



Office of the
Advocate General
for Scotland

The Right Honourable
Lord Stewart of Dirleton KC

Advocate General for
Scotland

Lord Anderson of Ipswich
House of Lords
London
SW1A 0PW

04 March 2024

Dear Lord Anderson

**SAFETY OF RWANDA (ASYLUM AND IMMIGRATION) BILL: HOUSE OF LORDS
COMMITTEE STAGE**

I am writing to follow up on the debate in the Lords on day one of Committee (Official Report, 12 February, column 112) regarding the impact of the Bill in Northern Ireland.

You asked if the Government agrees with the Northern Ireland Human Rights Commission report, and in particular its conclusion that Clauses 1 and 2 of the Bill are contrary to the principle of non-diminution of rights under Article 2 of the Northern Ireland protocol?

For clarity, the Government negotiated the Windsor Framework in February 2023 and it was formally adopted the following month – addressing the issues with the old Northern Ireland Protocol including by ensuring the smooth flow of goods across the UK's internal market and remedying the democratic deficit. The Government's commitments in respect of non-diminution of rights are provided for under Article 2 of that Framework, to which I assume you refer.

As I stated at the despatch box, the Government's position on these matters is clear.

The Rwanda Bill has been drafted to remain within our international obligations. The Bill will apply in full in Northern Ireland, and the Government is clear that nothing in the Windsor Framework affects its proper operation on a UK-wide basis.

For Article 2 of the Windsor Framework to be engaged, it would be necessary to evidence that the alleged diminution of rights:

- relates to a right set out in the relevant rights, safeguards and equality of opportunity chapter of the Belfast (Good Friday) Agreement;
- concerns a right that was given effect in domestic law in Northern Ireland on or before 31 December 2020; and
- occurred as a result of the UK's withdrawal from the EU.

Nothing in the Bill engages any of these issues as it relates to administrative matters of asylum procedure - as such, it would be incorrect to claim that its provisions are within the scope of Article 2 of the Windsor Framework.

The Government is unshakable in its commitment to the Belfast (Good Friday) Agreement. The Bill does not undermine this commitment.

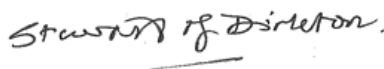
For further detail on the way the Rwanda Bill interacts with other legislation, please refer to this factsheet: [Safety of Rwanda \(Asylum and Immigration\) Bill: factsheet - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/factsheets/safety-of-rwanda-asylum-and-immigration-bill)

I am copying this letter to Viscount Hailsham, Baroness Chakrabarti, Lord German, Lord Hannay of Chiswick, Lord Falconer of Thoroton, Baroness Bennett of Manor Castle, Lord Jackson of Peterborough, Baroness Butler-Sloss, Lord Blunkett, Baroness Lawlor, Baroness Meyer, Lord Murray of Blidworth, Lord Coaker, Lord Dodd, Lord Coaker, Lord Ponsonby of Shulbrede.

I will also place a copy of this letter in the library of the House.

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Yours sincerely,

A handwritten signature in black ink that reads "Stewart of Dirleton." The signature is written in a cursive style and is positioned above a short horizontal line.

RT HON LORD STEWART OF DIRLETON KC