
Committee Stage: Friday 12 January 2024

Safety of Rwanda (Asylum and Immigration) Bill

(Amendment Paper)

This document lists all amendments tabled to the Safety of Rwanda (Asylum and Immigration) Bill. Any withdrawn amendments are listed at the end of the document. The amendments are arranged in the order in which it is expected they will be decided.

★ New Amendments.

☆ Amendments which will comply with the required notice period at their next appearance.

New Amendments: 28 to 58 and NC3 to NC12

DAY 1

CLAUSES 2 AND 4; NEW CLAUSES AND NEW SCHEDULES RELATING TO THE
SUBJECT MATTER OF THOSE CLAUSES

Alison Thewliss

45

Chris Stephens
Stephen Flynn
Owen Thompson

★ Clause 2, page 2, line 34, leave out “safe” and insert “unsafe”

Mr Rob Roberts

1

Clause 2, page 2, line 34, at end insert—

“(1A) The Secretary of State must lay a report before Parliament no later than one year after this Act is passed, and at least once in every subsequent calendar year, on whether in the judgement of His Majesty's Government the Republic of Rwanda is a safe country.”

Member's explanatory statement

This amendment requires the Secretary of State to monitor on an ongoing basis whether Rwanda remains a safe country and to report the outcome to the House.

Alison Thewliss

46

Chris Stephens
Stephen Flynn
Owen Thompson

★ Clause 2, page 2, line 41, leave out “not”

Member's explanatory statement

This amendment would require a court or tribunal to consider review or appeals of decisions relating to the removal of a person to Rwanda.

Alison Thewliss

47

Chris Stephens
Stephen Flynn
Owen Thompson

★ Clause 2, page 3, line 3, leave out “not”

Member's explanatory statement

This amendment would require a court or tribunal to consider claims about actions of the Republic of Rwanda.

Yvette Cooper

35

Stephen Kinnock

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

Member's explanatory statement

This amendment would permit courts and tribunals to deal with systematic risk of refoulement from Rwanda.

Sir Edward Leigh

56

★ Clause 2, page 3, line 12, at end insert—

“(d) any claim or complaint made by a person on the grounds that the Republic of Rwanda is not a safe country if the person has—

(i) participated or engaged in any activity, or made any communication containing serious allegations, which has led directly to bringing into

question the safety of the Republic of Rwanda in general or in relation to that person, or

- (ii) colluded or conspired with any other persons who have participated or engaged in any activity, or in any communication containing serious allegations, which could lead directly to bringing into question the safety of the Republic of Rwanda in general or in relation to those persons.”

Member's explanatory statement

This amendment would prevent a court or tribunal considering a claim that Rwanda is not a safe country from persons who deliberately tried to put themselves in jeopardy if they were removed to Rwanda.

Sir William Cash

10

Robert Jenrick
Sir Simon Clarke
Mr Mark Francois
Danny Kruger
Sir Jacob Rees-Mogg

Sir Jake Berry
Suella Braverman
Richard Drax
Chris Green
Sir John Hayes
Adam Holloway
Dr Caroline Johnson
Andrew Lewer
Lia Nici
Sir Desmond Swayne
Greg Smith
Sir Greg Knight
Andrew Rosindell
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Miriam Cates
Sir Iain Duncan Smith
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Sir Bill Wiggins
Marco Longhi
Sir Christopher Chope
Craig Mackinlay
Jill Mortimer
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Dr Matthew Offord
Philip Davies

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Miss Sarah Dines
Mr Marcus Fysh
Jonathan Gullis
Mr Philip Hollobone
Dame Andrea Jenkyns
Sir Edward Leigh
Karl McCartney
John Redwood
Michael Fabricant
Henry Smith
Adam Afriyie
Sir James Duddridge
Jack Brereton
Elizabeth Truss
Paul Bristow

Clause 2, page 3, line 13, leave out subsection (5) and insert—

“(5A) 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.

(5B) Nothing identified in paragraphs (a) to (e) of subsection (5A) 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.

- (5C) To the extent that any provision or requirement included in paragraphs (a) to (e) of subsection (5A) 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.
- (5D) A person or body to which subsection (5E) applies may not have regard to international law, in the circumstances mentioned in subsection (5G).
- (5E) 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.
- (5F) No inference is to be drawn from this section as to whether or not a person or body mentioned in subsection (5E) would otherwise have been required to have regard to international law.
- (5G) The Asylum and Immigration Appeals Act 1993 is amended as follows.
- (5H) In section 2 at the 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”.

Member's explanatory statement

This amendment specifically excludes the legislation raised in *AAA v Secretary of State of the Home Department* [2023] UKSC 42 as potential blocks to removal and excludes from consideration any international law (including the ECHR and anything put out by its court).

Robert Jenrick

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Suella Braverman
Miriam Cates
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Robin Millar

Clause 4, page 4, line 11, leave out from “whether” to the end of line 14 and insert “and in what manner a person is to be removed, or considered for removal, to Rwanda under this Act or the Illegal Migration Act 2023”

Member's explanatory statement

This and other amendments to Clause 4 are intended to remove the ability of individuals to block their own removal through suspensive claims and to limit such claims to rare situations where there is bad faith on the part of decision-makers in relation to decisions as to medical fitness to travel.

Alison Thewliss

48

Chris Stephens
Stephen Flynn
Owen Thompson

★ Clause 4, page 4, line 13, leave out from “circumstances” to end of line 14

Member's explanatory statement

This amendment is intended to allow the decision-maker to consider whether the Republic of Rwanda is not a safe country in general.

Robert Jenrick

20

Suella Braverman
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Clause 4, page 4, line 18, leave out from “that” to end of line 22 and insert “are expressly permitted by this Act or by the Illegal Migration Act 2023”

Member's explanatory statement

This and other amendments to Clause 4 are intended to remove the ability of individuals to block their own removal through suspensive claims and to limit such claims to rare situations where there is bad faith on the part of decision-makers in relation to decisions as to medical fitness to travel.

Alison Thewliss

49

Chris Stephens
Stephen Flynn
Owen Thompson

★ Clause 4, page 4, line 20, leave out from “circumstances” to end of line 22

Member's explanatory statement

This amendment is intended to allow the court or tribunal to consider whether the Republic of Rwanda is not a safe country in general.

Yvette Cooper

37

Stephen Kinnock

★ 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 to Rwanda.

Alison Thewliss

50

Chris Stephens
Stephen Flynn
Owen Thompson

★ Clause 4, page 4, line 23, leave out subsections (2) to (7).

Mr Rob Roberts

2

Clause 4, page 4, line 27, at end insert —

- “(2A) Any review or appeal under subsection (1) may be considered only after the person in question has arrived in Rwanda.
- (2B) The Secretary of State may provide any necessary technical assistance, including access to video-links, to the person in question if it appears reasonable to a Minister of the Crown that such assistance should be provided in order to enable the person in question to request a review or make an appeal after their arrival in Rwanda.
- (2C) The Secretary of State may provide any necessary incidental or medical assistance to the person in question if it appears reasonable, in the circumstances of that individual person in question, to a Minister of the Crown that such assistance should be provided in order to enable the person in question to travel to, and if necessary to be looked after or quarantined following arrival in, the Republic of Rwanda.
- (2D) Any decision by a Minister of the Crown in relation to subsection (2B) or (2C) shall be final for all purposes and may not be considered or questioned in any tribunal or court.”

Member's explanatory statement

This amendment would allow reviews and appeals to take place only after the person had reached Rwanda; allow video-links for an appeal made from Rwanda; authorise the provision of any necessary medical help or quarantine on the way and if necessary after arrival in Rwanda; and prevent the courts from questioning decisions on assistance made by Ministers.

Mr Rob Roberts

3

Clause 4, page 4, line 28, leave out subsections (3) to (6) and insert—

- “(2E) No order for an interim remedy under this section may be made by any tribunal or court.”

Member's explanatory statement

This amendment seeks to ensure that the courts cannot prevent removals to Rwanda, and cannot require return to the UK before an appeal or review has been completed.

Robert Jenrick

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Robin Millar

Clause 4, page 4, line 34, leave out from “is” to end of line 37 and insert “expressly permitted to do so by this Act or by the Illegal Migration Act 2023”

Member's explanatory statement

This and other amendments to Clause 4 are intended to remove the ability of individuals to block their own removal through suspensive claims and to limit such claims to rare situations where there is bad faith on the part of decision-makers in relation to decisions as to medical fitness to travel.

Sir Edward Leigh

57

★ Clause 4, page 5, line 1 , at end insert—

““compelling evidence” may not include foreseeable risk of any kind of harm to a person if that person has—

- (i) participated or engaged in any activity, or made any communication containing serious allegations, which has led directly to bringing into question the safety of the Republic of Rwanda in the particular individual circumstances of that person, or
- (ii) colluded or conspired with any other persons who have participated or engaged in any activity, or in any communication containing serious allegations, which could lead to bringing into question the safety of the Republic of Rwanda in the particular individual circumstances of that person.”

Member's explanatory statement

This amendment would prevent the Secretary of State, an immigration officer or a court or tribunal considering a claim that Rwanda was not a safe country for the particular individual circumstances of a person if that person had deliberately tried to put themselves in jeopardy if they were removed to Rwanda.

Robert Jenrick

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Clause 4, page 5, line 7, at end insert —

“(8) The Illegal Migration Act 2023 is amended as follows.

(9) In section 8 at the end insert—

“(18) In relation to notices under subsection (2) which specify Rwanda as the country of destination —

- (a) paragraph 2(b) does not apply, and
- (b) subsections (3) to (7) do not apply.”

(10) After section 8 insert—

“8A Finality of decisions

- (1) Subsections (2) and (3) apply in relation to persons named in notices as described in subsection 8(18), and all matters, decisions, or conclusions reached in relation to their selection, processing, detention, and removal.
- (2) These matters, decisions, and conclusions are final, and not liable to be questioned or set aside in any court or tribunal.
- (3) In particular—

- (a) the decision maker is not to be regarded as having exceeded its powers by reason of any error made in reaching the decision;
- (b) the supervisory jurisdiction does not extend to, and no application or petition for judicial review may be made or brought in relation to, the decision.
- (4) Subsection (5) applies only in relation to decisions as to medical fitness to travel to Rwanda.
- (5) Subsections (2) and (3) do not apply so far as the decision involves or gives rise to any question as to whether the decision maker is acting or has acted in bad faith.
- (6) The court of supervisory jurisdiction is not to entertain any application or petition for judicial review in respect of a decision relating to a removal or proposed removal to Rwanda that it would not entertain (whether as a matter of law or discretion) in the absence of this section.
- (7) In this section—
- “bad faith” means dishonesty or personal malice, and does not include unreasonableness or actions taken which are inconsistent with international law;
- “decision” includes any purported decision;
- “first-instance decision” means the decision in relation to which permission (or leave) to appeal is being sought;
- “the supervisory jurisdiction” means the supervisory jurisdiction of—
- (a) the High Court in England and Wales or Northern Ireland, or
- (b) the Court of Session, in Scotland,
- and
- “the court of supervisory jurisdiction” is to be read accordingly.”
- (11) After the cross-heading “*Entry, settlement and citizenship*”, insert—
- “29A Exclusion of certain provisions relating to entry, settlement and citizenship**
- Sections 30 to 37, and the other legislation therein mentioned or referred to, shall not apply if they have the effect of preventing or delaying any removal notified under this Act to Rwanda.”
- (12) After the cross-heading “*Legal proceedings*” insert—
- “37A Exclusion of certain provisions relating to legal proceedings**
- (1) Subsections (2) and (3) apply in relation to persons named in notices as described in subsection 8(18).
- (2) Suspensive claims, as defined in section 38, are not available in relation to such persons.
- (3) Where suspensive claims (including any appeals) have been commenced prior to the giving of notice, such claims and any pending appeals are

null and void and shall not prevent removal or have any other legal effect.””

Member's explanatory statement

This amendment limits the ability of courts to review, and restricts suspensive claims that may be made, in relation to the decision to remove a person to Rwanda.

Yvette Cooper

NC6

Stephen Kinnock

★ To move the following Clause—

“Changes to the classification of Rwanda as safe

- (1) A Monitoring Committee overseeing removals to Rwanda must be established and maintained in accordance with Article 15 of the Rwanda Treaty.
- (2) 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 (3) below.
- (3) 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, 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.

DAY 2

CLAUSES 3 AND 5 TO 10; REMAINING NEW CLAUSES AND NEW SCHEDULES;
CLAUSE 1; REMAINING PROCEEDINGS ON THE BILL

Robert Jenrick

11

Suella Braverman

Sir John Hayes

Sir Iain Duncan Smith

Mr David Jones

Miriam Cates

Scott Benton

Sir William Cash

Richard Drax

Chris Green

Gordon Henderson

Tom Hunt

Danny Kruger

Anne Marie Morris

Neil O'Brien

Sir Desmond Swayne

Marco Longhi

Sir Christopher Chope

Craig Mackinlay

Jill Mortimer

Nick Fletcher

Dr Matthew Offord

Philip Davies

Sir Jake Berry

Sir Simon Clarke

Mr Mark Francois

James Grundy

Mr Philip Hollobone

Dame Andrea Jenkyns

Sir Edward Leigh

Karl McCartney

John Redwood

Sir Bill Wiggin

Henry Smith

Adam Afriyie

Sir James Duddridge

Jack Brereton

Elizabeth Truss

Paul Bristow

Ben Bradley

Miss Sarah Dines

Mr Marcus Fysh

Jonathan Gullis

Adam Holloway

Dr Caroline Johnson

Andrew Lewer

Lia Nici

Sir Jacob Rees-Mogg

Greg Smith

Sir Greg Knight

Andrew Rosindell

Bob Blackman

Kelly Tolhurst

Eddie Hughes

Robin Millar

Clause 3, page 3, line 21, after “Act” insert “, and of the Illegal Migration Act 2023 insofar as they relate to the removal of persons to Rwanda”

Member's explanatory statement

This amendment is intended to ensure that the relevant provisions of the Human Rights Act 1998 are fully disapplied for both this Bill and for the Illegal Migration Act 2023 in relation to removals to Rwanda – including by ruling out the use of sections 4 and 10 of the HRA.

Robert Jenrick

12

Suella Braverman
 Sir John Hayes
 Sir Iain Duncan Smith
 Mr David Jones
 Miriam Cates

Scott Benton
 Sir William Cash
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 Chris Green
 Gordon Henderson
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 Sir James Duddridge
 Jack Brereton
 Elizabeth Truss
 Paul Bristow

Clause 3, page 3, line 22, after “disapplied” insert “,in relation to both of those Acts in relation to the removal of a person to Rwanda”

Member's explanatory statement

This amendment is intended to ensure that the relevant provisions of the Human Rights Act 1998 are fully disapplied for both this Bill and for the Illegal Migration Act 2023 in relation to removals to Rwanda – including by ruling out the use of sections 4 and 10 of the HRA.

Robert Jenrick

13

Suella Braverman
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 Robin Millar

Clause 3, page 3, line 25, after “legislation),” insert—

“(ba) sections 4 (declaration of incompatibility) and 10 (power to take remedial action),”

Member's explanatory statement

This amendment is intended to ensure that the relevant provisions of the Human Rights Act 1998 are fully disapplied for both this Bill and for the Illegal Migration Act 2023 in relation to removals to Rwanda – including by ruling out the use of sections 4 and 10 of the HRA.

Robert Jenrick

14

Suella Braverman
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Nick Fletcher
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Philip Davies

Clause 3, page 3, line 27, leave out from “apply” to end of line 29 and insert “in relation into provision made by or by virtue of this Act, the Illegal Migration Act 2023 and the Immigration Acts in relation to the removal of a person to Rwanda”

Member's explanatory statement

This amendment is intended to ensure that the relevant provisions of the Human Rights Act 1998 are fully disapplied for both this Bill and for the Illegal Migration Act 2023 in relation to removals to Rwanda – including by ruling out the use of sections 4 and 10 of the HRA.

Robert Jenrick

15

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Clause 3, page 3, line 30, at end insert “, the Illegal Migration Act 2023 or the Immigration Acts”

Member's explanatory statement

This amendment is intended to ensure that the relevant provisions of the Human Rights Act 1998 are fully disapplied for both this Bill and for the Illegal Migration Act 2023 in relation to removals to Rwanda – including by ruling out the use of sections 4 and 10 of the HRA.

Robert Jenrick

16

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Clause 3, page 3, line 30, at end insert—

“(4A) Sections 4 and 10 do not apply in relation to provision made by or by virtue of this Act, the Illegal Migration Act 2023, or the Immigration Acts.”

Member's explanatory statement

This amendment is intended to ensure that the relevant provisions of the Human Rights Act 1998 are fully disapplied for both this Bill and for the Illegal Migration Act 2023 in relation to removals to Rwanda – including by ruling out the use of sections 4 and 10 of the HRA.

Robert Jenrick

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 Sir Edward Leigh
 Karl McCartney
 John Redwood
 Sir Bill Wiggin
 Henry Smith
 Adam Afriyie
 Sir James Duddridge
 Jack Brereton
 Elizabeth Truss
 Paul Bristow

Ben Bradley
 Miss Sarah Dines
 Mr Marcus Fysh
 Jonathan Gullis
 Adam Holloway
 Dr Caroline Johnson
 Andrew Lewer
 Lia Nici
 Sir Jacob Rees-Mogg
 Greg Smith
 Sir Greg Knight
 Andrew Rosindell
 Bob Blackman
 Kelly Tolhurst
 Eddie Hughes
 Robin Millar

Clause 3, page 3, line 32, leave out paragraphs (a) to (c) and insert “provision made in relation to the removal or proposed removal to Rwanda by or by virtue of this Act or the Illegal Migration Act 2023.”

Member's explanatory statement

This amendment is intended to ensure that the relevant provisions of the Human Rights Act 1998 are fully disapplied for both this Bill and for the Illegal Migration Act 2023 in relation to removals to Rwanda – including by ruling out the use of sections 4 and 10 of the HRA.

Robert Jenrick

18

Suella Braverman
 Sir John Hayes
 Sir Iain Duncan Smith
 Mr David Jones
 Miriam Cates

Scott Benton
 Sir William Cash
 Richard Drax
 Chris Green
 Gordon Henderson
 Tom Hunt
 Danny Kruger
 Anne Marie Morris
 Neil O'Brien
 Sir Desmond Swayne
 Marco Longhi
 Sir Christopher Chope
 Craig Mackinlay
 Jill Mortimer
 Nick Fletcher
 Dr Matthew Offord
 Philip Davies

Sir Jake Berry
 Sir Simon Clarke
 Mr Mark Francois
 James Grundy
 Mr Philip Hollobone
 Dame Andrea Jenkyns
 Sir Edward Leigh
 Karl McCartney
 John Redwood
 Sir Bill Wiggin
 Henry Smith
 Adam Afriyie
 Sir James Duddridge
 Jack Brereton
 Elizabeth Truss
 Paul Bristow

Ben Bradley
 Miss Sarah Dines
 Mr Marcus Fysh
 Jonathan Gullis
 Adam Holloway
 Dr Caroline Johnson
 Andrew Lewer
 Lia Nici
 Sir Jacob Rees-Mogg
 Greg Smith
 Sir Greg Knight
 Andrew Rosindell
 Bob Blackman
 Kelly Tolhurst
 Eddie Hughes
 Robin Millar

Clause 3, page 4, line 6, at end insert—

“(5A) This section applies only in relation to the removal or proposed removal of a person to Rwanda under this Act or the Illegal Migration Act 2023.”

Member's explanatory statement

This and other amendments to Clause 3 are intended to ensure that the relevant provisions of the Human Rights Act 1998 are fully disapplied for both this Bill and for the Illegal Migration Act 2023 in relation to removals to Rwanda – including by ruling out the use of sections 4 and 10 of the HRA. The Immigration Acts are listed in section 61(4) of the UK Borders Act 2007, as amended.

Mr Alistair Carmichael

6

Sir Robert Buckland

Page 3, line 21, leave out Clause 3

Yvette Cooper

38

Stephen Kinnock

★ Clause 5, page 4, line 23, after “in person” insert “in consultation with the Attorney General.”

Member's explanatory statement

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

Mr Alistair Carmichael

7

Clause 5, page 5, line 12, 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.

Robert Jenrick

23

Sir John Hayes
Suella Braverman
Miriam Cates
Sir Iain Duncan Smith
Sir Simon Clarke

Scott Benton
Sir William Cash
Mr Mark Francois
James Grundy
Mr Philip Hollobone
Dame Andrea Jenkyns
Danny Kruger
Anne Marie Morris
Neil O'Brien
Sir Desmond Swayne
Marco Longhi
Adam Afriyie
Sir James Duddridge
Jill Mortimer
Nick Fletcher
Dr Matthew Offord
Philip Davies

Sir Jake Berry
Miss Sarah Dines
Mr Marcus Fysh
Jonathan Gullis
Adam Holloway
Dr Caroline Johnson
Sir Edward Leigh
Kerry McCarthy
John Redwood
Sir Bill Wiggin
Henry Smith
Andrew Rosindell
Mrs Natalie Elphicke
Jack Brereton
Elizabeth Truss
Paul Bristow

Ben Bradley
Richard Drax
Chris Green
Gordon Henderson
Tom Hunt
Mr David Jones
Andrew Lewer
Lia Nici
Sir Jacob Rees-Mogg
Greg Smith
Sir Greg Knight
Craig Mackinlay
Bob Blackman
Kelly Tolhurst
Eddie Hughes
Robin Millar

Clause 5, page 5, line 13, leave out subsection (2) and insert —

“(2A) The interim measure is not binding on the United Kingdom, and will have no effect on any provision made by or by virtue of this Act or the Illegal Migration Act 2023, and shall not prevent or delay the removal of a person to Rwanda under this Act or the Illegal Migration Act 2023.”

Member's explanatory statement

This ensures that the default position is that Rule 39 indications are not treated as binding on the United Kingdom and will not prevent removals to Rwanda, but to provide an optional discretion to Ministers.

Mr Alistair Carmichael

8

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.

Alison Thewliss

51

Chris Stephens
Stephen Flynn
Owen Thompson

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

Member's explanatory statement

This amendment would require court or tribunal to have regard to an interim measure of the European Court of Human Rights.

Robert Jenrick

24

Sir John Hayes
Suella Braverman
Miriam Cates
Sir Iain Duncan Smith
Sir Simon Clarke

Scott Benton
Sir William Cash
Mr Mark Francois
James Grundy
Mr Philip Hollobone
Dame Andrea Jenkyns
Danny Kruger
Anne Marie Morris
Neil O'Brien
Sir Desmond Swayne
Marco Longhi
Adam Afriyie
Sir James Duddridge
Jill Mortimer
Nick Fletcher
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Sir Jake Berry
Miss Sarah Dines
Mr Marcus Fysh
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Adam Holloway
Dr Caroline Johnson
Sir Edward Leigh
Kerry McCarthy
John Redwood
Sir Bill Wiggins
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Andrew Rosindell
Mrs Natalie Elphicke
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Elizabeth Truss
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Ben Bradley
Richard Drax
Chris Green
Gordon Henderson
Tom Hunt
Mr David Jones
Andrew Lewer
Lia Nici
Sir Jacob Rees-Mogg
Greg Smith
Sir Greg Knight
Craig Mackinlay
Bob Blackman
Kelly Tolhurst
Eddie Hughes
Robin Millar

Clause 5, page 5, line 19, leave out subsection (4) and insert—

“(4A) A Minister of the Crown, acting in person, may (but need not) determine that the duty to remove in section 2(1) of the Illegal Migration Act 2023 is not to apply in relation to a person to whom this section applies.”

Member's explanatory statement

This amendment is linked to Amendment 23.

Alison Thewliss

52

Chris Stephens
 Stephen Flynn
 Owen Thompson

★ Clause 5, page 5, line 22, leave out paragraph (b)

Member's explanatory statement

This amendment removes the definition in relation to Clause 5 of "Minister of the Crown" as a Minister of the Crown acting in person.

Stella Creasy

9

Clause 5, page 5, line 23, at end insert—

- “(5) The Government must, within three months of this Act receiving Royal Assent, lay before Parliament a copy of a report setting out how this clause is compatible with Section 7A of the European Withdrawal Act and the UK’s obligations to citizens under the Good Friday Agreement.
- (6) Within three sitting days of a report being laid under subsection (5) the Government must move in each House an amendable motion that that House has considered and approved the report which has been laid.
- (7) Subsections (2) and (3) do not come into force until such a time as both Houses have passed motions under subsection (6) approving reports laid under subsection (5).”

Robert Jenrick

25

Sir John Hayes
 Suella Braverman
 Miriam Cates
 Sir Iain Duncan Smith
 Sir Simon Clarke

Scott Benton
 Sir William Cash
 Mr Mark Francois
 James Grundy
 Mr Philip Hollobone
 Dame Andrea Jenkyns
 Danny Kruger
 Anne Marie Morris
 Neil O'Brien
 Sir Desmond Swayne
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 Gordon Henderson
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 Mr David Jones
 Andrew Lewer
 Lia Nici
 Sir Jacob Rees-Mogg
 Greg Smith
 Sir Greg Knight
 Craig Mackinlay
 Bob Blackman
 Kelly Tolhurst
 Eddie Hughes
 Robin Millar

Clause 5, page 5 line 23, at the end insert —

- “(5) Section 55 of the Illegal Migration Act 2023 is amended as follows.
- (6) In subsection (6) —
- (a) omit “Where a Minister of the Crown does not make a determination under subsection (2)”, and
 - (b) after “applies” insert “in relation to the removal or proposed removal of a person to Rwanda”.
- (7) For subsection (9) substitute —
- “(9A) Where a Minister of the Crown has not made a determination under subsection (2) in relation to the removal or proposed removal of a person to Rwanda, section 4(2) of the Safety of Rwanda (Asylum and Immigration) Act 2024 applies.”
- (8) After subsection (10) insert—
- “(11) Section 8(18) applies to any decisions made in connection with this section or section 5 of the Safety of Rwanda (Asylum and Immigration) Act 2024.””

Member's explanatory statement

This amendment ensures that the default position is that Rule 39 indications are not treated as binding on the United Kingdom and will not prevent removals to Rwanda, but to provide an optional discretion to Ministers.

Sir Robert Buckland

26

☆ Page 5, line 8, leave out Clause 5

Sir Robert Buckland

58

★ Clause 7, page 6, leave out line 18 and insert—

““safe country”—

- (a) means a country to which persons may be removed from the United Kingdom in compliance with all of the United Kingdom’s obligations under international law, and
- (b) includes, in particular, a country—
 - (i) from which a person removed to that country will not be removed or sent to another country in contravention of any international law, and
 - (ii) in which any person who is seeking asylum or who has had an asylum determination will both have their claim determined and be treated in accordance with that country’s obligation under international law.”

Member's explanatory statement

This amendment is consequential on the removal of Clause 1 and restores to the Bill a different clarification of the meaning of "safe country" for the purposes of the Bill.

Patrick Grady 4
Joanna Cherry

Clause 8, page 6, line 23, leave out "Scotland"

Member's explanatory statement

The intention of this amendment is to prevent the Bill affecting the law in Scotland.

Patrick Grady 5
Joanna Cherry

Clause 8, page 6, line 25, after "within" insert "the rest of"

Member's explanatory statement

The intention of this amendment is to ensure that any amendment made by any Act resulting from this Bill would affect only the rest of the UK, and not Scotland (see Amendment 4).

Joanna Cherry 32

★ Clause 8, page 6, line 25, leave out "the United Kingdom" and insert "England and Wales and Northern Ireland."

Member's explanatory statement

This amendment is linked to Amendment 4 and is intended to remove the application of this Bill to Scotland.

Sir Robert Buckland 28

★ Clause 9, page 6, line 38, after "Act" insert "except section 2"

Member's explanatory statement

This is a paving amendment for Amendments 29 and 30.

Alison Thewliss 53
Chris Stephens
Stephen Flynn
Owen Thompson

- ★ Clause 9, page 6, line 38, leave out from “Act” to end of line 39 and insert “shall only come into force only when each House of Parliament has come to Resolution on the following motion tabled by a Minister of the Crown: That the Agreement, done at Kigali on 5 December 2023, between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Rwanda for the Provision of an Asylum Partnership Agreement to Strengthen Shared International Commitments on the Protection of Refugees and Migrants (CP 994), a copy of which was laid before Parliament on 6 December 2023, should not be ratified.”

Member's explanatory statement

This amendment aims to remove the treaty section from the bill and ensure there's a separate debate on the matter.

Yvette Cooper

36

Stephen Kinnock

- ★ Clause 9, page 6, line 38, after “enters into force” insert “, or the day on which a full economic impact assessment for the bill is published including any financial memorandum signed between Rwanda and the UK 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, in advance of the Bill entering into force.

Joanna Cherry

33

- ★ Clause 9, page 6, line 39, after “force” insert “in England and Wales and in Northern Ireland”

Member's explanatory statement

This is a paving amendment for Amendment 34.

Sir Robert Buckland

29

- ★ Clause 9, page 6, line 39, at end insert—

“(1A) The Secretary of State may by order made by statutory instrument bring section 2 into force.”

Member's explanatory statement

This Amendment makes the commencement of Clause 2 (Safety of the Republic of Rwanda) subject to a commencement order.

Joanna Cherry

34

★ Clause 9, page 6, line 39, at end insert—

“(1A) This Act comes into force in Scotland on the day after the Scottish parliament grants its legislative consent to this Act.”

Member's explanatory statement

This amendment would prevent the Bill coming into effect in Scotland until after it had been agreed to by the Scottish Parliament.

Sir Robert Buckland

30

★ Clause 9, page 6, line 39, at end insert—

“(1B) The Secretary of State may not make an order under subsection (1A) before—

- (a) at least 30 days have elapsed since the Rwanda Treaty entered into force, and only if
- (b) the Secretary of State is satisfied with the extent of the implementation by Rwanda of its domestic obligations under the Rwanda Treaty since the Treaty entered into force.”

Member's explanatory statement

This Amendment makes the commencement order for Clause 2 (Safety of the Republic of Rwanda) contingent on the Secretary of State being satisfied with the implementation by Rwanda of its domestic obligations under the new Treaty.

Stella Creasy

NC2

☆ To move the following Clause—

“Monitoring and enforcement of conditions (No. 2)

- (1) If the conditions of subsection (2) are met, then no provision of this Act shall have effect until such as time as each House of Parliament has passed a motion agreeing that the Act remain in effect.
- (2) The conditions of this subsection are that the Monitoring Committee has—
 - (a) published a report noting that any provision of the UK-Rwanda treaty is not being adhered to by either party,
 - (b) published a report noting that the conditions under which asylum seekers are being held in Rwanda are materially different to those in place at the point where the UK-Rwanda treaty was signed, or
 - (c) ot published a report in the last six months confirming that neither (2)(a) or (2)(b) have in their view been necessary.
- (3) For the purposes of this section, the Monitoring Committee refers to the Committee established by Article 15 of the UK-Rwanda treaty: provision of an asylum partnership.”

Sir Jeffrey M Donaldson

NC3

Sammy Wilson
Gavin Robinson
Mr Gregory Campbell
Carla Lockhart
Jim Shannon

Ian Paisley

Paul Girvan

★ To move the following Clause—

“Effect in Northern Ireland

The provisions of this Act shall have effect in Northern Ireland, notwithstanding Section 7A of the European Union (Withdrawal) Act 2018.”

Joanna Cherry

NC4

★ To move the following Clause—

“Court of Session

Notwithstanding anything in this Act the supervisory jurisdiction and the nobile officium of the Court of Session are preserved.”

Yvette Cooper

NC5

Stephen Kinnock

★ To move the following 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.”

Member's explanatory statement

This new clause places the Monitoring Committee for the Rwanda Treaty on a statutory basis, requires regular reporting to Parliament, and ensures that their findings can be reviewed and can affect the operation of measures in the Act resulting from this Bill.

Yvette Cooper

NC7

Stephen Kinnock

★ To move the following Clause—

“Reporting requirements

- (1) Within 60 days of this Act receiving Royal Assent, and at every 90 days subsequently, 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, and
 - (c) the quarterly and total costs incurred to transfer individuals to Rwanda under the Rwanda Treaty, including processing costs.
- (2) The Secretary of State must also notify Parliament within 10 days of any direct payments being made to the Republic of Rwanda under the terms of the Rwanda Treaty.”

Member's explanatory statement

This new clause requires the Secretary to report regularly to Parliament on the operation of the Rwanda Treaty, and to promptly notify Parliament of any payments made by the UK Government to the Republic of Rwanda under the terms of the Rwanda Treaty.

Yvette Cooper

NC8

Stephen Kinnock

★ To move the following Clause—

“Return of individuals due to serious criminal offences

- (1) A Minister of the Crown must lay a statement before Parliament within 40 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,
 - (b) the person specified in (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 section (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 the statement laid before Parliament under section (1), and

(3) For the purposes of this section—

“the Rwanda Treaty” means the agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Rwanda for the provision of an asylum partnership to strengthen shared international commitments on the protection of refugees and migrants, signed at Kigali on 5 December 2023;

“Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975.”

Yvette Cooper

NC9

Stephen Kinnock

★ To move the following Clause—

“Removals to Rwanda under the Illegal Migration Act 2023

Within 60 days of this Act receiving Royal Assent, 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 the 33,000 asylum cases accrued under the provisions of the Illegal Migration Act 2023 to Rwanda.

Yvette Cooper

NC10

Stephen Kinnock

★ To move the following Clause—

“Asylum backlog and returns

Within 90 days of this Act coming into force, the Secretary of State must establish—

- (a) a new unit to process immigration returns, including returns of failed asylum cases and foreign national offenders,
- (b) a new unit of asylum caseworkers designed to clear the backlog of outstanding initial asylum decisions within 12 months of operation, and
- (c) emergency courts to process asylum appeals and returns.”

Member's explanatory statement

This new clause requires the establishment of new units within the Home Office to facilitate increased returns and to clear the backlog of initial decisions on asylum claims, and the establishment of emergency courts to process appeals.

Yvette Cooper

NC11

Stephen Kinnock

★ To move the following Clause—

“Organised immigration crime enforcement

- (1) The Crime and Courts Act 2013 is amended as follows.
- (2) In section 1 after subsection (10) insert—

“(11) The NCA has a specific function to combat organised crime, where the purpose of that crime is to enable the illegal entry of a person into the United Kingdom via the English Channel.

(12) The NCA must maintain a unit (a “Cross-Border People Smuggling Unit”) to coordinate the work undertaken in cooperation with international partners in pursuit of the function mentioned in subsection (11).”

Member's explanatory statement

This new clause would give the National Crime Agency a legal responsibility for tackling organised immigration crime across the Channel, and to maintain a specific unit to undertake work related to that responsibility.

Yvette Cooper

NC12

Stephen Kinnock

★ To move the following Clause—

“Civil powers: Organised immigration crime

- (1) Within 180 days of this Act receiving Royal Assent, the Secretary of State shall publish the results of a consultation on the civil powers available to law enforcement officials to pursue organised immigration crime.
- (2) Any consultation conducted under subsection (1) shall include, but not be limited to, consideration of the use of serious crime prevention orders in tackling organised immigration crime.”

Member's explanatory statement

This new clause would establish a consultation process to strengthen the civil powers available to law enforcement officials relating to organised immigration crime.

Alison Thewliss 39
Chris Stephens
Stephen Flynn
Owen Thompson

- ★ Clause 1, page 1, line 2, leave out from “to” to “the” in line 3 and insert “uphold the intention of Parliament to respect and abide by the Human Rights Act 1988 and International law (see subsection (6)) in respect of”

Member's explanatory statement

This amendment rewords part of the declaratory Clause 1.

Alison Thewliss 40
Chris Stephens
Stephen Flynn
Owen Thompson

- ★ Clause 1, page 1, leave out line 6

Alison Thewliss 41
Chris Stephens
Stephen Flynn
Owen Thompson

- ★ Clause 1, page 1, line 7, leave out paragraph (a)

Member's explanatory statement

This amendment aims to remove the treaty section from the bill and ensure there’s a separate debate on the matter.

Alison Thewliss 42
Chris Stephens
Stephen Flynn
Owen Thompson

- ★ Clause 1, page 1, line 11, leave out paragraph (b)

Patrick Grady 31

- ★ Clause 1, page 2, line 4, leave out subsection (4)

Member's explanatory statement

The effect of this amendment is to remove the reference to the sovereignty of parliament and the assertion that an Act is unaffected by international law.

Alison Thewliss

43

Chris Stephens
Stephen Flynn
Owen Thompson

- ★ Clause 1, page 2, line 6, leave out “the validity of an Act is unaffected by” and insert “Parliament of the United Kingdom will normally legislate with the intention of abiding by, complying with, and implementing, international law”

Alison Thewliss

44

Chris Stephens
Stephen Flynn
Owen Thompson

- ★ Clause 1, page 2, line 7, leave out subsection (5)

Member's explanatory statement

This amendment leaves out the definition for the purposes of this Bill of a “safe country”.

Sir Jeremy Wright

54

- ★ Clause 1, page 2, line 9, leave out from first “Kingdom” to “and” in line 11

Member's explanatory statement

This amendment would remove from the Bill text which suggests that Parliament can determine whether the UK is in compliance with international law.

Sir Jeremy Wright

55

- ★ Clause 1, page 2, line 14, leave out from “country” to end of line 19

Member's explanatory statement

This amendment would remove from the Bill text which suggests that Parliament can determine whether the UK is in compliance with international law.

Sir Robert Buckland

27

- ☆ Page 1, line 1, leave out Clause 1

Order of the House

[12 December 2023]

That the following provisions shall apply to the Safety of Rwanda (Asylum and Immigration) Bill:

Committal

1. The Bill shall be committed to a Committee of the whole House.

Proceedings in Committee of the whole House, on Consideration and on Third Reading

2. Proceedings in Committee of the whole House, any proceedings on Consideration and proceedings on Third Reading shall be completed either in two days or in three days, in accordance with the following provisions of this Order.
3. Proceedings in Committee—
 - (a) shall be taken on each of the first and second days in the order shown in the first column of the following Table, and
 - (b) shall (so far as not previously concluded) be brought to a conclusion at the times specified in the second column of the Table.

Proceedings	Time for conclusion of proceedings
First day	
Clauses 2 and 4; new Clauses and new Schedules relating to the subject matter of those Clauses	Six hours after the commencement of proceedings on the Bill on the first day.
Second day	
Clauses 3 and 5 to 10; remaining new Clauses and new Schedules; Clause 1; remaining proceedings on the Bill	Six hours after the commencement of proceedings on the Bill on the second day.

4. If there are no proceedings on Consideration, proceedings on Third Reading shall be taken on the second day, and shall (so far as not previously concluded) be brought to a conclusion one hour after their commencement.
5. If there are proceedings on Consideration—
 - (a) those proceedings shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the third day, and
 - (b) proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.

Programming committee

6. Standing Order No. 83B (Programming committees) shall not apply to proceedings in Committee of the whole House, to any proceedings on Consideration or to proceedings on Third Reading.

Other proceedings

7. Any other proceedings on the Bill may be programmed.
-

Withdrawn Amendments

The following amendments were withdrawn on 10 January 2024:

NC1