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Scottish Government
Riaghaltas na h-Alba

Kenneth Gibson MSP
Presiding Officer
Scottish Parliament

By email: Presidingofficers@parliament.scot

9 November 2026

Dear Presiding Officer,

IMMIGRATION AND ASYLUM BILL

I am writing to let you know that the Scottish Government is considering the need to lodge a supplementary Legislative Consent Memorandum (LCM) in respect of the UK Government Immigration and Asylum Bill.

Scottish Parliament Standing Orders provide that an LCM should normally be lodged with the Scottish Parliament two weeks after the the tabling of relevant UK Government amendments. In the case of this Bill, the deadline would have been 27 October 2026. Unfortunately, we have not met that deadline as our initial assessment of the amendments to the Bill at Committee Stage had concluded these related solely to reserved matters.

The UK Government tabled a number of amendments to the Bill on 9 October 2026[1]. It was the view of the UK Government that these amendments related solely to reserved matters and the Scottish Government's initial assessment was in agreement with this view. As such, we did not seek to lodge a supplementary LCM within the Standing Order deadline but continued to work on the supplementary LCM still required for the Bill. As part of that work, following further analysis and engagement with UK Government officials, Scottish Government consideration of Amendment 31, now clause 12 of the Bill, has identified potential impacts on devolved arrangements relating to the regulation of legal professionals in Scotland, and in particular their education and training. As a result, the Scottish Government has concluded that clause 12 engages legislative consent requirements and so the

[1] Immigration and Asylum Bill - Parliamentary Bills - UK Parliament

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original amendment, Amendment 31, should have triggered the requirements for the supplementary LCM.

With apologies for having not identified this ahead of the original deadline, we are now including our analysis on clause 12 within the supplementary LCM that was being prepared that seeks to set out the Scottish Government's view on the Bill more widely.

We anticipate lodging that LCM the week commencing 16 November. My officials will keep in contact with yours regarding anticipated timescales for lodging the memorandum.

I am copying this letter to Neil Gray MSP, Cabinet Secretary for Justice, and to Karen Adam MSP, Convener of the Equalities, Human Rights and Civil Justice Committee.

Yours sincerely,

JAMIE HEPBURN

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