

Parliamentary Bureau - Legislative Consent Memorandum

Border Security, Asylum and Immigration Bill (UK legislation)

Introduction

1. Under Rule 9B.3.5, the Parliamentary Bureau is required to refer any legislative consent memorandum (LCM) that has been lodged with the Parliament to the committee within whose remit the subject matter of the relevant provision falls. If two or more committee remits are engaged, the Bureau is required to recommend to the Parliament which of them is to be designated as lead committee.

Border Security, Asylum and Immigration Bill

2. This Bill was introduced in the House of Commons on 30 January 2025.
3. An LCM was lodged by Shirley-Anne Somerville MSP, Cabinet Secretary for Social Justice on 12 March 2025.
4. The Bill makes provision to improve UK border security and strengthen the asylum and immigration system by creating a framework of new and enhanced powers and offences that reinforce, strengthen and connect capabilities across the relevant government and law enforcement partners which make up the UK's border security, asylum and immigration systems. The LCM covers provision in the Bill relating to:
 - Trailer registration information,
 - Biometric data,
 - Repeal of elements of the Illegal Migration Act 2023,
 - Detention and exercise of functions pending deportation,
 - Possession etc of articles for serious crime,
 - Serious crime prevention orders, and
 - Validation of fees charged in relation to qualifications.
5. The LCM indicates that the Scottish Government intends to lodge a motion seeking the Scottish Parliament's consent to the relevant provision in this Bill.

Designation of lead committee

6. The relevant provision in the Bill falls within the remit of the following committees:
 - Equalities, Human Rights and Civil Justice Committee – whose remit includes to consider and report on matters relating to equal opportunities and human rights, and matters relating to civil justice within the responsibility of the Cabinet Secretary for Justice and Home Affairs; the Cabinet Secretary is supported by the Minister for Victims and Community Safety, who is responsible (amongst other things) for human trafficking.
 - Criminal Justice Committee – whose remit is to consider and report on matters relating to criminal justice falling within the responsibility of the

Cabinet Secretary for Justice and Home Affairs; the Cabinet Secretary is responsible (amongst other things) for justice system and criminal law procedure and police.

- Social Justice and Social Security Committee – whose remit is to consider and report on matters falling within the responsibility of the Cabinet Secretary for Social Justice; the Cabinet Secretary is supported by the Minister for Equalities, who is responsible (amongst other things) for migration.
7. Of these, the remit of the Equalities, Human Rights and Civil Justice Committee appears most relevant because of the impact on equal opportunities and human rights, and the link to human trafficking provisions through the Illegal Migration Act 2023. That committee has also undertaken previous work on migration related issues, including an inquiry into asylum seekers in Scotland. However, formal designation of that committee as lead committee does not preclude any other committee whose remit is engaged from considering the LCM if it so wishes.
 8. The LCM will also be considered by the Delegated Powers and Law Reform Committee in relation to any provisions in the Bill conferring powers on the Scottish Ministers to make subordinate legislation.

Recommendation

9. The Bureau is invited to recommend, under Rule 9B.3.5, that the Parliament designate the Equalities, Human Rights and Civil Justice Committee as lead committee on the LCM. A draft Bureau motion is set out below.

Parliamentary Business Team
March 2025

Draft Parliamentary Bureau motion:

Designation of Lead Committee – That the Parliament agrees that the Equalities, Human Rights and Civil Justice Committee be designated as the lead committee in consideration of the legislative consent memorandum relating to the Border Security, Asylum and Immigration Bill (UK Legislation).