Public Bill Committee
Immigration and Asylum Bill [Bill 105]
House of Commons
London SW1A 0AA

29th September 2026

Immigration and Asylum Bill – human trafficking provisions and devolution concerns (Scotland)

Dear Chair and Members of the Public Bill Committee,

We write to set out our serious concerns about the human trafficking and modern slavery measures in the Immigration and Asylum Bill and the potential impact on devolved areas. The Bill's proposed changes to victim leave and related immigration controls risk undermining the obligations of Scottish Ministers to provide support to victims of trafficking. We are also concerned that these proposals are potentially incompatible with the UK's international obligations under the European Convention Against Trafficking (ECAT).

Scotland has a distinct legislative and strategic framework on human trafficking, including the Human Trafficking (Scotland) Act 2015 and a multi-year delivery plan setting out actions to prevent trafficking, protect survivors and pursue perpetrators.

It is prudent to ensure that UK Government policy respects the devolved powers Scotland already holds and does not conflict with statutory duties in Scotland, particularly when it comes to one of the most vulnerable groups of people in society.

The Bill abolishes VTS leave, the temporary permission to remain for trafficking survivors pending recovery and cooperation, cutting off a vital route to recovery for people who need space and time to recover from trauma associated with trafficking. It also expands "prior offence" disqualifications, making it harder for survivors with trafficking-related convictions to obtain a conclusive grounds decision or access protection.

The Bill creates an obligation to treat a failure to disclose relevant matters "at the earliest opportunity" as damaging to credibility. In our work with survivors of torture, trafficking, sexual violence and other severe vulnerabilities, we know that delayed disclosure is often a direct consequence of trauma.

It is also often practically difficult for individuals to secure legal aid at short notice to have effective advice and representation on matters pertaining to the National Referral Mechanism. The provision of legal aid is at crisis point in Scotland and we are concerned that these issues surrounding access to justice will be compounded by the measures in the Bill.

We do not believe this 'credibility penalty' is a trauma-informed approach. It runs counter to the principles underpinning the rights-based approach to protection in Scotland. It is our position that very little consideration has been given to Scotland's distinct legal duties and devolved public services.

While we recognise that full devolution of immigration powers may be politically challenging, we have made several targeted recommendations that would allow Scotland to meet its obligations and improve outcomes for survivors without requiring a wholesale transfer of immigration competence.

First, we propose devolving the powers necessary to protect and expand VTS leave for survivors in Scotland. This would enable the Scottish Parliament to ensure that survivors are granted the long-term, stable leave to remain they need, so they can access housing, healthcare, education and employment, and mitigate the risk of re-trafficking.

We also advocate for a specific exemption in the Immigration and Asylum Bill to protect the devolved obligations of Scottish Ministers under the Human Trafficking (Scotland) Act 2015. Under the current Scottish framework, Ministers maintain discretion to provide support outside the mandatory period even after a conclusive grounds decision. The Bill must not remove or constrain this discretion in relation to survivors in Scotland.

A clear statutory carve-out would ensure that UK immigration rules do not prevent Scottish Ministers from fulfilling their statutory duties to support and protect trafficking survivors.

The devolution of powers around decision-making and the thresholds for referral into the National Referral Mechanism (NRM) would help Scottish Ministers fulfil their obligations under the 2015 Act.

It may be useful to draw on the Home Office's Devolving Child Decision-Making Pilot, which tested moving NRM decision-making for children under 18 affected by modern slavery and trafficking from the Single Competent Authority (SCA) in the Home Office to local authority safeguarding teams in selected areas. An expansion of this scheme to adult survivors in Scotland would provide a strong evidence base for the devolution of NRM decision-making more broadly.

We would welcome the opportunity to work with Committee members on amendments that protect survivors and respect Scotland's devolved responsibilities.

Yours faithfully,

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Chief Executive, Scottish Refugee Council	Chief Executive, Aberlour	Legal Director & Partner, JustRight Scotland