

# Equalities, Human Rights and Civil Justice Committee

## Border Security, Asylum and Immigration Bill Legislative Consent Memorandum

### Submission from COSLA – 28 May 2025

We will be working to review the wider implications of the Bill upon Local Authority services and support once final draft is available.

A [Legislative Consent Memorandum](#) (LCM) was published by the Scottish Parliament on 12 March 2025, responding to the Border Security, Asylum and Immigration Bill (2025). Officials from the Convention of Scottish Local Authorities (COSLA) have reviewed the LCM and [House of Commons Amendment Paper](#) relating to the Bill (7 May) to understand the latest position on the proposed, as it impacts the work of Local Government in Scotland.

- Clause 36 (and 34 – not covered in LCM) – Provision of biometric information. Through our work with local authorities to support Unaccompanied Asylum-Seeking Children (UASC) we understand more is required to safeguard children arriving at the UK via irregular routes. We are aware of some UASC arrivals being asked by border officials in England to sign statements declaring themselves to be adults. The extent to which people arriving at UK ports fully understand the implications of signing such documentation should be further explored to ensure the rights and entitlements of people arriving are upheld. Such information may be used against applicants if they subsequently claim child status or could be used to contest Local Authority age assessments where an applicant is deemed to be a child. We are also aware that children and young people may be pressured by smugglers to claims they are adults upon arrival. COSLA welcome further work to ensure age-assessment methods adopt a child centred and trauma informed approach which recognises the vulnerability of UASC during the arrivals process and their increased risk of coercion to present as adults by trafficking gangs. Any changes to this process should be developed in partnership with local authorities to ensure that the introduction of new processes do not adversely affect vulnerable UASC in Scotland.
- Clause 38 – Repealing the Illegal Migration Act 2023 Provisions (specifically Sections 24 and 28). As noted in the LCM, section 24 would have repealed the powers and duties of Scottish Minister relating to the provision of support to victims of human trafficking. We note the Parliament's assessment, that whilst provisions under the IMA did alter the powers and duties of Scottish Ministers, as clauses 24 and 28 were not fully brought into effect, there is no material change proposed by repealing these provisions in the Bill. Proposals contained within the Bill will ensure that Local Government in Scotland can continue to support victims of trafficking through Scotland's Human Trafficking and Exploitation Strategy and the Human Trafficking and Exploitation (Scotland) Act 2015.