

SAFETY OF RWANDA (ASYLUM AND IMMIGRATION) BILL

EXPLANATORY NOTES ON LORDS AMENDMENTS

What these notes do

- 1 These Explanatory Notes relate to the Lords Amendments to the Safety of Rwanda (Asylum and Immigration) Bill as brought from the House of Lords on 13 March 2024.
- 2 These Explanatory Notes have been prepared by the Home Office in order to assist the reader of the Bill and the Lords Amendments, and to help inform debate on the Lords Amendments. They do not form part of the Bill and have not been endorsed by Parliament.
- 3 These Explanatory Notes, like the Lords Amendments themselves, refer to HL Bill 41, the Bill as first printed for the Lords.
- 4 These Explanatory Notes need to be read in conjunction with the Lords Amendments and the text of the Bill. They are not, and are not meant to be, a comprehensive description of the Lords Amendments.
- 5 Lords Amendments 1 and 8 were tabled by Lord Coaker and were opposed by the Government.
- 6 Lords Amendments 2 and 3 was tabled by Lord Hope of Craighead and were opposed by the Government.
- 7 Lords Amendments 4 and 5 was tabled by Lord Anderson of Ipswich and were opposed by the Government.
- 8 Lords Amendment 6 was tabled by Baroness Chakrabarti and was opposed by the Government.
- 9 Lords Amendment 7 was tabled by Baroness Lister of Burtersett and was opposed by the Government.
- 10 Lords Amendment 9 was tabled by Baroness Butler-Sloss and was opposed by the Government.
- 11 Lords Amendment 10 was tabled by Lord Browne of Ladyton and was opposed by the Government.
- 12 In the following Commentary, an asterisk (*) appears in the heading of any paragraph that deals with a non-Government amendment.

Commentary on Lords Amendments

*Lords Amendments 1:

- 13 Lords Amendment 1 would add to Clause 1 of the Bill a provision seeking to ensure that the Act is fully compliant with the rule of law.

*Lords Amendment 2 and 3:

- 14 Clause 1(2) acknowledges the Rwanda Treaty has been laid before Parliament to address the purpose of the Bill as set out in clause 1(1). Lords Amendment 2 would omit “is a safe country” in clause 1(2) 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, with Lords Amendment 3 inserting a new subsection which seeks to provide a reporting means to Parliament by which it can be determined for the purposes of this Act that the Rwanda Treaty has been, and continues to be, fully implemented.

*Lords Amendments 4 and 5:

- 15 Lords Amendment 4 would allow the presumption that Rwanda is a safe country to be rebutted by credible evidence presented to decision-makers, including courts and tribunals and Lords Amendment 5 would omit clause 2(3) to clause 2(5).

*Lords Amendment 6:

- 16 Clause 4 provides that a Home Office decision maker or a court or tribunal can only consider a claim that Rwanda is unsafe based on compelling evidence relating specifically to a person’s individual circumstances. Clause 4(2) prevents a decision maker or the courts from considering any claim where it relates to whether Rwanda will or may remove or send the person in question to another State in contravention of any of its international obligations (including in particular its obligations under the Refugee Convention). Subsection (3) states that where a court or tribunal is considering a review or an appeal as per subsection (1)(b), it is restricted from granting an interim remedy as described in subsections (4) to (6). Lords Amendment 6 would omit clause 4 and replaces it with a clause which seeks to restore the ability of decision makers to consider whether the Republic of Rwanda is a safe country and jurisdiction of domestic courts and tribunals to grant interim relief.

*Lords Amendments 7:

- 17 Lords Amendment 7 disapplies section 57¹ of the Illegal Migration Act 2023 in relation to removals to the Republic of Rwanda, restoring the ability of domestic courts and tribunals to consider suspensive judicial review claims regarding removal decisions taken on the basis of age assessments of unaccompanied children.

*Lords Amendments 8:

- 18 Lords Amendment 8 requires the laying of a statement in Parliament setting out a timetable for the Government’s plans to remove asylum cases accrued under the provisions of the Illegal Migration Act 2023 to Rwanda. This includes the number of such individuals due to be removed to the Republic of Rwanda under the Rwanda Treaty; timetable for these removals; and the arrangements in place for any such individuals not due to be removed to the Republic of Rwanda during the time period

¹ [Illegal Migration Act 2023 \(legislation.gov.uk\)](https://legislation.gov.uk)

set out in the Rwanda Treaty.

***Lords Amendment 9:**

- 19 Lords Amendment 9 would prevent removal of a person until a conclusive grounds decision has been made and requires a decision-maker to consider the impact of their removal. The amendment seeks to identify and protect victims of modern slavery and human trafficking from being removed to Rwanda without their consent. The National Referral Mechanism (NRM) is the system by which potential victims of modern slavery are identified and supported.

***Lords Amendments 10:**

- 20 Lords Amendment 10 would exempt the following groups of people from removal: agents or allies who have supported His Majesty's armed forces overseas and 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. It exempts their partners and dependent family members and persons who were the partners or family members of the person.

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EXPLANATORY NOTES ON LORDS AMENDMENTS

These Explanatory Notes relate to the Lords Amendments to the Safety of Rwanda (Asylum and Immigration) Bill as brought from the House of Commons on 18 January 2024.

Ordered by the House of Commons to be printed, 13 March 2024

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