

## ALL MPs AND PEERS

By email:

08 December 2023

Dear colleague,

### **Safety of Rwanda (Asylum and Immigration) Bill 2023**

The Prime Minister committed to stopping the boats. We will deliver on that promise.

We have made progress. Small boat arrivals are down by a third so far this year. This is the first year numbers have dropped since this problem began, while crossings in the Central Mediterranean are up by 80%. The initial asylum backlog is down from 92,000 to fewer than 20,000; we have removed over 22,000 people this year; and we are closing hotels by using alternative accommodation like the Bibby Stockholm and large former Ministry of Defence sites.

But we must finish the job. To fully solve this problem, we need a strong deterrent. Our deal with Albania shows that deterrence works: we have removed 5,000 people to Albania this year and Albanian illegal arrivals are down by more than 90 per cent this year. That is why it is essential we remove illegal migrants to Rwanda, rather than letting them stay in the UK.

Three weeks ago, the Supreme Court handed down their judgment on this Government's Migration and Economic Development Agreement with Rwanda. Since then, on 5 December 2023, I (Home Secretary) have signed a new legally binding Treaty between the United Kingdom and the Government of the Republic of Rwanda, which responds to the Supreme Court concerns by:

- a) Creating a mechanism for the relocation to Rwanda of asylum seekers whose claims are not being considered by the United Kingdom, and by providing a mechanism for an asylum seeker's claim for protection to be determined in Rwanda in accordance with the Refugee Convention, and current international standards, including in accordance with international human rights law;
- b) Creating a mechanism for the relocation to Rwanda of other individuals arriving illegally in the United Kingdom and providing an option for people who desire asylum or protection, after removal, to make such claim in Rwanda. Alternative settlement will be provided for those relocated whose asylum claim has been refused in Rwanda.
- c) Creating a mechanism for the settlement of all Relocated Individuals removed from the United Kingdom to Rwanda and providing them with adequate tools

to successfully integrate in Rwandan society;

- d) Specifying the detail of those mechanisms in the internationally binding terms and in specific obligations set out in the Treaty;
- e) Creating a provision which prohibits removal of asylum seekers onto other countries, except in scenarios where they need to be returned to the United Kingdom;
- f) Agreeing that the Republic of Rwanda will treat anyone refused protection as a permanent resident by providing equivalent treatment;
- g) Strengthening monitoring arrangements to ensure adherence to the obligations placed in the Treaty; and
- h) Strengthening the Republic of Rwanda's asylum system and appeals body.

Yesterday, the Government has introduced the Safety of Rwanda (Asylum and Immigration) Bill in the House of Commons. It makes clear that Parliament is sovereign and that its Acts are valid notwithstanding any interpretation of international law. It will end the merry-go-round of legal challenges that have frustrated this policy thus far and second-guessed the will of Parliament.

This legislation builds on the Illegal Migration Act 2023, Nationality and Borders Act 2022, and other Immigration Acts. It does not seek to replicate the provisions of the Illegal Migration Act to other case types. It is limited solely to the issue of the safety of Rwanda and makes some consequential changes to give proper effect to the presumption that Rwanda is a safe country.

It is lawful, it is fair, and it is necessary.

In summary the Bill will:

- Enable Parliament to confirm that, with the new Treaty, Rwanda is safe, notwithstanding UK law or any interpretation of international law.
- Prevent domestic courts and tribunals from granting interim remedies on matters relating to general safety of Rwanda.
- Disapply the relevant sections of the Human Rights Act 1998, from the key parts of the Bill. The only operative sections that will still apply to the whole Act are 4 and 10, neither of which can be used to block flights. This will ensure that people cannot frustrate our policy by bringing systemic challenges in our domestic courts, and the only response a court can make to our policy is a Declaration of Incompatibility under Section 4 of the Human Rights Act, which has no effect on our ability to carry out the policy.
- Confirm that it is only ever for a Minister of the Crown, and them alone, to decide whether to comply with a Rule 39 interim measure of the European Court of Human Rights and that domestic courts and tribunals must not have

regard to Rule 39 interim measures when considering domestic interim relief applications.

- Make clear the exceptionally narrow grounds through which people can challenge their removal to Rwanda. Under our legislation, an individual will no longer be able to frustrate their removal by:
  - making an asylum claim (90% of protection claims made by those who arrived last year);
  - making a spurious human rights claim - because we are disapplying parts of the Human Rights Act;
  - making claims on the basis that Rwanda might remove you back to somewhere else – which was claimed by every single person in the first High Court case;
  - or bringing a judicial review on any of those grounds.

The only route to challenge your removal to Rwanda is via the exceptionally high threshold of real and imminent risk of serious and irreversible harm, above and beyond the safety of Rwanda and excluding refoulement. That risk cannot be based on the fact that Rwanda might send them on to an unsafe country.

Without that very narrow route to challenge we would be in breach of international law, undermining the Treaty we've just signed with Rwanda and collapsing the scheme.

The legislation will apply to the whole of the UK.

We look forward to your support for the Bill as it is scrutinised by both Houses.



**Rt Hon James Cleverly MP**  
**Home Secretary**



**Michael Tomlinson KC MP**  
**Minister for Illegal Migration**



**Lord Sharpe of Epsom**  
**Lords Minister**