



The Scottish Parliament
Pàrlamaid na h-Alba

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22 February 2022

Dear John

Legislative Consent: Nationality and Borders Bill – UK Legislation

I am writing to notify you that, on 22 February 2022, the Scottish Parliament agreed not to consent to the Nationality and Borders Bill, which is currently under consideration at Westminster.

Given the Bill is of interest to all parts of the UK, I am also writing to Simon Burton, Clerk of the Parliaments, Manon Antoniazzi, Chief Executive and Clerk of the Senedd and Lesley Hogg, Clerk/ Chief Executive of the Northern Ireland Assembly, to inform them of the Scottish Parliament's decision.

I attach the associated Memorandum and extract of the Minutes of Proceedings.

Yours sincerely,

DAVID McGILL
Clerk/Chief Executive

MINUTES OF PROCEEDINGS

Parliamentary Year 1, No. 82, Session 6

Meeting of the Parliament

Tuesday 22 February 2022

Note: (DT) signifies a decision taken at Decision Time.

The meeting opened at 2.00 pm.

6. Nationality and Borders Bill (UK Legislation): The Minister for Culture, Europe and International Development (Neil Gray) moved S6M-03270—That the Parliament notes that the UK Government's Nationality and Borders Bill proposes significant changes to UK asylum and immigration legislation, which will damage people living in communities across Scotland and the UK, now and in the future; recognises that the Bill contains two provisions that trigger the requirement for legislative consent and that a legislative consent memorandum recommending that the Parliament withholds its consent to those clauses was lodged on 1 February 2022; notes that the Welsh Parliament has refused consent; is concerned by the creation of a National Age Assessment Board with powers to scrutinise age assessments using “scientific techniques”, which Scottish Government guidance advises against on child welfare and unreliability grounds; notes that these provisions will impose time limits and damaging measures affecting assessment of credibility in human trafficking applications; condemns these provisions, as well as proposals in the Bill for differential treatment of refugees based on how they arrived rather than their protection needs, measures that criminalise vulnerable people seeking protection, “push-back” provisions that will put lives at sea at risk and open the door for offshore asylum accommodation, and powers to revoke citizenship without notice, and agrees that the Bill will not achieve its aims or the change that is needed to ensure that the UK's asylum and immigration systems are effective, efficient and deliver for people in need of humanitarian protection, according to international human rights obligations.

Donald Cameron moved amendment S6M-03270.1—

As an amendment to motion S6M-03270 in the name of Neil Gray (Nationality and Borders Bill (UK Legislation)), leave out from “notes that the UK Government's” to end and insert “agrees that the relevant provisions of the Nationality and Borders Bill, relating to age assessments and modern slavery, do not fall within the legislative competence of the Scottish Parliament, and recognises that the UK Government's Nationality and Borders Bill will strengthen existing UK asylum and immigration legislation.”

After debate, the amendment was disagreed to ((DT) by division: For 29, Against 92, Abstentions 0).

The motion was agreed to ((DT) by division: For 94, Against 29, Abstentions 0).

The meeting closed at 6.07 pm.

David McGill
Clerk of the Parliament
22 February 2022