

Safety of Rwanda (Asylum and Immigration) Bill

SECOND MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

[Amendments marked ★ are new or have been altered]

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.

**Amendment
No.**

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 8

LORD DODDS OF DUNCAIRN

44ZA★ 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).”

LORD DUBS

44A Clause 8, page 6, line 27, leave out subsections (3) to (5)

Member's explanatory statement

This amendment aims to probe the extent to which the Government has consulted the Channel Islands on the provisions of the Act.

LORD ETHERTON

44B★ Clause 8, page 6, line 36, at end insert –

“(6) Reference to “Channel Islands” in subsections (3) and (4) excludes reference to Jersey.”

Member's explanatory statement

This amendment excludes Jersey from the territorial extent and application of the Bill.

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 [Withdrawn]

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4 March 2024

PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS