in the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984) has taken place in the Republic of Rwanda in the two years prior to the claim or complaint being made, or
 - (b) the person bringing the claim or complaint is themselves a survivor of torture.”

Member's explanatory statement

This amendment seeks to minimise the risk of torture arising from the Bill and to safeguard those who are survivors of torture.

BARONESS LAWLOR
 LORD FROST

17★ Clause 2, page 3, line 13, leave out subsection (5) and insert –

- “(5) This Act and the Illegal Migration Act 2023 will have effect in relation to removals to Rwanda notwithstanding –
- (a) any provision made by or under the Immigration Acts,
 - (b) the Human Rights Act 1998,
 - (c) EU derived law and case law retained under sections 2 to 7 of the European Union (Withdrawal) Act 2018,
 - (d) any other provision or rule of domestic law (including any common law), and
 - (e) international law, including any interpretation of international law by the court or tribunal.
- (6) Nothing identified in paragraphs (a) to (e) of subsection (5) may prevent or delay the removal to Rwanda of an individual under this Act or the Illegal Migration Act 2023, or affect the interpretation or application of any provision of this Act or the Illegal Migration Act 2023, including the actions or policies of public authorities, in relation to the removal of a person to Rwanda.
- (7) To the extent that any provision or requirement included in paragraphs (a) to (e) of subsection (5) has been given effect to in legislation (including 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), that legislation does not apply in relation to provision made by or by virtue of this Act or the Illegal Migration Act 2023 in relation to the removal of an individual to Rwanda, and shall not prevent or delay the removal to Rwanda of an individual under this Act or the Illegal Migration Act 2023.

- (8) A person or body to which subsection (9) applies may not have regard to international law, in the circumstances mentioned in subsection (11).
- (9) This subsection applies to –
 - (a) the Secretary of State or an immigration officer when exercising any function related to removing, or considering for removal a person to Rwanda under this Act or the Illegal Migration Act 2023;
 - (b) a court or tribunal when considering any application or appeal which relates to a decision or purported decision to remove, or to consider the removal of a person to Rwanda under this Act or the Illegal Migration Act 2023.
- (10) No inference is to be drawn from this section as to whether or not a person or body mentioned in subsection (9) would otherwise have been required to have regard to international law.
- (11) The Asylum and Immigration Appeals Act 1993 is amended as follows.
- (12) In section 2, at end insert “except in relation to the removal of a person to Rwanda under the Safety of Rwanda (Asylum and Immigration) Act 2024 and the Illegal Migration Act 2023”.

BARONESS CHAKRABARTI

18★ Clause 2, page 3, line 19, at end insert –

- “(6) A Minister of the Crown must lay before each House of Parliament a statement, if both of the following conditions are met –
 - (a) the first condition is that a court makes a declaration of incompatibility, under section 4 of the Human Rights Act 1998, in relation to this Act and, if an appeal lies –
 - (i) all persons who may appeal have stated in writing that they do not intend to do so; or
 - (ii) the time for bringing an appeal has expired and no appeal has been brought within that time; or
 - (iii) an appeal brought within that time has been determined or abandoned; and
 - (b) the second condition is that a Minister of the Crown has not laid a draft remedial order or a remedial order before Parliament, under section 10 of the Human Rights Act 1998.
- (7) The statement under subsection (6) must set out, with reasons, whether the Minister of the Crown –
 - (a) considers there are compelling reasons for proceeding; and
 - (b) intends to make a remedial order under section 10 of the Human Rights Act 1998.
- (8) The statement under subsection (6) must be laid before the end of a period of 28 days beginning with the day the condition in subsection (6)(a) is met.

- (9) Within the period of three sitting days beginning with the day on which the statement is laid –
- (a) a motion must be moved by a Minister of the Crown to be debated in each House of Parliament, and
 - (b) the motion must require each House to consider –
 - (i) the statement laid before Parliament under subsection (6);
 - (ii) whether to agree with the statement.”

Member's explanatory statement

This amendment prevents delay in considering making a remedial order, if a court declares this Act to be incompatible with a Convention right. Within 28 days of the latter of the declaration or exhaustion of any appeal rights, a Minister must make a statement to each House of Parliament about their proposed course of action and move a motion to be debated in each House of Parliament within a further three sitting days.

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

- 19 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

- 20 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.

LORD GERMAN

21★ Leave out Clause 3 and insert the following new Clause –

“Application of the Human Rights Act 1998

The Human Rights Act 1998 applies in its entirety to removals to the Republic of Rwanda.”

Clause 4

LORD ETHERTON
LORD CASHMAN
BARONESS BUTLER-SLOSS
BARONESS BRINTON

22 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 MEACHER
BARONESS BUTLER-SLOSS

23★ Clause 4, page 4, line 12, leave out “compelling”

Member's explanatory statement

This amendment would reduce the threshold for decision-makers to decide that Rwanda is not a safe country for an individual based on their particular circumstances by removing the requirement that this evidence be “compelling”.

LORD ETHERTON
LORD CASHMAN
BARONESS BUTLER-SLOSS

24 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
THE LORD BISHOP OF WINCHESTER

- 25 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 ETHERTON
LORD CASHMAN
BARONESS BUTLER-SLOSS

- 26 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 MEACHER
BARONESS BUTLER-SLOSS

- 27★ Clause 4, page 4, line 19, leave out “compelling”

Member's explanatory statement

This amendment would reduce the threshold for decision-makers to decide that Rwanda is not a safe country for an individual based on their particular circumstances by removing the requirement that this evidence be “compelling”.

LORD ETHERTON
LORD CASHMAN
BARONESS BUTLER-SLOSS

- 28 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 COAKER

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

Member's explanatory statement

This amendment, along with another tabled by Lord Coaker to Clause 2, page 3, line 4, would ensure that decision-making taking into account the systematic or individual risk to refoulement is able to take place.

LORD ETHERTON
LORD CASHMAN
BARONESS BUTLER-SLOSS

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

BARONESS MEACHER

31★ Clause 4, page 4, line 35, leave out “imminent”

Member's explanatory statement

This amendment would remove the requirement for granting an interim remedy that the risk of serious and irreversible harm to an individual be “imminent” if removed to the Republic of Rwanda.

BARONESS MEACHER

32★ Clause 4, page 4, line 42, leave out subsection (6) and insert –

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

Member's explanatory statement

This amendment means that exclusion of interim remedies from the Illegal Migration Act 2023 will not apply for the purposes of removals to the Republic of Rwanda.

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

33 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.

After Clause 4

BARONESS LISTER OF BURTERSETT
LORD DUBS
THE LORD BISHOP OF CHELMSFORD
BARONESS NEUBERGER

34★ After Clause 4, insert the following new Clause –

“Section 57 of the Illegal Migration Act 2023

Section 57 of the Illegal Migration Act 2023 (decisions relating to a person’s age) does not apply in relation to removals to the Republic of Rwanda.”

Member's explanatory statement

This amendment disapplies section 57 of the Illegal Migration Act 2023 in relation to removals to the Republic of Rwanda, to restore the ability of domestic courts and tribunals to fully consider suspensive judicial review claims regarding removal decisions taken on the basis of age assessments of unaccompanied children, given that the Rwanda Treaty “does not cover unaccompanied children”.

BARONESS BRINTON

35★ After Clause 4, insert the following new Clause –

“Duty with regards to unaccompanied children

When making a decision under this Act a decision-maker has a duty to take into account whether an individual is or arrived in the United Kingdom as an unaccompanied child.”

Member's explanatory statement

This amendment would require decision-makers to take into account whether an individual is or arrived in the UK as an unaccompanied child.

Clause 5

LORD HOPE OF CRAIGHEAD

- 36 Clause 5, page 5, line 15, leave out “Accordingly, a court or tribunal must not” and insert “Notwithstanding subsection (2), a court or tribunal may”

LORD COAKER
LORD HOPE OF CRAIGHEAD
LORD ANDERSON OF IPSWICH

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

Member's explanatory statement

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

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

- 38 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
THE LORD BISHOP OF ST EDMUNDSBURY AND IPSWICH
BARONESS CHAKRABARTI
THE LORD BISHOP OF BRISTOL

39 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

40 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

41 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 the Republic of 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 the Republic of 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.

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

42 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 from the United Kingdom on the basis of the Rwanda Treaty 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 under the Rwanda Treaty 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.

BARONESS D'SOUZA

43 After Clause 5, insert the following new Clause—

“Review of impact of this Act on rule of law

- (1) The Secretary of State must, within 6 months of the passing of this Act, lay before Parliament a review of the impact of the implementation of the Act on the rule of law in the United Kingdom.

- (2) The review under subsection (1) must in particular assess the impact of the Act on the right to an effective remedy and access to the courts, and the United Kingdom’s compliance with its international treaty obligations.”

LORD BROWNE OF LADYTON
LORD HOUGHTON OF RICHMOND
LORD STIRRUP
LORD KERR OF KINLOCHARD

44 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 UK 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 (a) or (b) above;
 - (d) persons who were the partners or family members of persons referred to in (a) or (b) above in a manner that now affects their claim for protection.
- (2) The exemption in (1) above includes but is not limited to persons eligible for entry to the UK under the Afghan Relocations and Assistance Policy (“ARAP”) and Afghan Citizens Resettlement Scheme (“ACRS”).”

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.

Clause 9

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

45 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.

LORD SCRIVEN

46★ Clause 9, page 6, line 39, at end insert “subject to subsection (1A).

- (1A) This Act may not come into force unless the Secretary of State has made a statement to Parliament that they are satisfied that the Independent Chief Inspector of Borders and Immigration would be able to monitor and report on the impact of this Act on meeting the purposes in section 1(1).”

Member's explanatory statement

This amendment would require the Government to make a statement that they are satisfied the Independent Chief Inspector of Borders and Immigration would be able to report on the impact of this Act before it can come into force.

BARONESS D'SOUZA

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

- “(1A) This Act ceases to have effect if a court of the United Kingdom declares it to be incompatible with domestic law.”

After Clause 9

BARONESS MEACHER

48★ 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 expiry of any provision of this Act.”

Member's explanatory statement*This amendment means that the Act expires on the same day the Treaty is terminated.*

Safety of Rwanda (Asylum and Immigration) Bill

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

29 February 2024

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