**1. The Conservative Government’s Safety of Rwanda (Asylum and Immigration) Act**

The Safety of Rwanda Act, enacted on April 25, 2024, allows the UK to designate Rwanda as a “safe country,” permitting the deportation of asylum seekers despite documented human rights concerns. This reflects the government’s aim to reduce domestic asylum pressures by processing applicants in a third country. Critics argue the Act circumvents the UK’s duties under the 1951 Refugee Convention by offloading responsibilities to a country lacking sufficient human rights safeguards. The UN High Commissioner for Refugees (UNHCR) expressed that such arrangements could undermine asylum protections, effectively prioritizing immigration control over humanitarian obligations.¹

¹ UNHCR, ‘Legal Considerations on Third Country Agreements’ (2023) <[www.unhcr.org](http://www.unhcr.org)> accessed 30 October 2024.

**2. The UK Supreme Court’s Role**

The UK Supreme Court blocked earlier deportation efforts to third countries, ruling they posed undue risk to asylum seekers’ human rights.² The Court identified potential violations under the European Convention on Human Rights (ECHR), specifically Article 3 on inhuman or degrading treatment. This intervention led the government to pass the Rwanda Act as a legislative end-run around judicial limitations.³

The Court’s stance demonstrates its role in constraining executive power and upholding legal protections, even amid politically charged issues like immigration. Judicial review thus reinforces the separation of powers, ensuring governmental decisions that may impinge upon fundamental rights are held accountable within the constitutional framework.

² R v Secretary of State for the Home Department [2023] UKSC 27. ³ ibid.

**3. Definition of Separation of Powers (OSCOLA Reference)**

Separation of powers refers to the division of governmental authority across three branches—executive, legislative, and judiciary—ensuring no single branch wields unchecked power.⁴ It embodies a key constitutional safeguard, enabling the judiciary to act independently as a check on executive action. This principle was notably upheld in *Miller v Secretary of State for Exiting the European Union*,⁵ where the judiciary reaffirmed its role in maintaining the rule of law, particularly by reviewing executive actions that directly impact citizens’ rights.⁶

⁴ AV Dicey, *Introduction to the Study of the Law of the Constitution* (8th ed, Macmillan 1915). ⁵ Miller v Secretary of State for Exiting the European Union [2017] UKSC 5. ⁶ ibid.

**4. Judicial Independence**

Judicial independence is the judiciary’s capacity to function free from external influence, ensuring fair and impartial rulings.⁷ This principle supports the rule of law by safeguarding against executive or legislative encroachments on individual freedoms.⁸

*R v Secretary of State for the Home Department, ex parte Fire Brigades Union* established that judicial independence ensures the executive cannot unilaterally override statutory duties.⁹ This independence remains essential, particularly in cases like the Rwanda Act, where human rights concerns challenge government policy, highlighting the judiciary’s function in protecting vulnerable groups from potential government overreach.

⁷ Constitutional Reform Act 2005. ⁸ ibid. ⁹ R v Secretary of State for the Home Department, ex parte Fire Brigades Union [1995] 2 AC 513.

**Bibliography**

* AV Dicey, *Introduction to the Study of the Law of the Constitution* (8th ed, Macmillan 1915).
* Miller v Secretary of State for Exiting the European Union [2017] UKSC 5.
* R v Secretary of State for the Home Department, ex parte Fire Brigades Union [1995] 2 AC 513.
* R v Secretary of State for the Home Department [2023] UKSC 27.
* UNHCR, ‘Legal Considerations on Third Country Agreements’ (2023) <[www.unhcr.org](http://www.unhcr.org)> accessed 30 October 2024.