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Kaukab Stewart MSP  
Convener  
Equalities, Human Rights and Civil Justice Committee

Clare Adamson MSP  
Convener  
Constitution, Europe, External Affairs and Culture  
Committee

08 August 2023

Dear Convenors,

On World Refugee Day, 20 June, I appeared before the Equalities, Human Rights and Civil Justice (EHRCJ) Committee in regard to the inquiry being undertaken by the Committee into Asylum Seekers in Scotland. During the session, I committed to share insights with the Committee following a summit on the Illegal Migration Bill taking place on 22 June. I am also copying this letter to the Social Justice and Social Security Committee for their awareness.

The Illegal Migration Bill Summit brought together key partners and stakeholders, including Scottish Refugee Council, Trafficking Awareness Raising Alliance (TARA), JustRight Scotland, COSLA and the Children and Young People's Commissioner's office to discuss the UK Government's proposed Bill and how we can work together to protect people from the Bill's worst effects, within devolved powers and budget. Speakers at the Summit included, Dame Sara Thornton, former Independent Anti-Slavery Commissioner, Jen Ang, Director of Development and Policy at JustRight Scotland, and a message from lived experience survivors of trafficking supported by TARA.

It was clear from these contributions that the Scottish Government's significant concerns and opposition to the Illegal Migration Bill are widely shared. The Bill will violate international human rights obligations and push some of society's most vulnerable people into exploitation and destitution. JustRight Scotland summarised a legal opinion that they commissioned alongside the Scottish Refugee Council and the Children and Young People's Commissioner Scotland. The messages from people with lived experience, shared by TARA, emphasised that this Bill will increase the grip of criminals on vulnerable people, removing routes to seek help and punishing survivors of trafficking rather than tackling the criminals who exploit them.

The Summit then focused on identifying potential actions to mitigate the worst impacts of the UK Government's Illegal Migration Bill in Scotland. There was an immediate call for more vocal opposition to the Bill from Scotland. The Scottish Government has been clear in our opposition to the Bill. The Scottish Parliament condemned the Bill in debates on 25 April and 27 June.

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Summit attendees also raised a need for further consideration of ways to challenge the Bill. Recommendations included more work on building trust between individuals and support organisations. This included clarifying information sharing requirements between services, agencies and the Home Office so that people can be confident accessing services they are entitled to, and support organisations can refer people to the help they need, particularly for things like healthcare. It was highlighted that many victims of trafficking are already fearful of engaging with services, including being referred to the National Referral Mechanism.

Risks for people's mental health will increase across the board due to fear, uncertainty, and the threat of being removed without even having their case heard. There are concerns this could lead to an increase risk of suicide and is likely to see people going missing from services or not accessing any support. Staff in front line public services and third sector support organisations will also be affected as they seek to support people but with more limited options. Summit attendees highlighted existing good practice in support provision and duties under other legislation, both international and domestic. It will be important for services to understand any impact of the Bill on their duties and powers, so that they can make good quality support decisions.

There is likely to be a significant increase in people subject to No Recourse to Public Funds (NRPF) who will have severely restricted support options. Where the Home Office cannot remove them, people will be in a permanent state of limbo, unable to regularise their status in the UK or access mainstream support. This will impact third sector capacity and communities, jeopardising efforts to tackle homelessness and destitution. The summit identified a need to understand gaps in existing data and identify ways to recognise where risk is arising, while noting that this will be extremely challenging due to the Illegal Migration Bill pushing people further into hidden exploitation.

The unprecedented step of creating a power for the Home Office to accommodate children directly and to both place children with, and remove them from, local authorities was raised as particularly worrying in relation to the impact on children and the intrusion into devolved powers and duties under Scottish legislation. It is important that Local authorities fully understand their duties to unaccompanied children while implementing the Bill. There is an increased risk that unaccompanied children will fear engaging with services and may run away because the Bill provides for the detention and removal of children from the UK. Practitioners and organisations across the children's sector agreed that this will put children at greater risk of trafficking and exploitation.

The Scottish Government will be carefully considering all matters raised at the summit. I know that the EHRCJ Committee has already heard evidence relating to the Illegal Migration Bill during the course of the inquiry on Asylum Seekers in Scotland. Given the significant implications of the Bill on people living in our communities, the intrusion into devolved legislation and the impact on devolved service provision, I would welcome further Committee consideration.

Yours sincerely,

**EMMA RODDICK**

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