

International agreements

Agreements considered on
8 January 2024

January 2024



1. Background

1. The Legislation, Justice and Constitution Committee is responsible for the scrutiny of non-trade international agreements in the sixth Senedd.
2. International agreements signed by the UK Government can cover matters within devolved competence or matters which have important policy implications for Wales.
3. The Committee considers the impact on Wales of international agreements laid in the UK Parliament under the process established by the *Constitutional Reform and Governance Act 2010* (CRaG Act 2010). It provides an initial 21-day scrutiny period.
4. Our consideration of an international agreement takes into account:
 - whether it engages the Senedd's competence; and/or
 - whether there are potential policy implications for Wales.
5. On 8 January 2024,¹ we considered the following international agreement which had recently been laid in the UK Parliament:
 - UK/Rwanda: Agreement for the Provision of an Asylum Partnership to Strengthen Shared International Commitments on the Protection of Refugees and Migrants
6. We agreed to take further action in relation to this agreement. The details of the agreement, and our respective actions, are set out below.

¹ Legislation, Justice and Constitution Committee, 8 January 2024

2. Agreements requiring further action

UK/Rwanda: Agreement for the Provision of an Asylum Partnership to Strengthen Shared International Commitments on the Protection of Refugees and Migrants

7. This international agreement was laid in the UK Parliament on 6 December 2023. Its scrutiny deadline, as required by the CRaG Act 2010, is 31 January 2024.

8. This agreement provides for the creation, maintenance and enforcement of a UK-Rwanda partnership for dealing with individuals relocated from the United Kingdom to Rwanda, including considering and determining claims for refugee status.

9. The Explanatory Memorandum states that the agreement's overarching objective is:

*"...to deter dangerous and illegal journeys to the United Kingdom which are putting people's lives at risk and to disrupt the business model of people smugglers who are exploiting vulnerable people."*²

10. It also outlines three types of mechanisms established by the agreement:

- Mechanisms for asylum claims: First, for the relocation to Rwanda of asylum seekers whose claims are not being considered by the UK. Second, for claims for protection to be determined in Rwanda in accordance with international law and standards;
- Mechanisms for the relocation to Rwanda of "other individuals arriving illegally" in the UK, and for providing those individuals with the opportunity to make an asylum claim in Rwanda, or for alternative settlement in Rwanda if their claim is refused;
- Mechanism for the settlement of individuals relocated from the United Kingdom to Rwanda and providing them with "adequate tools to successfully integrate into Rwandan society".³

² UK Government, [Explanatory Memorandum: UK/Rwanda: Agreement for the Provision of an Asylum Partnership to Strengthen Shared International Commitments on the Protection of Refugees and Migrants](#), December 2023, paragraph 2.1

³ Explanatory Memorandum, paragraph 2.3

11. The Explanatory Memorandum notes that the agreement relates to immigration and asylum, which are reserved matters, and states that there are:

“no implications for the Devolved Administrations, and the UK Government has not consulted the Devolved Administrations on the drafting of this Treaty.”⁴

12. The Explanatory Memorandum details the domestic legislation that will be used to give legal effect to the agreement in the UK. In addition to listing relevant legislation, including the Illegal Migration Act 2023, to which the Senedd withheld consent in June 2023⁵, it explains the Prime Minister’s intention to bring forward new legislation to “confirm that, with this Treaty, Rwanda is a safe third country”.⁶

13. The Safety of Rwanda (Asylum and Immigration) Bill was subsequently introduced in the UK Parliament on 7 December 2023.⁷ The House of Lords International Agreements Committee also launched a short inquiry into the UK Government’s agreement with Rwanda, which received evidence up to 29 December 2023.⁸

14. The Explanatory Notes explain that 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 Rwanda under provision made by, or under, the Immigration Acts;⁹
- confirm the safety of Rwanda as a safe third country, thereby enabling the removal of persons who arrive in the UK under the Immigration Acts;
- build on the objectives set out in the *Illegal Migration Act 2023*, the *Nationality and Borders Act 2022*, and the measures set out in the New Plan for Immigration, as part of a wider strategy to tackle illegal migration.¹⁰

⁴ Explanatory Memorandum, paragraph 10

⁵ [Plenary, 20 June 2023](#)

⁶ Explanatory Memorandum, paragraph 5

⁷ [Safety of Rwanda \(Asylum and Immigration\) Bill](#), as introduced (Bill 38)

⁸ [House of Lords International Agreements Committee: Inquiry into the UK Government’s asylum Agreement with Rwanda](#)

⁹ The Immigration Acts, as defined by Section 61(2) of the *UK Borders Act 2007*, include the *Nationality and Borders Act 2022* and the *Illegal Migration Bill 2023*.

¹⁰ [Safety of Rwanda \(Asylum and Immigration\) Bill. Explanatory Notes](#), December 2023, paragraph 1

15. The Home Secretary, James Cleverly MP, made the following statement under section 19(1)(b) of the *Human Rights Act 1998* in relation to the Bill:

*"I am unable to make a statement that, in my view, the provisions of the Safety of Rwanda (Asylum and Immigration) Bill are compatible with the Convention rights, but the Government nevertheless wishes the House to proceed with the Bill."*¹¹

16. In November 2023, the Supreme Court unanimously upheld the previous Court of Appeal ruling, that the UK Government's Rwanda asylum plans were "unlawful"¹² on the basis that:

*"there are substantial grounds for believing that asylum seekers would face a real risk of ill-treatment by reason of refoulement to their country of origin if they were removed to Rwanda."*¹³

17. The judgment reaffirms that asylum seekers are protected from refoulement by international and domestic law, including the *Human Rights Act 1998* and the European Convention on Human Rights.

18. The Explanatory Notes state that the Bill's provisions do not relate to matters within devolved legislative competence but that legislative consent will be sought from the devolved governments if any subsequent amendments do.¹⁴

19. Although this agreement relates to reserved matters, we agreed to draw the agreement to the attention of the Equality and Social Justice Committee, and to notify that Committee of the potential implications the agreement and the Safety of Rwanda (Asylum and Immigration) Bill may have on individuals living in Wales who are relocated to Rwanda.

20. We agreed to write to the Welsh Government to:

- request more information on its position on the agreement and the Bill;
- request its view in relation to specific areas within this Committee's remit. For example, on international obligations, including the European

¹¹ Safety of Rwanda (Asylum and Immigration) Bill

¹² [Judgment of the Supreme Court: \[2023\] UKSC 42, 15 November 2023](#)

¹³ [Press summary of the judgment of the Supreme Court: \[2023\] UKSC 42, 15 November 2023](#)

¹⁴ Explanatory Notes, paragraph 24

Convention on Human Rights and the UK-EU Trade and Cooperation Agreement.

- request its view on international obligations and the Sewel Convention in relation to this agreement, the Safety of Rwanda (Asylum and Immigration) Bill, and the *Illegal Migration Act 2023*, to which the Senedd withheld consent in June 2023.

21. We also agreed to write to the House of Lords International Agreements Committee to draw their attention to the actions listed above, and to share the Committee's subsequent findings, to inform the Committee's short inquiry on the agreement.