

Safety of Rwanda (Asylum and Immigration) Bill

COMMONS REASONS

[The page and line references are to HL Bill 41, the Bill as first printed for the Lords]

Clause 1

LORDS AMENDMENT 1

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

COMMONS REASON

The Commons disagree to Lords Amendment 1 for the following Reason –

- 1A** *Because the Commons consider that the provisions of the Bill are compliant with domestic and international obligations, and that it is therefore not necessary to provide expressly that this is the case when setting out the purpose of the Bill.*

LORDS NON-INSISTENCE AND AMENDMENT IN LIEU

The Lords do not insist on their Amendment 1, to which the Commons have disagreed for their Reason 1A, and do propose Amendment 1B in lieu –

- 1B** Clause 1, page 1, line 5, at end insert “while having due regard for domestic and international law.”

COMMONS REASON

The Commons disagree to Lords Amendment 1B for the following Reason –

- 1C** *Because the Commons consider that the provisions of the Bill are compliant with domestic and international obligations, and that it is therefore not necessary to refer expressly to having due regard for domestic and international law when setting out the purpose of the Bill.*

LORDS NON-INSISTENCE AND AMENDMENT IN LIEU

The Lords do not insist on their Amendment 1B, to which the Commons have disagreed for their Reason 1C, and do propose Amendment 1D in lieu –

- 1D** Clause 1, page 1, line 5, at end insert “while having due regard for –
- (a) international law, and
 - (b) the following Acts –
 - (i) the Children Act 1989;
 - (ii) the Human Rights Act 1998;
 - (iii) the Modern Slavery Act 2015.”

COMMONS REASON

The Commons disagree to Lords Amendment 1D for the following Reason –

- 1E** *Because the Commons consider that the provisions of the Bill are compliant with domestic and international obligations, and that it is therefore not necessary to refer expressly to having due regard for domestic and international law when setting out the purpose of the Bill.*

LORDS AMENDMENT 2

- 2** 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.”

COMMONS REASON

The Commons disagree to Lords Amendment 2 for Reason 3A

LORDS AMENDMENT 3

- 3** Clause 1, page 2, line 31, at 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.”

COMMONS REASON

The Commons disagree to Lords Amendments 2 and 3 for the following Reason –

- 3A** *Because the Commons consider that it is not necessary to refer expressly to the arrangements in the Rwanda Treaty being, and continuing to be, implemented and adhered to; the Bill is clear that it comes into force on the day on which the Rwanda Treaty enters into force and it is not appropriate for the Bill to legislate for Rwanda adhering to its obligations under the Treaty as Rwanda's ongoing adherence to its Treaty obligations will be subject to the monitoring provisions set out in the Treaty.*

LORDS NON-INSISTENCE AND AMENDMENTS IN LIEU

The Lords do not insist on their Amendments 2 and 3, to which the Commons have disagreed for their Reason 3A, and do propose Amendment 3B in lieu of Amendment 2 and Amendment 3C in lieu of Amendment 3 –

- 3B** Clause 1, page 1, line 12, leave out “is a safe country” and insert “will be a safe country when the arrangements provided for in the Rwanda Treaty have been fully implemented and for so long as they continue to be so.”
- 3C** Clause 1, page 2, line 31, at 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 Rwanda Treaty will cease to be treated as fully implemented if Parliament decides, on the advice of the Monitoring Committee, that the provisions of the treaty are no longer being adhered to in practice.”

COMMONS REASON

The Commons disagree to Lords Amendments 3B and 3C for the following Reason –

- 3D** *Because the Commons consider that it is not necessary to refer expressly to the arrangements in the Rwanda Treaty being, and continuing to be, implemented and adhered to; the Bill is clear that it comes into force on the day on which the Rwanda Treaty enters into force and it is not appropriate for the Bill to legislate for Rwanda adhering to its obligations under the Treaty as Rwanda's ongoing adherence to its Treaty obligations will be subject to the monitoring provisions set out in the Treaty.*

LORDS NON-INSISTENCE AND AMENDMENT IN LIEU

The Lords do not insist on their Amendments 3B and 3C, to which the Commons have disagreed for their Reason 3D, and do propose Amendment 3E in lieu of Amendment 3C –

- 3E** Clause 1, page 2, line 31, at end insert –
- “(7) The Republic of Rwanda cannot be treated as a safe country for the purposes of this Act until 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 Rwanda Treaty have been secured by the creation of the mechanisms listed in that Article.

- (8) The Republic of Rwanda will cease to be a safe country for the purposes of this Act if a statement is made to Parliament by the Secretary of State, on the advice of the Monitoring Committee, that the provisions of the Rwanda Treaty are no longer being adhered to in practice.”

COMMONS REASON

The Commons disagree to Lords Amendment 3E for the following Reason –

- 3F** *Because the Commons consider that it is not necessary to refer expressly to the arrangements in the Rwanda Treaty being, and continuing to be, implemented and adhered to; the Bill is clear that it comes into force on the day on which the Rwanda Treaty enters into force and it is not appropriate for the Bill to legislate for Rwanda adhering to its obligations under the Treaty as Rwanda’s ongoing adherence to its Treaty obligations will be subject to the monitoring provisions set out in the Treaty.*

Clause 4

LORDS AMENDMENT 6

- 6** 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,
 - (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.”

COMMONS REASON

The Commons disagree to Lords Amendment 6 for the following Reason –

- 6A** *Because the Commons consider that it is not appropriate to leave out clause 4 of the Bill and insert the new clause in the Amendment, as the Bill allows decision-makers to consider claims that Rwanda is unsafe for an individual due to their particular circumstances.*

LORDS NON-INSISTENCE AND AMENDMENT IN LIEU

The Lords do not insist on their Amendment 6, to which the Commons have disagreed for their Reason 6A, and do propose Amendment 6B in lieu –

- 6B** 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 the person belongs,
 - (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, providing such prevention or delay is for no longer than strictly necessary for the fair and expeditious determination of the case.
- (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 taking 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.”

COMMONS REASON

The Commons disagree to Lords Amendment 6B for the following Reason –

- 6C** *Because the Commons consider that it is not appropriate to leave out clause 4 of the Bill and insert the new clause in the Amendment, as the Bill allows decision-makers to consider claims that Rwanda is unsafe for an individual due to their particular circumstances.*

LORDS NON-INSISTENCE AND AMENDMENT IN LIEU

The Lords do not insist on their Amendment 6B, to which the Commons have disagreed for their Reason 6C, and do propose Amendment 6D in lieu –

- 6D** Leave out Clause 4 and insert the following new Clause –

“Decisions in individual claims

- (1) Where credible evidence displaces the conclusion that the Republic of Rwanda is a safe country, 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 the person belongs,
 - (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 having heard from, or having taken all reasonable steps to hear from, the Secretary of State, 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, providing such prevention or delay is for no longer than strictly necessary for the fair and expeditious determination of the case.
- (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.”

COMMONS REASON

The Commons disagree to Lords Amendment 6D for the following Reason –

- 6E** *Because the Commons consider that it is not appropriate to leave out clause 4 of the Bill and insert the new clause in the Amendment, as the Bill allows decision-makers to consider claims that Rwanda is unsafe for an individual due to their particular circumstances.*

After Clause 5

LORDS AMENDMENT 10

- 10** 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”).”

COMMONS REASON

The Commons disagree to Lords Amendment 10 for the following Reason –

- 10A** *Because the Commons consider that it is not necessary as the only way individuals should come to the UK is through safe and legal routes.*

LORDS NON-INSISTENCE AND AMENDMENT IN LIEU

The Lords do not insist on their Amendment 10, to which the Commons have disagreed for their Reason 10A, and do propose Amendment 10B in lieu –

- 10B** 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”).
- (3) A person seeking to rely upon the exemption in (1) above must give the Secretary of State notice as soon as reasonably practicable to allow prompt verification of available records as to allies, agents, employees, contractors and family members.”

COMMONS REASON

The Commons disagree to Lords Amendment 10B for the following Reason –

- 10C** *Because the Commons consider that it is not necessary as the only way individuals should come to the UK is through safe and legal routes.*

LORDS NON-INSISTENCE AND AMENDMENT IN LIEU

The Lords do not insist on their Amendment 10B, to which the Commons have disagreed for their Reason 10C, and do propose Amendment 10D in lieu –

- 10D** 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 paragraph (a) or (b) above;
 - (d) persons who were the partners or family members of persons referred to in paragraph (a) or (b) above in a manner that now affects their claim for protection.
- (2) The exemption in subsection (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”).

- (3) A person seeking to rely upon the exemption in subsection (1) above shall give the Secretary of State notice as soon as reasonably practicable to allow prompt verification of available records as to allies, agents, employees, contractors and family members.
- (4) Failure to give reasonable notice as required under subsection (3) above, may in the absence of available records verifying the claimant's qualification for exemption under this section, allow a court or tribunal to draw adverse inferences as to the credibility of the claimant's case for exemption."

COMMONS REASON

The Commons disagree to Lords Amendment 10D for the following Reason –

10E

Because the Commons consider that it is not necessary as the only way individuals should come to the UK is through safe and legal routes.

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COMMONS REASONS

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