



# Safety of Rwanda (Asylum and Immigration) Act 2024

## 2024 CHAPTER 8

### 4 Decisions based on particular individual circumstances

- (1) **Section 2** does not prevent—
  - (a) the Secretary of State or an immigration officer from deciding (under any applicable provision of, or made under, the Immigration Acts) whether the Republic of Rwanda is a safe country for the person in question, based on compelling evidence relating specifically to the person's particular individual circumstances (rather than on the grounds that the Republic of Rwanda is not a safe country in general), or
  - (b) a court or tribunal considering a review of, or an appeal against, a relevant decision to the extent that the review or appeal is brought on the grounds that the Republic of Rwanda is not a safe country for the person in question, based on compelling evidence relating specifically to the person's particular individual circumstances (rather than on the grounds that the Republic of Rwanda is not a safe country in general).
- (2) But subsection (1) does not permit a decision-maker to consider any matter, claim or complaint to the extent that it relates to the issue of whether the Republic of 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).
- (3) Where a court or tribunal is considering a review or an appeal as mentioned in subsection (1)(b), any power of the court or tribunal to grant an interim remedy (whether on an application of the person in question or otherwise) is restricted as follows.
- (4) The court or tribunal may grant an interim remedy that prevents or delays, or that has the effect of preventing or delaying, the removal of the person to the Republic of Rwanda only if the court or tribunal is satisfied that the person would, before the review or appeal is determined, face a real, imminent and foreseeable risk of serious and irreversible harm if removed to the Republic of Rwanda.

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**Status:** Point in time view as at 25/04/2024.

**Changes to legislation:** There are currently no known outstanding effects for the Safety of Rwanda (Asylum and Immigration) Act 2024, Section 4. (See end of Document for details)

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- (5) Subsections (4) to (8) of section 39 of the Illegal Migration Act 2023 (examples of serious and irreversible harm) apply (with any necessary modifications) for the purposes of subsections (3) and (4) as they apply for the purposes of that Act.
- (6) Subsections (3) and (4) do not apply to any review or appeal relating to a decision to remove a person to the Republic of Rwanda under the Illegal Migration Act 2023 (see instead section 54 of that Act).
- (7) In this section—
- “interim remedy” means any interim remedy or relief however described (including, in particular, an interim injunction or interdict);
  - “relevant decision” means a decision taken by the Secretary of State or an immigration officer (under any applicable provision of, or made under, the Immigration Acts) that the Republic of Rwanda is a safe country for the person in question.

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**Commencement Information**

**II** S. 4 in force at 25.4.2024 (the date of ratification of the Rwanda Treaty), see **s. 10(1)**

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Safety of Rwanda (Asylum and Immigration) Act 2024, Section 4.