

Research Briefing

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By CJ McKinney,
Joanna Dawson

Safety of Rwanda (Asylum and Immigration) Bill: progress of the bill

1	Commons stages	2
2	Lords amendments	9
3	Ping pong	17
4	Ratifying the UK-Rwanda treaty	20

MPs will again debate the Safety of Rwanda Bill on 22 April 2024. The bill has gone through several rounds of ping pong, with the House of Lords making ten amendments originally. The House of Commons has so far approved no changes to the bill apart from an [obligation to report](#) on the removal of human trafficking victims to Rwanda.

There are two Lords amendments outstanding, approved on 17 April:

[Monitoring Committee sign-off](#) (Lord Hope of Craighead). This would require independent monitors to certify that the UK-Rwanda treaty has been implemented before Rwanda can be treated as a conclusively safe country.

[Exception for Afghans](#) (Lord Browne of Ladyton). This would stop Afghans who fought alongside British forces from being removed to Rwanda, as well as other UK allies.¹

¹ Safety of Rwanda (Asylum and Immigration) Bill, [Lords non-insistence and amendments in lieu \(PDE\)](#), 18 April 2024

1 Commons stages

1.1 Overview of Commons proceedings

The [Safety of Rwanda \(Asylum and Immigration\) Bill](#) was introduced in the Commons on 7 December 2023. Second reading took place on 12 December.

The bill's purpose is to “prevent and deter unlawful migration, and in particular migration by unsafe and illegal routes, by enabling the removal of persons to the Republic of Rwanda” under a controversial relocation treaty.² The Library's [briefing on the bill](#), published in advance of Commons second reading, gives an overview of the clauses and policy background.³

The bill was considered in a committee of the whole House on 16 and 17 January 2024. No amendments were made, so there was no report stage. Third reading also took place on 17 January. The bill then passed to the Lords.

1.2 Material explaining or commenting on the bill

Government materials

Between Commons second reading and committee stage, the Government published:

- An [operational plan and terms of reference](#) for the Monitoring Committee set up to carry out independent inspections of relocations to Rwanda and the treatment of people on arrival
- A [factsheet on the bill](#) and the background to it, including the new treaty with Rwanda
- An updated [policy statement](#) putting the case for Rwanda being safe
- Updated [country information notes](#) giving a detailed assessment of Rwanda's human rights record and asylum system (these replace [documents originally published in May 2022](#), soon after the Rwanda policy was first announced)

² [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 Agreement to Strengthen Shared International Commitments on the Protection of Refugees and Migrants](#), CP 994, 5 December 2023. See generally Commons Library briefing CBP-9568, [UK-Rwanda Migration and Economic Development Partnership](#).

³ Commons Library briefing CBP-9918, [Safety of Rwanda \(Asylum and Immigration\) Bill 2023-24](#)

- Short [impact assessments](#), one on equality aspects and the other on costs/benefits (none, as the bill underpins existing policy)
- An [exchange of letters](#) confirming that civil servants would comply with any ministerial direction to ignore injunctions from the European Court of Human Rights
- [Updated explanatory notes](#)

Most of these are collected on a [GOV.UK landing page](#). Any additional materials are likely to be published there as well.

The Prime Minister also delivered a statement urging the House of Lords to pass the bill and not to “frustrate the will of the people”.⁴

Legal commentary

A great deal of expert analysis on the bill’s legal effect was published just before or soon after Commons second reading.

A Government legal position paper, published on 11 December 2023, argues that the approach taken by the bill is “justified as a matter of parliamentary sovereignty, constitutional propriety, UK law, and the UK’s international obligations”. External legal experts have issued their own analyses supporting or contesting this view:

- Bar Council, [Safety of Rwanda \(Asylum and Immigration\) Bill – Briefing for MPs – second reading \(PDF\)](#), December 2023
- Bingham Centre for the Rule of Law, [Safety of Rwanda \(Asylum and Immigration\) Bill: A Preliminary Rule of Law Analysis for House of Commons Second Reading](#), 11 December 2023
- European Research Group of Conservative Parliamentarians, [Opinion of the Legal Committee on the Safety of Rwanda \(Asylum and Immigration\) Bill](#), 10 December 2023
- Garden Court Chambers, [Blog: Irena Sabic KC and Alex Grigg Reflect on the Rwanda Bill](#), 22 December 2023
- ILPA, JUSTICE and Freedom from Torture, [Safety of Rwanda \(Asylum and Immigration\) Bill: Joint Briefing for Second Reading in the House of Commons](#), 8 December 2023
- Institute for Government, [What is in the prime minister’s ‘emergency’ asylum legislation?](#), 8 December 2023

⁴ Sky News / YouTube, [Prime Minister Rishi Sunak holds Rwanda bill news conference at Downing Street](#), 18 January 2024

- Joint Committee on Human Rights, [Chair’s Briefing Paper: Safety of Rwanda \(Asylum and Immigration\) Bill \(PDF\)](#), 11 December 2023
- Liberty, [Liberty’s briefing for second reading of the Safety of Rwanda \(Asylum and Immigration\) Bill \(PDF\)](#), December 2023
- Policy Exchange, [Safety of Rwanda \(Asylum and Migration\) Bill](#), 11 December 2023
- Public Law for Everyone, [The Rwanda Bill and its constitutional implications](#), 6 December 2023 and [Could the Supreme Court reject the Rwanda Bill as unconstitutional?](#), 11 December 2023
- Society of Conservative Lawyers, [Safety of Rwanda \(Asylum and Immigration\) Bill – constitutional and effective?](#) (PDF), December 2023

These are summarised in a [separate Library briefing](#) published ahead of Commons committee stage.⁵

In addition, the UN Refugee Agency issued an [updated analysis of the Rwanda policy](#), concluding that it is “not compatible with international refugee law”.

1.3

Second reading

The bill was granted a second reading on 12 December by 313 votes to 269.⁶

Home Secretary James Cleverly introduced the bill. He argued that, while unauthorised entry to the UK by small boat fell in 2023 compared to the previous year, some of the Government’s efforts to tackle illegal immigration “have been frustrated by a seemingly endless cycle of legal challenges and rulings from domestic and foreign courts”.

This is a reference to, among other things, a [November 2023 Supreme Court decision](#) that relocating asylum seekers to Rwanda was unlawful. The central concern was that they might be sent from Rwanda back to countries where they are at risk of persecution.⁷

The Government argues that a new treaty with Rwanda guarantees this will not happen. The Home Secretary told the House that the treaty addresses the court’s concerns and “puts beyond legal doubt the safety of Rwanda”.

The bill is intended to support the treaty. It “gives effect to the judgment of Parliament that Rwanda is a safe country, notwithstanding UK law or any interpretation of international law”, James Cleverly said. The idea is that, in

⁵ Commons Library briefing CBP-9931, [Safety of Rwanda Bill: legal commentary](#)

⁶ HC Deb 12 December 2023 cc857-860, [division 27](#)

⁷ *R (AAA and others) v Secretary of State for the Home Department* [2023] UKSC 42, 15 November 2023

combination with the [Illegal Migration Act 2023](#), there will be almost no mechanism for the courts to delay or prevent someone's relocation to Rwanda:

The only possible blocking of removal is if an individual can demonstrate, with compelling evidence, that there is an immediate risk of serious and irreversible harm to them in particular under their individual circumstances. That sets the bar rightly very high, so that the chances of that happening are rightly extremely small.⁸

The main opposition parties opposed the bill. Shadow Home Secretary Yvette Cooper said the policy of relocating people to Rwanda is “extortionately expensive, and it is failing”. The bill, she said, was a “total mess” and risked breaking international law. She argued that a better approach to boat crossings would involve “clearing the backlog, setting up a new returns unit and seeking to work with France and Albania”.⁹

Labour's reasoned amendment declining to give the bill a second reading was rejected by 337 votes to 269.¹⁰

1.4

Committee stage

MPs debated the bill in a committee of the whole House on 16 and 17 January 2024. The committee divided on seven amendments proposed by opposition or backbench Conservative MPs. None were approved.

Opposition amendments proposed

Alison Thewliss (SNP) proposed [amendment 45](#), which would have declared Rwanda an unsafe, rather than a safe, country. This was designed to highlight the “illogicality” of the “irredeemably awful” bill rather than to improve it. She contrasted this with Labour's new clause 6 amendment (see below), which “merely seeks to monitor the shoddy deal, not to dismantle it”.¹¹

Michael Tomlinson, Minister for Countering Illegal Migration, highlighted the evidence of Rwanda's safety assembled and published by the Government (see section 1.2 above). For example, he noted Rwanda's place in certain world rankings: 41st in the world in a World Justice Project score for rule of law, above Croatia, Greece, Bulgaria and Hungary.¹²

⁸ [HC Deb 13 December 2023 cc747-756](#)

⁹ [HC Deb 12 December 2023 cc758-762](#)

¹⁰ HC Deb 12 December 2023 cc852-856, [division 26](#)

¹¹ [HC Deb 16 January 2024 cc708-713](#). The shadow immigration minister, Stephen Kinnock, said later in the debate [“the Labour party is opposed to this Bill in its entirety, for the simple reason that we are opposed to the Rwanda scheme in its entirety”](#).

¹² [HC Deb 16 January 2024 cc766-768](#)

Amendment 45 was rejected by 337 votes to 66.¹³

The Official Opposition proposed [new clause 6](#). This would have put the independent Monitoring Committee on a statutory basis. Stephen Kinnock (Lab) said this would have stopped the Government being able to “vary the operating principles” of the treaty without judicial oversight. The clause would also have provided for conditions in which the legislative requirement to treat Rwanda as safe would no longer apply, including where the Monitoring Committee had found Rwanda to be in breach of its treaty obligations.¹⁴

Michael Tomlinson, the minister, said this appeared to “invite further legal challenge” which was the opposite of the Government’s approach.¹⁵

New clause 6 was rejected by 336 votes to 262.¹⁶

The Labour opposition also proposed [new clause 8](#). This would have required a minister to lay a statement before Parliament if someone were sent back from Rwanda to the UK after committing a serious criminal offence. Ministers have accepted that return of serious criminals is a feature of the arrangements with Rwanda (although there is no such provision on the face of the treaty).¹⁷ “It is important”, Mr Kinnock said, “that the British public understand just how many foreign criminals the Conservative Government will be importing back into our country as part of this Rwanda deal”.¹⁸

The minister did not address new clause 8 in his winding-up speech but it was rejected by 338 votes to 264.¹⁹

Finally, Labour proposed [amendment 36](#). This would have provided that the bill could not come into force until the Government had disclosed more details of the payments due to Rwanda under the relocation agreement. Mr Kinnock said this was a bid to introduce more accountability and transparency (while reiterating that Labour opposed the bill in its entirety).²⁰

Amendment 36 was rejected by 339 votes to 263, again without rebuttal from the minister.²¹

¹³ HC Deb 16 January 2024 cc773-776, [division 46](#)

¹⁴ [HC Deb 16 January 2024 c722](#)

¹⁵ [HC Deb 16 January 2024 c771](#)

¹⁶ HC Deb 16 January 2024 c795-798, [division 51](#)

¹⁷ [“Asylum seekers jailed in Rwanda could be sent back to UK under deal, minister admits”](#), Sky News, 6 December 2023

¹⁸ [HC Deb 17 January 2024 c852](#)

¹⁹ HC Deb 17 January 2024 cc959-962, [division 59](#)

²⁰ [HC Deb 17 January 2024 cc851-853](#)

²¹ HC Deb 17 January 2024 cc949-953, [division 57](#)

Labour had previously proposed a motion to compel the Government to publish more financial detail about the Rwanda policy. This was debated on 9 January 2024 and rejected by 304 votes to 228.²²

Conservative backbench amendments proposed

Sir William Cash (Con) proposed [amendment 10](#), designed to strengthen the clause 2 prohibition on legal challenges based on the argument that Rwanda is unsafe. The existing wording, he said, would not work and needed to be replaced by “clear and unambiguous words”. The courts would have no power to rule a watertight act void as unconstitutional or contrary to international law—they would, Sir William argued, be bound to apply it.²³

The minister disagreed that the drafting of clause 2 was ineffective:

Either we have a deeming clause that deems Rwanda to be safe, or a notwithstanding clause. Clause 2 has the joy of both a deeming clause and a notwithstanding clause. It is clear, it is unambiguous and the courts will follow it.²⁴

Amendment 10 was rejected by 529 votes to 68.²⁵

Robert Jenrick (Con), who resigned as immigration minister just before the bill was introduced, proposed [amendment 19](#). This and other amendments would have restricted the scope for legal challenge based on individual circumstances, as permitted by clause 4. Mr Jenrick argued that permitting individual cases “for a range of unspecified reasons” would lead to someone successfully challenging removal, setting a precedent that charities and lawyers would teach others to invoke.²⁶

Minister Tomlinson did not dwell on the issue of individual challenges in winding up. He said only that Mr Jenrick was “absolutely right. He set out the moral imperative that we need to act and limit individual claims, and I agree that we need to focus on what works”.²⁷

Amendment 19 was rejected by 525 votes to 58.²⁸

Mr Jenrick also proposed [amendment 23](#), on European Court of Human Rights injunctions (‘interim measures’) relating to someone’s removal to Rwanda. Instead of a provision stating that ministers can decide whether to comply with such an injunction, the amendment would have provided that the

²² [HC Deb 9 January 2024 cc227-269](#)

²³ [HC Deb 16 January 2024 cc723-730](#)

²⁴ [HC Deb 16 January 2024 c769](#)

²⁵ HC Deb 16 January 2024 cc777-781, [division 16](#)

²⁶ [HC Deb 16 January 2024 cc712-718](#)

²⁷ [HC Deb 16 January 2024 cc768](#)

²⁸ HC Deb 16 January 2024 cc787-790, [division 49](#)

injunction is not binding and “shall not prevent or delay the removal of a person to Rwanda”.

He argued that such injunctions would otherwise be issued as surely “as night follows day”, just as occurred in June 2022 when removals were first attempted.²⁹ The court’s purported jurisdiction to issue them in the first place, Mr Jenrick argued, was illegitimate: “the court conferred upon itself a power that was not given in the treaty”.³⁰

Michael Tomlinson, for the Government, said the bill already makes “crystal clear” that it is for ministers to decide whether to comply with Strasbourg court injunctions. That clause would not be there “if we were not prepared to use it. I confirm to the Committee that we can and will lawfully use that power if the circumstances arise”. Mr Tomlinson also noted correspondence published by the Cabinet Office confirming that civil servants would be required to abide by a ministerial decision not to comply.³¹

Amendment 23 was rejected by 536 votes to 65.³²

1.5

Third reading

There being no amendments at committee stage, there was no report stage. Third reading took place almost immediately after conclusion of committee, and was approved by 320 votes to 276.³³

11 Conservative MPs [voted against the bill at third reading](#), including Suella Braverman, Robert Jenrick and Sir William Cash.

²⁹ See European Court of Human Rights press release, [ECHR 197 \(2022\)](#), 14 June 2022

³⁰ [HC Deb 16 January 2024 cc481-846](#)

³¹ [HC Deb 16 January 2024 cc931-933](#); Cabinet Office, [Civil Service Guidance - Safety of Rwanda Bill](#), 17 January 2024

³² [HC Deb 16 January 2024 cc940-943](#), [division 55](#)

³³ [HC Deb 17 January 2024 cc964-984](#)

2 Lords amendments

The House of Lords granted the bill a second reading on 29 January 2024 and committed it to a committee of the whole House.³⁴ Committee stage took place over three days between 12 and 19 February.³⁵

There were no amendments at committee stage, but ten at report. The following discussion of the amendments focuses on the report stage debates of 4 and 6 March, referring back to committee proceedings where appropriate. Amendments are numbered as in the [summary of Lords amendments \(PDF\)](#) published on 13 March.

2.1 Bill to comply with international law

Clause 1 of the bill would set out its purpose and the way it seeks to achieve it. Amendment 1 would have changed the bill's central purpose of removing people to Rwanda by the addition of a requirement to maintain full compliance with domestic and international law.³⁶

Amendment 1 was tabled by Lord Coaker, a Labour home affairs spokesperson in the Lords. He said that it reflected the importance of what the United Kingdom does both in international and domestic law, because the UK chose to sign up to international agreements and expects others to adhere to international law.³⁷

Responding for the Government, the Advocate General for Scotland, Lord Stewart of Dirleton KC, said that he did not accept the implication that the bill is not compliant with the rule of law, and that it was predicated on compliance with international law in the form of the treaty. He said that the Government takes its international obligations seriously, including under the European Convention on Human Rights; the bill reflected the Government's dualist approach to international law, and the principle of parliamentary sovereignty.³⁸

The amendment was passed by [274 votes to 172](#).³⁹

³⁴ [HL Deb 29 January 2024 cc1003-1103](#)

³⁵ [HL Deb 12 February 2024 cc17-123](#); [HL Deb 14 February 2024 cc264-359](#); [HL Deb 19 February 2024 cc381-444](#); [HL Deb 19 February 2024 cc454-507](#)

³⁶ Report stage [amendment 2](#)

³⁷ [HL Deb 4 March 2024, cc1338-1339](#)

³⁸ [As above, cc1342-1344](#)

³⁹ HL Deb 4 March 2024 cc1346-1348, [division 1](#)

2.2

Monitoring Committee required to sign off

Clause 1(2)(b) originally said “this Act gives effect to the judgement of Parliament that the Republic of Rwanda **is** a safe country”. Amendment 2 would have amended this to read “this Act gives effect to the judgement of Parliament that the Republic of Rwanda **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”.⁴⁰

Lord Hope of Craighead (crossbench), a former Deputy President of the Supreme Court, proposed the amendment. Unlike others, he did not question Parliament’s right to look at the facts again. But he argued that it should not legislate in the present tense:

... Parliament is asserting that from the date of commencement that [Rwanda being safe] is the position now, and it is asserting furthermore that it will be the basis on which every decision-maker will have to act in future. That will be so each and every time a decision has to be taken for ever, whatever happens in Rwanda, so long as the provision remains on the statute book.⁴¹

It would be better, Lord Hope argued, for the safety of Rwanda to be conditional on the facts on the ground. In a related amendment 3, the role of determining whether the treaty has been fully implemented and is being adhered to would be given to the [Independent Monitoring Committee](#).⁴² If the committee advised that the treaty is not being adhered to, it would cease to be treated as fully implemented for the purposes of the act.

Lord Ponsonby of Shulbrede, Labour’s other shadow spokesperson, said the amendments “provide a clear framework for ensuring the ongoing safety of Rwanda, rooted in the terms of the treaty the Government have negotiated”.⁴³

Responding for the Government, Lord Sharpe of Epsom said the UK and Rwandan governments have begun to implement the extra safeguards agreed under the new treaty. The UK Government would only ratify the treaty with Rwanda “once we agree with Rwanda that all necessary implementation is in place”. The bill, he reminded peers, would only come into force once the treaty is in force.⁴⁴

⁴⁰ Report stage [amendment 4](#)

⁴¹ [HL Deb 4 March 2024 c1349](#)

⁴² Report stage [amendment 7](#)

⁴³ [HL Deb 4 March 2024 c1357](#)

⁴⁴ [As above, c1358](#)

The Joint Committee of British and Rwandan officials met in Kigali on 21 February 2024 to discuss progress on implementing the treaty.⁴⁵ The minister also gave details of the planned work of the Monitoring Committee.⁴⁶

The two amendments were nevertheless agreed. Amendment 2 was passed by [282 votes to 180](#).⁴⁷ Amendment 3 was passed by [277 votes to 167](#).⁴⁸

2.3

Presumption of safety made rebuttable

Clause 2 of the Bill would require decision-makers to conclusively treat Rwanda as a safe country, and prevent the courts from considering a review of, or appeal against, any decision brought on this basis.

Lords amendments 4 and 5 would have made the presumption that Rwanda is a safe country rebuttable on the basis of credible evidence, and removed the provisions preventing the courts from considering reviews or appeals brought on that basis.⁴⁹ This would enable individuals to challenge removal decisions on the ground that Rwanda is not a generally safe country.

The amendments were tabled by Lord Anderson of Ipswich KC (crossbench). He said the combined effect of the amendments would be to reverse two of the most “revolutionary” aspects of the bill: requiring decision-makers to ignore evidence contrary to the Government’s position, and to do so for an indefinite period, even if circumstances changed.⁵⁰

Lord Anderson described clause 2 as “truly remarkable”, and noted the “sheer range of legal protections, ancient and modern” that it would require to be disregarded in order to avoid the scrutiny of the courts. He suggested that if Rwanda was in fact a safe country, the Government should have nothing to fear from the courts.⁵¹

Responding, Lord Sharpe said that together, the bill, the treaty and the evidence demonstrate that Rwanda is safe for relocated individuals and that the Government assesses it to be a safe country. He rejected the characterisation of the conclusive presumption in the bill as a legal fiction, and said that the treaty addresses the Supreme Court’s findings about deficiencies in the Rwandan asylum system and the risk of refoulement.

⁴⁵ [As above, c136Q](#). An extremely brief summary of the meeting reports that it included “[discussions on the new case working system, appeals body and the Monitoring Committee](#)”.

⁴⁶ [HL Deb 4 March 2024 cc1360-1361](#)

⁴⁷ HL Deb 4 March 2024 cc1363-1366, [division 2](#)

⁴⁸ HL Deb 4 March 2024 cc1367-1369, [division 3](#)

⁴⁹ Report stage [amendment 9](#) and [amendment 12](#)

⁵⁰ [HL Deb 4 March 2024, cc1370-1371](#)

⁵¹ As above

He said that to be an effective deterrent, the bill would need to ensure that people who enter the UK illegally would not be able to stay, and that allowing systematic legal challenges would frustrate and delay this aim.⁵²

Amendment 4 was passed by [258 votes to 171](#).⁵³ Amendment 5 was passed by [260 votes to 169](#).⁵⁴

2.4

Rights of legal challenge expanded

Safety of Rwanda

Clause 4 of the bill as introduced would allow challenges to relocation based on it being unsafe for a particular person (rather than in general or because of a risk of refoulement). The Government envisages this being invoked in “vanishingly rare” scenarios.⁵⁵

Amendment 6 would have replaced clause 4 with much wider grounds for legal challenge.⁵⁶ It would have allowed decision-makers to determine “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”, including any risk of refoulement. It would also have restored the courts’ ability to grant injunctions delaying removal while such challenges are pending.

This amendment was also proposed by Baroness Chakrabarti (Lab). She argued that the protections offered by amendments 4 and 5 (see above) would be “illusory” without an explicit right of legal challenge. Her amendment would allow the courts “to consider any real risk of refoulement contrary to international law. Vitally, this amendment also restores our age-old common-law tradition of His Majesty’s courts having discretion to grant interim relief while a case is considered”.⁵⁷

Viscount Hailsham KC (Con) supported the amendment. This was, among other things, on a point of principle: it was “very dangerous indeed” to exclude people from having recourse to the courts. Given his judgement that the bill was unlikely to achieve its purpose in deterring people from coming to the UK, Parliament would end up “doing something that is in principle profoundly wrong in support of a policy that is going nowhere”.⁵⁸

Lord Stewart, responding for the Government, said there were plenty of safeguards in the bill and the treaty. These provided adequate protection in

⁵² [As above, cc1377-1378](#)

⁵³ HL Deb 4 March 2024 cc1383-1385, [division 4](#)

⁵⁴ HL Deb 4 March 2024 cc1386-1388, [division 5](#)

⁵⁵ Prime Minister's Office, 10 Downing Street, [PM's remarks on illegal migration](#), 7 December 2023

⁵⁶ Report stage [amendment 33](#)

⁵⁷ [HL Deb 6 March 2024 c1564](#)

⁵⁸ [As above, cc1564-66](#)

the “special circumstances with which this Bill is concerned”. He noted that among the bill’s core principles was to limit individual legal challenge; the amendment would therefore undermine the measure completely.⁵⁹

Amendment 6 was passed by [278 votes to 189](#).⁶⁰

Age assessments

Baroness Lister of Burtsett (Lab) proposed amendment 7.⁶¹ This would have allowed people claiming to be children to appeal a decision that they are over 18. The idea, she explained, was to “minimise the risk of any unaccompanied child being sent to Rwanda”.⁶²

Lord Dubs (Lab) supported the amendment. It was, he argued, not good enough for ministers to say that a child wrongly assessed as over 18 could be brought back from Rwanda: “what a terrible thing to subject a child to”.⁶³ But Baroness Lawlor (Con) opposed it, saying it was not in the best interests of children to be sent on dangerous journeys to the UK. She hoped that “the deterrent effect will be taken seriously by parents contemplating sending young children”.⁶⁴

Lord Sharpe said the Government felt it important to take decisive action to deter adults from pretending to be children and avoid age assessment appeals delaying removal. Judicial review challenges to age assessments would be allowed to continue from outside the UK, with facilities in place to allow the person to effectively participate.⁶⁵

The amendment was passed by [265 votes to 181](#).⁶⁶

2.5

Exceptions to removal added

Human trafficking victims

Amendment 9 would have added a new clause to the bill to create an exception for victims of modern slavery and human trafficking.⁶⁷ It would have provided that a person with a positive reasonable grounds decision from the National Referral Mechanism (that they may be a victim) could not be removed. A person with a conclusive grounds decision (that they are a victim)

⁵⁹ [As above, c1569-1570](#)

⁶⁰ HL Deb 6 March 2024 cc1574-1576, [division 1](#)

⁶¹ Report stage [amendment 34](#)

⁶² [HL Deb 6 March 2024 cc1577-78](#)

⁶³ [As above, c1578](#)

⁶⁴ [As above, c1580](#)

⁶⁵ [As above, c1582](#)

⁶⁶ HL Deb 6 March 2024 cc1587-1589, [division 2](#)

⁶⁷ Report stage [amendment 42](#)

could not be removed without the decision-maker considering the effect on their physical or mental health, or safety. If removal would have a negative effect, they could only be removed with their consent.

The amendment was tabled by Baroness Butler-Sloss (crossbench), who said that trafficking victims enter the country on an involuntary basis, and need to be regarded in a totally different way. She said that the Government is “ignoring the plight of this most vulnerable group of people”.⁶⁸

Lord Sharpe said the amendment was unnecessary because Rwanda has systems in place to safeguard vulnerable people, including those with mental health issues or victims of gender-based violence.⁶⁹

The amendment was passed by [246 votes to 171](#).⁷⁰

Allies and agents

Lord Browne of Ladyton (Lab), a former Defence Secretary, proposed amendment 10, adding a new clause 9 to the bill.⁷¹ This would have added an exemption for “agents, allies and employee of the UK Overseas”. It covers:

- (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;

Family members of such people would also be covered. New clause 6(2) would have stated that the exemption includes, but is not limited to, people eligible to come to the UK under the ARAP or ACRS schemes for Afghan citizens.⁷²

During committee stage, Lord Browne gave several examples of people who had assisted British armed forces in Afghanistan – a ‘Triples’ sniper, a special forces colonel, an air force lieutenant and an intelligence analyst – but were unable to flee the Taliban by safe and legal routes and arrived in the UK by small boat instead.⁷³ The amendment is designed to ensure that such people are not sent to Rwanda.

Lord Kerr of Kinlochard (crossbench) described it as a “debt of honour”.⁷⁴ Lord Stirrup (crossbench), a former head of the armed forces, said the

⁶⁸ [HL Deb 4 March 2024 c1405](#)

⁶⁹ [As above, cc1418-1419](#)

⁷⁰ HL Deb 6 March 2024 cc1617-1619, [division 4](#)

⁷¹ Report stage [amendment 44](#)

⁷² See Commons Library briefing CBP-9307, [UK immigration schemes for Afghan nationals](#)

⁷³ [HL Deb 14 February 2024 cc271-272](#)

⁷⁴ [HL Deb 4 March 2024 c1412](#)

amendment did not just reflect a sense of moral obligation: the UK's ability to garner allies in future, he said, depends upon being seen as trustworthy.⁷⁵

The minister, Lord Sharpe, said the amendment was well-intended but misguided. People smuggling gangs would encourage people arriving by boat to falsely claim to be agents, allies and employees in order to delay removal. Anyone eligible for the ARAP or ACRS scheme should apply to come legally.⁷⁶ He also confirmed that someone wrongly judged ineligible for ARAP who travels to the UK illegally would be sent to Rwanda.⁷⁷

Amendment 10 was passed by [244 votes to 160](#).⁷⁸

2.6 Information to be released

Lord Coaker (Lab) proposed amendment 8.⁷⁹ This would have added a new clause 7 to the bill.

Clause 7 would have required the Home Secretary to lay a statement before Parliament about people whose asylum claims have been declared inadmissible to the asylum system since the Illegal Migration Act 2023 received Royal Assent on 20 July 2023. The statement would have to confirm:

- How many of those people are being sent to Rwanda, and when
- What will happen to those not being removed to Rwanda

It would need to be produced within 60 days of the bill passing. Lord Coaker said the purpose of this (and a related amendment not pressed to a division) was to ask the Government to provide some facts:

I want to know how many asylum seekers there are with respect to the Illegal Migration Act? Where are they? How many are the Government sending to Rwanda? What is the timeline for that? Where is their evidence about deterrence? Why should we believe, without any figures, the Government simply asserting that this will act as a deterrent, and that it will work?⁸⁰

Amendment 8 also spoke to concerns about those inadmissible to the asylum system but not sent to Rwanda. Around 33,000 asylum claims were lodged between 20 July 2023 and the end of December 2023; these will mostly be inadmissible under the 2023 act. A further 22,000 cases lodged between 7

⁷⁵ [HL Deb 14 February 2024 c273](#)

⁷⁶ [HL Deb 4 March 2024 cc1419-20](#). It is not possible to apply to the ACRS scheme; people must be referred.

⁷⁷ [As above, cc1421](#)

⁷⁸ HL Deb 4 March 2024 cc1620-1622, [division 5](#)

⁷⁹ Report stage [amendment 41](#)

⁸⁰ [HL Deb 6 March 2024 cc1607-1608](#)

March and 20 July can be processed but cannot be routinely granted refugee status.⁸¹

Lord Sharpe, for the Government, said the Government was considering plans to implement the 2023 act. He noted that people with inadmissible asylum claims would remain eligible for asylum support, under [section 9 of that act](#). It would not, the minister said, be appropriate to legislate for the release of the information requested: it is the sort of data only normally used for internal planning within the Home Office.⁸²

Amendment 8 was passed by [228 votes to 184](#).⁸³

Committee reports

The House of Lords Constitution Committee published a report on the bill on 9 February 2024.⁸⁴ It drew attention to, among other things, a possible breach of the principle of the separation of powers; of implications for the rule of law; the potential for the bill to be declared incompatible with the European Convention on Human Rights; the consequences of the bill for the Belfast/Good Friday Agreement; and the “serious constitutional consequences” of clause 5 on compliance with European Court of Human Rights injunctions.

The Government’s response to this report was published on 14 March 2024.⁸⁵

The Joint Committee on Human Rights published on report on the bill on 12 February 2024.⁸⁶ It was unable to achieve unanimity, with the committee dividing on all the paragraphs forming the report’s conclusions and recommendations. These conclusions included disappointment with the introduction of another bill which the Government cannot certify as compliant with Convention rights; that the safety of Rwanda is best determined in court, not by legislation; and that failure to abide by Strasbourg court injunctions would violate the Convention.

The Government’s response was published on 19 March 2024.⁸⁷

⁸¹ IPPR, [The asylum backlog: Job done?](#), 28 February 2024; Free Movement, [The inadmissibility process and the three new asylum backlogs](#), 11 January 2024

⁸² [HL Deb 6 March 2024 cc1611-1612](#)

⁸³ HL Deb 6 March 2024 cc1613-1615, [division 3](#)

⁸⁴ Select Committee on the Constitution, [Safety of Rwanda \(Asylum and Immigration\) Bill \(PDF\)](#), HL 63 2023-24, 9 February

⁸⁵ Select Committee on the Constitution, [Government response to Safety of Rwanda \(Asylum And Immigration\) Bill report \(PDF\)](#), 14 March 2024

⁸⁶ Joint Committee on Human Rights, [Safety of Rwanda \(Asylum and Immigration\) Bill \(PDF\)](#), HC 435 HL 62 2023-24, 12 February 2024

⁸⁷ Joint Committee on Human Rights, [Safety of Rwanda \(Asylum and Immigration\) Bill: Government Response to the Committee’s Second Report](#), 19 March 2024

3

Ping pong

3.1

First round: MPs consider ten amendments

The House of Commons considered the ten Lords amendments on 18 March 2024. A majority of MPs voted to disagree with all ten.⁸⁸ As there had been no Commons amendments, this restored the bill to the same text as when introduced.

Kevin Foster (Con), a former immigration minister, said the changes made by the Lords would have completely undermined the bill: “the amendments may be very elegant and well worded, but at the end of the day they are nothing but wrecking amendments, intended to obfuscate the process, bung it up, delay it, and reopen routes to challenge that the Bill is specifically looking to shut down”.⁸⁹

The House of Lords considered the Commons reasons for disagreement on 20 March 2024.⁹⁰ Labour’s Lord Coaker expressed surprise that the bill had returned unaltered:

... it has come back without a single word changed, not a single comma moved or a single full stop inserted—and the Government lecture us about constitutional convention. We have said all along, and I repeat here, that it is not our intention to block the Bill, but it is also part of constitutional convention that the other place reflects on what your Lordships have said and does not just *carte blanche* reject it, which is what has happened.⁹¹

Peers approved seven amendments, along similar lines to the original ten:

- Six were variations on Lords report stage amendments 1, 2, 3, 6, 7 and 10. As discussed in section 2 above, these related to international law, Rwanda’s safety being conditional, expanded rights of legal challenge, age assessments and an exception for people assisting the armed forces.
- The seventh was identical to report stage amendment 9 (exception for victims of human trafficking), which the Lords insisted upon.

Report stage amendments 4, 5 and 8 were not pursued.

⁸⁸ [HC Deb 18 March 2024 cc659-772](#)

⁸⁹ [HC Deb 18 March 2024 c721](#)

⁹⁰ [HL Deb 20 March 2024 cc207-272](#)

⁹¹ [HL Deb 20 March 2024 c210](#)

3.2 Second round: MPs consider seven amendments

The House of Commons considered the seven remaining Lords amendments on 15 April. Michael Tomlinson, the responsible minister, complained that the House was “back again debating the same issues and amendments that we have already rejected”.⁹²

A majority of MPs rejected all seven Lords amendments but [approved one in lieu](#). This was a response to the Lords insisting upon an exception for human trafficking victims. The Commons rejected the substantive exception but the amendment in lieu would require the Home Secretary to report to Parliament on the matter annually. This was passed by [320 votes to 246](#).⁹³

The Lords considered the Commons reasons for disagreement the following day, 16 April.⁹⁴ This time peers narrowed their list of amendments to four: on international law, sign-off from the Monitoring Committee, rights of legal challenge and an exception for Afghan and other allies.

On the possibility of Afghans who had supported the armed forces being removed to Rwanda, the Government gave a commitment to revisit the position in light of an ongoing review.⁹⁵ Lord Sharpe of Epsom said:

Once again, I reassure Parliament that, once the UKSF ARAP review has concluded, the Government will consider and revisit how the Illegal Migration Act and removal under existing immigration legislation will apply to those who are determined ARAP eligible as a result of the review, ensuring that they receive the attention that they deserve.⁹⁶

But Lord Browne, moving the amendment, said it was impossible to have faith in the Government’s word given the treatment of Afghan allies to date. The amendment was passed with a larger majority than the other three, by [275 votes to 218](#).⁹⁷

3.3 Third round: MPs consider four amendments

The House of Commons considered these four changes a day later, on 17 April 2024. Michael Tomlinson said that they fell into two categories: “those that are simply unnecessary and those that are worse than unnecessary”,

⁹² [HC Deb 15 April 2024 c80](#)

⁹³ HC Deb 15 April 2024 cc126-130, [division 121](#)

⁹⁴ [HL Deb 16 April 2024 cc885-926](#)

⁹⁵ The review was announced in [HCWS233, 1 February 2024](#)

⁹⁶ [HL Deb 16 April 2024 c901](#)

⁹⁷ HL Deb 16 April cc923-926, [division 4](#)

wrecking amendments.⁹⁸ MPs rejected all four amendments, although Sir Robert Buckland (Con) voted against the Government on the Monitoring Committee and Afghan amendments.

When the bill returned to the Lords later that evening, the focus was on these two amendments.

Lord Hope spoke to his amendment, now somewhat adjusted, on the conditional rather than absolute safety of Rwanda:

My amendment seeks to write into the Bill a provision whereby Rwanda cannot be treated as a safe country until the Secretary of State has laid before Parliament a statement from the independent monitoring committee that the key mechanisms the treaty provides for have been created. It provides that Rwanda will cease to be a safe country for the purposes of the Act if the Secretary of State makes a statement to Parliament to that effect. In other words, it provides the Secretary of State with the escape clause he needs if he is to escape from the confines of Clause 2, should that situation develop.⁹⁹

The minister, Lord Sharpe, argued that this was unnecessary because the Government is not obliged to send anyone to Rwanda. If, for example, conditions there were to change, removals could be paused.¹⁰⁰

A majority of peers nevertheless approved the Monitoring Committee amendment by [245 votes to 208](#).¹⁰¹

Lord Browne similarly pressed an Afghan exception amendment along similar lines to the version approved several times before. He said that there had been discussions with the Government about stronger assurances against removing people who had fought with British forces, but these had broken down.¹⁰² The Lords approved the amendment by [247 votes to 195](#).¹⁰³

3.4

Fourth round: MPs to consider two amendments

MPs will consider these two amendments on Monday 22 April. Further time has been set aside on 23 April if necessary.¹⁰⁴

⁹⁸ [HC Deb 17 April 2024 c341](#)

⁹⁹ [HL Deb 17 April 2024 c1035](#)

¹⁰⁰ [HL Deb 17 April 2024 cc1033-1034](#)

¹⁰¹ HL Deb 17 April 2024 cc1042-1044, [division 1](#)

¹⁰² [HL Deb 17 April 2024 c1038](#)

¹⁰³ HL Deb 17 April 2024 cc1047-1049, [division 2](#)

¹⁰⁴ [HC Deb 18 April 2024 c443](#)

4

Ratifying the UK-Rwanda treaty

The bill would not come into force until the UK-Rwanda treaty signed on 5 December 2023 is in force. The treaty, in turn, will come into force once ratified by both countries.¹⁰⁵

There has been some parliamentary scrutiny of the treaty, separate from proceedings on the bill. Ratification does not require Parliament's active consent, but treaties are laid before it under [Part 2 of the Constitutional Reform and Governance Act 2010](#). This provides each House with an opportunity to register objections.

Home Secretary James Cleverly gave evidence to the House of Lords International Agreements Committee on 18 December 2023. The committee subsequently recommended that the treaty not be ratified until the safeguards it contains are fully implemented.¹⁰⁶

The House of Lords approved a motion against ratification on 22 January 2024.¹⁰⁷ This does not prevent the Government from ratifying, provided that a minister lays a statement before Parliament explaining why ratification is appropriate.¹⁰⁸

The Home Affairs Committee recommended that the Commons should also have the opportunity to debate and vote on ratification, but the Government said it would not provide time for such a debate.¹⁰⁹

The time period for objections ended on 31 January 2024. This means the Government can now ratify the treaty, provided it lays a statement about why it is doing so despite the Lords motion. Ministers have said ratification will not take place until “we agree with Rwanda that all necessary implementation is in place for both countries to comply with the obligations under the treaty”.¹¹⁰

Meanwhile, the treaty is moving towards ratification in Rwanda. As of 12 April, the Rwandan Chamber of Deputies was finalising the approval process, with the treaty expected to be ready for formal promulgation imminently.¹¹¹

¹⁰⁵ [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 Agreement to Strengthen Shared International Commitments on the Protection of Refugees and Migrants](#), CP 994, 5 December 2023, art 24

¹⁰⁶ International Agreements Committee, [Scrutiny of international agreements: UK-Rwanda Agreement on an Asylum Partnership](#), 17 January 2024, HL 43 2023-24

¹⁰⁷ HL Deb 22 January 2024 cc656-658, [division 1](#)

¹⁰⁸ [Constitutional Reform and Governance Act 2010, s20\(7\) and \(8\)](#)

¹⁰⁹ Home Affairs Committee, [UK-Rwanda treaty: provision of an asylum partnership](#), 12 January 2024, HC 434 2023-24

¹¹⁰ [HL Deb 12 March 2024 c1927](#)

¹¹¹ [“Senate approves UK-Rwanda migration treaty”](#), The New Times, 21 March 2024

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