



School of Law

Assessment Cover Sheet and Academic Integrity Statement

Module: LAW40010M

Title: Law and the State 2

Word count: 3097

In submitting this work for assessment, I confirm that: -

1. I have read and understood the University's guidance about the undertaking of assessments and about academic misconduct.
2. This submission consists of my own original work and no part of it has been copied from another source without that source and its author having been properly acknowledged. I understand that presenting the work or ideas of another person as though they were my own is plagiarism.
3. No component of this work has been submitted in support of another qualification in this University or elsewhere.
4. I have not presented content created by generative AI tools (such as ChatGPT) as though it were my own work.
5. I have not included my name anywhere in my submission.

I have formatted my work using font Arial, size 11 text and 1.5 line spacing.

Introduction

On the 14th of April 2022, the UK government announced a new policy which would relocate those identified as illegal immigrants/asylum seekers to Rwanda for processing, asylum, and resettlement¹. This 'Rwanda policy' was challenged with judicial review in the High Court², and later in the Supreme Court³ as a result of an appeal from the former. The question from this case in particular is whether the concepts of judicial review, grounds and justiciability still perform as they were conceived; furthermore, were the approaches and conclusions of both the High Court and Supreme Court, in conjunction with these principles, reasonable?

¹ Al Jazeera, 'UK to send asylum seekers to Rwanda under controversial new deal' (Al Jazeera, 14 April 2022) <<https://www.aljazeera.com/news/2022/4/14/uk-to-sign-deal-to-send-male-channel-refugees-to-rwanda-reports>> accessed 19 March 2024

² *AAA and others -v- Secretary of State for the Home Department* [2022] EWHC 3230 (Admin)

³ *AAA (Syria) & Ors, R (on the application of) v Secretary of State for the Home Department* [2023] UKSC 42

Establishing the basics

The separation of powers is a constitutional concept which defines branches of government, and their separation to ensure no one body has extensive power over another. Checks and balances, including judicial review, are used between these branches to ensure that no branch extends its power and is intended to “guard against tyranny and preserve liberty”⁴. It is vital when considering how judicial review works.

The **Judiciary** is the court system in the UK responsible for upholding the rule of law, which is described by Lord Bingham as the concept that “all persons and authorities within the state, whether public or private, should be bound by and entitled to the benefit of laws publicly and prospectively promulgated and publicly administered in the courts.”⁵ The court structure is headed by the Supreme Court, the most senior court in the judicial system⁶, with the Court of Appeal second to it and the High Court further below that, with the system splitting into smaller courts further down the hierarchy.

The **Executive** branch of government consists of public bodies that implement policies and act from delegated legislation to ensure that the law is performed correctly, while also proposing new statutes in the form of bills⁷. The branch is also subject to checks from judicial review by the Judiciary and checks from the Legislature to ensure the policy is being implemented correctly and power is not being overextended.

⁴ House of Commons Library, ‘*The Separation of Powers*’ (House of Commons Library, 15 August 2011) <<https://researchbriefings.files.parliament.uk/documents/SN06053/SN06053.pdf>> accessed 19 March 2024

⁵ Thomas Bingham, ‘*The Sixth Sir David Williams Lecture*’ (University of Cambridge, 16th November 2006) <<https://www.cpl.law.cam.ac.uk/sir-david-williams-lectures/rt-hon-lord-bingham-cornhill-kg-rule-law>> accessed 19 March 2024

⁶ Courts and Tribunals Judiciary, ‘*Structure of the Courts & Tribunals system*’ (Courts and Tribunals Judiciary, 19 March 2024) <<https://www.judiciary.uk/about-the-judiciary/our-justice-system/court-structure/>> accessed 19 March 2024

⁷ UK Parliament, ‘*Government*’ (UK Parliament, 19 March 2024) <<https://www.parliament.uk/site-information/glossary/government/>> accessed 19 March 2024

The **Legislature** are the branch of government, Parliament, which creates new laws from statutes and the bills which precede them. Parliament is seen to have sovereignty and has, as A.V. Dicey states, “the right to make or unmake any law whatever; and further, that no person or body is recognised by the law of England as having a right to override or set aside the legislation of Parliament.”⁸

⁸ AV Dicey, *Introduction to the Study of the Law of the Constitution* (10th edn, Macmillan 1959)

Judicial Review

Judicial review is described as “the process of evaluating decisions of a public body to check they are lawful and not extending their power⁹. It focuses on the idea of challenging the “way in which a decision has been made, rather than the rights and wrongs of the conclusion reached”¹⁰ regarding public bodies and alleged acts that go outside their powers (ultra vires). Judicial review is ultimately used to ensure that any discretion granted by statute has been executed lawfully and fairly. There are several theories surrounding the purpose of judicial review. One of these theories is the ultra vires model, which is described as the idea that “courts are simply policing the boundaries upon government power stipulated by Parliament.”¹¹ This model struggles to be applied to cases where public bodies use power under royal prerogative (“legal powers used... which do not require parliamentary authority”¹²). This was seen in the case of *R v The Prime Minister* [2019]¹³, wherein the justifiability of the case regarding the use of prerogative powers itself was in question. The modified version of this model developed in criticism allows the court a margin of freedom to set the precise limits of power that have been delegated to a body. However, with the courts showing evidence that they have “fiercely resisted parliamentary attempts to prevent judicial review of certain matters”¹⁴ and the expansion of matters that judicial review has been seen to cover, the question of how the courts can follow what Parliament intends comes into question. Thus, the common law theory is brought to light which “views judicial review not as a statutory creation but as rooted in common law”¹⁵ and focuses on judge-made principles of natural justice, fairness and reasonableness which must not be violated to be deemed lawful, as seen in the *Council of Civil Service Unions V Minister for the Civil Service* [1984]¹⁶ case. While this theory removes a lot of the issues regarding judicial review and the ultra vires theory, it brings into question constitutionality, as Suella Braverman believes Judicial review “has strained the principle of Parliamentary sovereignty and introduced uncertainty into the constitutional balance between Parliament, the Government, and the Courts”¹⁷. In our constitution, Parliament is seen to be sovereign yet if judicial review can rule an act

⁹ Courts and Tribunals Judiciary, ‘*Judicial Review*’ (Courts and Tribunals Judiciary, 19 March 2024) <<https://www.judiciary.uk/how-the-law-works/judicial-review/>> accessed 19 March 2024

¹⁰ Ibid

¹¹ Mark Elliott and Robert Thomas, *Public Law* (4th edn, OUP 2020).

¹² UK Parliament, ‘*The royal prerogative and ministerial advice*’ (UK Parliament, 24 October 2023) <<https://commonslibrary.parliament.uk/research-briefings/cbp-9877/>> accessed 22 March 2024

¹³ *R (on the application of Miller) (Appellant) v The Prime Minister (Respondent)* [2019] UKSC 41

¹⁴ Mark Elliott and Robert Thomas, *Public Law* (4th edn, OUP 2020).

¹⁵ Ibid

¹⁶ *Council of Civil Service Unions v Minister for the Civil Service* [1985] AC 374, 410-11.

¹⁷ Joint Committee on Human Rights, *Legislative Scrutiny: Judicial Review and Courts Bill* (HC/HL 2021-22 10)

unlawful that has been conferred by Parliament for the executive to perform, and they do so exactly, this would not be the case.

Without judicial review, the executive could use delegated legislation to extend their power in a way which could contradict the rule of law. This has been hinted at with the creation of “skeleton bills” in recent times, described as “primary legislation which is so insubstantial that it leaves the real operation of the legislation to be decided by ministers”¹⁸. Should a Minister use this power to do an act which is unfair without this review, they may be able to make decisions contrary to the rule of law. This is the reason why checks and balances remain pivotal as the executive is thus blocked, with judicial review, from making decisions that extend their power. However, with a party majority (which the executive-based ministers are conventionally picked from¹⁹) they may be able to pass legislation considered unconstitutional if they are further blocked from performing through the executive, using the sovereignty of Parliament as a tool, and highlighting the similarities mentioned by Suella Braverman regarding the encroaching common law model of Judicial review.

¹⁸ Delegated Powers and Regulatory Reform Committee, *Democracy Denied? The urgent need to rebalance power between Parliament and the Executive* (HC 2021-22,12) para 66

¹⁹ Government UK, ‘*How government works*’ (Government UK, 22 March 2024)
<<https://www.gov.uk/government/how-government-works>> accessed 22 March 2024

The Rwanda Policy has been pushed significantly by the Conservative party, promising their supporters that they will “stop the boats”, revolving around the deportation of illegal migrants to Rwanda. As described by the International Rescue Committee, the policy aims to ensure that “once refugees have been sent to Rwanda, they will be processed under Rwanda’s legal system and will not be able to return to the UK²⁰”, rationalized by the Conservatives to combat the “unfair” nature of illegal migration and to stop the dangerous English Channel crossings that people smugglers offer to those willing to pay²¹. The policy was also coupled with a partnership with the country, evolving into a treaty²² in December 2023, which cements the idea that regarding migrants “Rwanda will either grant them asylum or permanent residence” and that “relocated people cannot be removed from Rwanda unless being sent back to the UK” in an attempt to be compatible with the ECHR²³ (European Convention of Human Rights) and thus the Human Rights Act 1998²⁴. The policy itself still does, however, present extreme human rights issues, with the UNHCR highlighting that “the UK-Rwanda arrangement will shift responsibility for making asylum decisions and protecting refugees” and that “externalizing asylum obligations poses serious risks for the safety of refugees.”²⁵

²⁰ International Rescue Committee, ‘*Rwanda Plan explained: Why the UK Government should rethink the scheme*’ (International Rescue Committee, 16 January 2024) <<https://www.rescue.org/uk/article/rwanda-plan-explained-why-uk-government-should-rethink-scheme>> accessed 27 March 2024

²¹ Conservatives, ‘*Our 5 Priorities*’ (Conservatives, 22 March 2024) <<https://www.conservatives.com/>> accessed 22 March 2024

²² Government UK, ‘*UK-Rwanda treaty: provision of an asylum partnership*’ (Government UK, 5 December 2023) <<https://www.gov.uk/government/publications/uk-rwanda-treaty-provision-of-an-asylum-partnership>> accessed 27 March 2024

²³ Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights, as amended) (ECHR)

²⁴ Human Rights Act 1998

²⁵ UNHCR, ‘*UK-Rwanda Asylum Partnership*’ (UNHCR, 27 March 2024) <<https://www.unhcr.org/uk/what-we-do/uk-asylum-policy-and-illegal-migration-act/uk-rwanda-asylum-partnership>> accessed 27 March 2024

It is important to discuss what grounds for judicial review are. These relate to the principles of whether a court can control an action which has been undertaken by a public body; Lord Diplock defines these in the 'GCHQ Case' as 'illegality', 'irrationality' and 'procedural impropriety'²⁶. Lord Diplock also motions towards the notion of further grounds in the future based on the principle of 'proportionality' or perhaps a breach in the Human Rights Act 1998²⁷.

It is worth noting prior to this that the application for judicial review has procedural requirements. Initially, the application must generally be brought forward within three months of the grounds arising, with exceptional circumstances negating this²⁸. Furthermore, there must be exhaustion of any alternative remedies, with a judicial review described as a "remedy of last resort"²⁹. Finally, there must be sufficient standing in the matter; "an applicant must show a 'sufficient interest' in the matter to which their application relates."³⁰ When all of these factors are satisfied, the court must then consider the grounds aforementioned by Lord Diplock to find any ultra vires actions.

²⁶ *Council of Civil Service Unions v Minister for the Civil Service* [1985] AC 374, 410-11.

²⁷ Human Rights Act 1998

²⁸ LexisNexis, '*Judicial review – time limits and the pre-action protocol*' (LexisNexis, 30 October 2023) <<https://www.lexisnexis.co.uk/legal/guidance/judicial-review-time-limits-the-pre-action-protocol>> accessed 16 April 2024

²⁹ Kingsley Napley, '*Judicial Review and suitable alternative remedies*' (Kingsley Napley, 7 July 2015) <<https://www.kingsleynapley.co.uk/insights/blogs/public-law-blog/judicial-review-and-suitable-alternative-remedies>> accessed 16 April 2024

³⁰ Joanna Bell, '*The Resurgence of Standing in Judicial Review*' [2024]

The Courts' Decision

Initially, the case began in the High Court from a group of refugees against the Secretary for the Home Department concerning the deportation of asylum seekers to Rwanda for their asylum claims. The individuals entered the country illegally; however, they contend that the arrangements of the Home Secretary regarding Rwanda were unlawful, due to Rwanda being “unsafe” and with risk of refoulment, and that their circumstances were not considered. The High Court concluded that the removal decisions by the Home Secretary were “not unlawful by reason of any of the generic grounds of challenge or by the general claims of procedural unfairness”³¹ with procedural unfairness a ground for judicial review in this case on the claim of bias via the common law requirements of natural justice (“... the rules of natural justice mean that the proceedings must be conducted in a way which is fair... fair in all the circumstances”³²) and a lack of a right to a fair hearing by the Refugee Status Determination Committee (RSDC) with claims of discrimination (“asylum claimants refused entry to and, ultimately were removed from Rwanda”³³) and alleged lack of proper procedure in hearings (“The RSDC does not provide proper reasons for decisions”). The High Court did, however, rule that the way upon which the Home Secretary implemented the policy was “flawed”, with a failure to consider UNHCR material in a show of a failure to perform a subjective discretionary power as to individual cases, such as one who had “mental torture”³⁴. As the title reads, this idea is based upon statute and is defined by Professor Harold Laski as that of the “authority of the executive, whether in matters of substance or of procedure or both, which it is free to exercise as it thinks fit”.³⁵ This idea is flipped should a public body be mandated to perform a discretionary power, and fail to do so, by statute³⁶. While the Illegal Migration Act 2023³⁷ doesn’t place a clear statutory obligation on the Home Secretary to consider every application, it does introduce a “duty to remove” any illegal migrants after March 7th, 2023, with exceptions for modern slavery/trafficking victims whose cases’ must be examined individually and the Home Secretary had failed to perform a discretionary power. The case was appealed.

³¹ *R (on the application of AAA and others) v The Secretary of State for the Home Department* [2022] EWHC 3230 (admin)

³² *Lord Lane CJ in R v Commission for Racial Equality ex parte Cottrell and Rothson* [1980] 3 All ER 265

³³ *R (on the application of AAA and others) v The Secretary of State for the Home Department* [2022] EWHC 3230 (admin)

³⁴ *Ibid*

³⁵ Bool Chand, ‘Discretionary Powers of Government’ (1949) 15(3) PPA 411-465

³⁶ *Western Fish Products v Penrith DC* (1979) 2 All ER 204

³⁷ Illegal Migration Act 2023

The Court of Appeal held that the case regarding the Rwanda policy and the issue regarding Rwanda as a “safe country”, alongside the procedure to deport migrants, lay to be reasoned in five categories³⁸:

1.) The effect of the Refugee Convention

The Refugee Convention was found to not particularly “prevent the UK from removing asylum-seekers to a safe third country”³⁹ as per Article 31⁴⁰.

2.) Retained EU Law

EU law was found to only permit asylum-seekers to be removed to a safe third country such that they have a connection. While no appellant in this case was found to have such a connection with Rwanda, the Court did hold that such a requirement had been removed as a result of the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020⁴¹, formed as a result of Brexit.

3.) Designation as a safe third country

The third schedule to the Asylum and Immigration (Treatment of Claimants) Act 2004⁴² did allow the Government, with Parliamentary permission, to allocate countries a “safe” status. The Government did not use these procedures and rather gave guidance to caseworkers for application in individual decisions. The Court of Appeal held that it was unlawful for the Government to proceed in such a manner.

4.) Data protection

The Court held that the decision to remove an individual from Rwanda did not breach any data protection legislation, which was alleged.

³⁸ *R (on the application of AAA and others) v The Secretary of State for the Home* [2023] EWCA Civ 745

³⁹ Ibid

⁴⁰ *Convention Relating to the Status of Refugees* [1954] 189 UNTS 150

⁴¹ Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020

⁴² Asylum and Immigration (Treatment of Claimants) Act 2004

5.) *Fairness of procedures*

Asylum Aid's submission that "procedures by which the Government decided to relocate individual asylum-seekers was inherently unfair"⁴³ was to be rejected. However, the High Court's previous reasoning, regarding the removal decisions by the Home Secretary, could not be supported and that the "Government needs to give guidance to caseworkers emphasising the importance of flexibility in granting extensions to the time limits where fairness requires."⁴⁴

Overall, the result of these factors meant that the High Court's decision was reversed in regards to Rwanda's safe status and that, until "deficiencies in its asylum processes are corrected, removal of asylum-seekers to Rwanda will be unlawful."⁴⁵ Thus, it was ruled that the removal of migrants to Rwanda was unlawful wholly, rather than just the procedures of the Home Secretary in implementing the policy, quashing the High Court decision. The Home Secretary acted *ultra vires*, where "*ultra vires* act or subordinate legislation is unlawful simpliciter"⁴⁶ by failing to consider legislation protecting asylum-seekers from refoulment.

The University of Liverpool mentions that.

"Asylum-seekers are protected against refoulement by... not only the Human Rights Act but also by provisions in the 1993 Act, the 2002 Act and the 2004 Act, under which Parliament has given effect to the Refugee Convention as well as the European Court of Human Rights."⁴⁷

With the Court of Appeal setting a "deliberately tight timetable"⁴⁸ so that permission to appeal to the Supreme Court could be quickly decided, it would not be long before the latter heard the case.

On 15 November 2023, the Supreme Court delivered its judgement on the Rwanda case⁴⁹. They found to dismiss the appeal by the Home Secretary from the Court of Appeal and

⁴³ *R (on the application of AAA and others) v The Secretary of State for the Home* [2023] EWCA Civ 745

⁴⁴ *Ibid*

⁴⁵ *Ibid*

⁴⁶ *Boddington v British Transport Police* [1999] 2 AC 143

⁴⁷ University of Liverpool, '*Reflections about the Supreme Court's ruling on the Rwanda policy*' (University of Liverpool, 17 November 2023) < <https://news.liverpool.ac.uk/2023/11/17/reflections-about-the-supreme-courts-ruling-on-the-rwanda-policy> > accessed 24 May 2024

⁴⁸ *Ibid*

⁴⁹ *R (on the application of AAA and others) v The Secretary of State for the Home* [2023] UKSC 42

further upheld the latter's decision that the Rwanda policy was unlawful: "There are substantial grounds for believing that asylum seekers would face a real risk of ill-treatment by reason of refoulment to their country of origin if they were removed to Rwanda"⁵⁰.

As the Supreme Court details: "non-refoulment is a core principle of international law" and "asylum seekers are protected... by several international treaties ratified by the UK." These treaties were previously highlighted by the Court of Appeal and were affirmed by the Supreme Court. They highlight the potential illegality of the Home Secretary's decisions regarding the idea that asylum-seekers are indeed protected against refoulment by the Human Rights Act 1998, section 6 which states:

"It is unlawful for a public authority to act in a way which is incompatible with a Convention right."

The Supreme Court found that the Court of Appeal had grounds to interfere with the judgement in the High Court. This was found due to errors in the "treatment of evidence"⁵¹ by the latter. They further emphasised that:

"The European and domestic case law is clear that, in cases like this one, the court is required to consider how the asylum system in the receiving state, in this case Rwanda, operates in practice. In doing so, the court should have regard to deficiencies identified by expert bodies such as UNHCR."⁵²

With the High Court not following this approach, and instead ruling that the Home Secretary was entitled to rely on Rwandan assurances in the MEDP, the Court of Appeal was found to have grounds to review the case regarding clear illegality by means of jurisdictional error (an error of law on the face of the record⁵³).

It was further concluded that the Court of Appeal was entitled to conclude in believing that asylum-seekers were at real risk of refoulment and thus ill-treatment such they be removed to Rwanda based upon the poor human rights record of Rwanda. This came from the UK government's findings themselves regarding "extrajudicial killings, deaths in custody, enforced disappearances and torture"⁵⁴. Furthermore, with previously mentioned issues regarding judicial fairness and previous refoulment issues, it was found to be clear that asylum-seekers would face ill-treatment.

⁵⁰ Ibid

⁵¹ R (on the application of AAA and others) v The Secretary of State for the Home [2023] UKSC 42

⁵² Ibid

⁵³ *Halsbury's Laws* (5th edn, 2023) Vol 61A, para 78.

⁵⁴ Parliament UK, 'REDRESS – WRITTEN EVIDENCE (URA0008)' (Parliament UK, 22 December 2023) <<https://committees.parliament.uk/writtenevidence/127251/html>> accessed 24 May 2024.

The Supreme Court did, however, confer that retained EU law no longer applies in the UK as the “transitional period [Brexit] came to an end on 31 December 2020”⁵⁵ to which the UK still applied such law. As a result, no rights are generated from such claims in regard to retained EU law.

A real risk of refolement and its illegality concerning jurisdictional error show clear grounds for the Court of Appeal to hear the appealed High Court case and to give such a judgement as to quash the prior. It must be noted that while not currently legal, “changes and capacity-building”⁵⁶ in Rwanda may allow the Court’s judgment to change.

⁵⁵ R (on the application of AAA and others) v The Secretary of State for the Home [2023] UKSC 42

⁵⁶ Ibid

Conclusion

On the surface, the Rwanda case presented a substantial victory for judicial review. The Supreme Court affirmed that the government could not act ultra vires, no matter current politics, and thus presented the most reasonable judgement surrounding the policy (incorporating all relevant legislation). The Supreme Court thoroughly applied the ultra vires model of judicial review by following existing legislation to make their judgement that Rwanda was not a safe country, and the deportation of migrants to the country was unlawful. While fully compatible with Parliament's ruling, this stands to change with the introduction of the Rwanda Bill. The bill, an act as of 25 April 2024⁵⁷, seeks to rule that Rwanda is a 'safe country in what could be inferred as the executive seeking to rule that "black is white" through the sovereignty of Parliament in a blur of the separation of powers. Furthermore, it restricts the ability of the judiciary to consider any case relating to the removal of a person to Rwanda, while being ordered to the country as 'safe'. The bill also seeks to disapply the Human Rights Act 1998, removing the ECHR as an obstruction. With this act coming into force, the availability of the judiciary is seen to be restricted heavily; judicial review of these cases is highly improbable as such. While the availability of judicial aid is seen to be present in Rwanda for asylum-seekers, the judiciary in the country is not seen as independent but rather highly discriminant. With such restrictions in place, the grounds for judicial review may not be acted upon. The rule of law, referred to previously by Lord Bingham, is thus violated in a manner which the judiciary must comply with. The ultimate question which must be asked in such a circumstance is whether the laws of fairness and justice are seen to overcome the sovereignty of Parliament and prompt, as Lord Woolf states, "the courts to... act in a manner which was without precedent"⁵⁸ and decide for themselves whether to follow the legislature in such an unconstitutional manner.

⁵⁷ Safety of Rwanda (Asylum and Immigration) Act 2024

⁵⁸ *R (Jackson) v Attorney General* [2005] UKHL 56; [2006] 1 AC 262

Cases

- *AAA and others -v- Secretary of State for the Home Department* [2022] EWHC 3230 (Admin)
- *AAA and others -v- Secretary of State for the Home Department* [2022] EWHC 3230 (Admin)
- *Boddington v British Transport Police* [1999] 2 AC 143
- *Council of Civil Service Unions v Minister for the Civil Service* [1985] AC 374, 410-11.
- *Lord Lane CJ in R v Commission for Racial Equality ex parte Cottrell and Rothon* [1980] 3 All ER 265
- *R (Jackson) v Attorney General* [2005] UKHL 56; [2006] 1 AC 262
- *R (on the application of AAA and others) v The Secretary of State for the Home* [2023] EWCA Civ 745
- *R (on the application of AAA and others) v The Secretary of State for the Home* [2023] UKSC 42
- *R (on the application of Miller) (Appellant) v The Prime Minister (Respondent)* [2019] UKSC 41
- *Western Fish Products v Penrith DC* (1979) 2 All ER 204

Statute

- Asylum and Immigration (Treatment of Claimants) Act 2004
- Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights, as amended) (ECHR)
- *Convention Relating to the Status of Refugees* [1954] 189 UNTS 150
- Human Rights Act 1998
- Illegal Migration Act 2023
- Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020
- Safety of Rwanda (Asylum and Immigration) Act 2024

Bibliography

- Delegated Powers and Regulatory Reform Committee, *Democracy Denied? The urgent need to rebalance power between Parliament and the Executive* (HC 2021-22,12) para 66
- Chand B, 'Discretionary Powers of Government' (1949) 15(3) PPA 411-465
- UK Parliament, 'Government' (UK Parliament, 19 March 2024)
<<https://www.parliament.uk/site-information/glossary/government/>> accessed 19 March 2024

- *Halsbury's Laws* (5th edn, 2023) Vol 61A, para 78.
- Government UK, '*How government works*' (Government UK, 22 March 2024) <<https://www.gov.uk/government/how-government-works>> accessed 22 March 2024
- Dicey AV, *Introduction to the Study of the Law of the Constitution* (10th edn, Macmillan 1959)
- Courts and Tribunals Judiciary, '*Judicial Review*' (Courts and Tribunals Judiciary, 19 March 2024) <<https://www.judiciary.uk/how-the-law-works/judicial-review/>> accessed 19 March 2024
- Kingsley Napley, '*Judicial Review and suitable alternative remedies*' (Kingsley Napley, 7 July 2015) <<https://www.kingsleynapley.co.uk/insights/blogs/public-law-blog/judicial-review-and-suitable-alternative-remedies>> accessed 16 April 2024
- LexisNexis, '*Judicial review – time limits and the pre-action protocol*' (LexisNexis, 30 October 2023) <<https://www.lexisnexis.co.uk/legal/guidance/judicial-review-time-limits-the-pre-action-protocol>> accessed 16 April 2024
- Joint Committee on Human Rights, *Legislative Scrutiny: Judicial Review and Courts Bill* (HC/HL 2021-22 10)
- Conservatives, '*Our 5 Priorities*' (Conservatives, 22 March 2024) <<https://www.conservatives.com/>> accessed 22 March 2024
- Elliott M and Thomas R, *Public Law* (4th edn, OUP 2020).
- University of Liverpool, '*Reflections about the Supreme Court's ruling on the Rwanda policy*' (University of Liverpool, 17 November 2023) <<https://news.liverpool.ac.uk/2023/11/17/reflections-about-the-supreme-courts-ruling-on-the-rwanda-policy>> accessed 24 May 2024
- Parliament UK, '*REDRESS – WRITTEN EVIDENCE (URA0008)*' (Parliament UK, 22 December 2023) <<https://committees.parliament.uk/writtenevidence/127251/html>> accessed 24 May 2024.
- International Rescue Committee, '*Rwanda Plan explained: Why the UK Government should rethink the scheme*' (International Rescue Committee, 16 January 2024) <<https://www.rescue.org/uk/article/rwanda-plan-explained-why-uk-government-should-rethink-scheme>> accessed 27 March 2024
- Courts and Tribunals Judiciary, '*Structure of the Courts & Tribunals system*' (Courts and Tribunals Judiciary, 19 March 2024) <<https://www.judiciary.uk/about-the-judiciary/our-justice-system/court-structure/>> accessed 19 March 2024
- UK Parliament, '*The royal prerogative and ministerial advice*' (UK Parliament, 24 October 2023) <<https://commonslibrary.parliament.uk/research-briefings/cbp-9877/>> accessed 22 March 2024

- Bell J, '*The Resurgence of Standing in Judicial Review*' [2024]
- House of Commons Library, '*The Separation of Powers*' (House of Commons Library, 15 August 2011)
<<https://researchbriefings.files.parliament.uk/documents/SN06053/SN06053.pdf>>
accessed 19 March 2024
- Thomas Bingham, '*The Sixth Sir David Williams Lecture*' (University of Cambridge, 16th November 2006) <<https://www.cpl.law.cam.ac.uk/sir-david-williams-lectures/rt-hon-lord-bingham-cornhill-kg-rule-law>> accessed 19 March 2024
- UNHCR, '*UK-Rwanda Asylum Partnership*' (UNHCR, 27 March 2024)
<<https://www.unhcr.org/uk/what-we-do/uk-asylum-policy-and-illegal-migration-act/uk-rwanda-asylum-partnership>> accessed 27 March 2024
- Government UK, '*UK-Rwanda treaty: provision of an asylum partnership*' (Government UK, 5 December 2023)
- Al Jazeera, '*UK to send asylum seekers to Rwanda under controversial new deal*' (Al Jazeera, 14 April 2022) <<https://www.aljazeera.com/news/2022/4/14/uk-to-sign-deal-to-send-male-channel-refugees-to-rwanda-reports>> accessed 19 March 2024
- <<https://www.gov.uk/government/publications/uk-rwanda-treaty-provision-of-an-asylum-partnership>> accessed 27 March 2024