



JustRight Scotland
Written Evidence in Response to
the Immigration and Asylum Bill
for UK Parliament Public Bill Committee and
Joint Committee on Human Rights Legislative Scrutiny Inquiry
September 2026

About JustRight Scotland

[JustRight Scotland](#) is a registered charity established by an experienced group of human rights lawyers. We use the law to defend and extend people's rights, working towards a model of collaborative social justice. We work in partnership with non-lawyers and others towards the shared aims of increasing access to justice and reducing inequality in Scotland. We do this by providing direct legal advice to individuals and organisations, running outreach legal surgeries and helplines, delivering rights information, training and legal education, and contributing to research, policy and influencing work. We work across a number of policy areas including migration, citizenship, trafficking and exploitation, women's legal justice and gender-based violence, and access to justice and equality.

Our Response to Calls for Evidence on the Immigration and Asylum Bill

1. As human rights lawyers, engaged in the day-to-day practice of providing immigration, legal advice and representation to children, young people, women and families across Scotland, we are deeply concerned about the Immigration and Asylum Bill. We are providing this written evidence to the UK Parliament's Public Bill Committee and Joint Committee on Human Rights (JCHR) Legislative Scrutiny Inquiry. We have addressed the questions asked by the JCHR.
2. In preparing this evidence, we have discussed the Bill with two groups of people with lived experience of the asylum system. The first group is the TARA Advisory Group (TAG) – a group of survivors of human trafficking who have been supported by the Trafficking Awareness Raising Alliance (TARA) in Scotland. Their views are at **Annex A**. The second group is the 'Rights Reps' – a group of people seeking asylum who are, or have been, accommodated in hotels in Scotland by the Home Office during the asylum process. Their views are set out in **Annex B**. We are grateful to TARA, the

Scotland's Legal Centre for Justice and Human Rights

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TAG and the Rights Reps for their assistance in providing case studies and insights on the potential impact of the provisions of the Bill.

3. **We believe that the overarching impact of the Bill, if implemented, will be an increase in children, young people, women and families facing poverty, destitution and ultimately street homelessness. This will, in turn, result in increased risks of physical and psychological harm, exploitation and abuse for these already vulnerable groups.**
4. In relation to Part 1, we believe that replacing the First-Tier Tribunal (Immigration and Asylum Chamber) ("FTT") with the proposed Independent Immigration Appeals Authority ("IIAA") is disproportionate to the aim of "*speed[ing] up the removal of those with no right to be in the UK*"¹. It is our view that it would be open to the Government to take less drastic measures than replacing a Tribunal that has been responsible for making decisions on highly complex appeals since 2008. We note that Section 49 of the Border Security, Asylum and Immigration Act 2025 came into force on 12th August 2026, creating a statutory timeframe for the FTT to hear appeals from non-detained foreign national offenders and individuals in receipt of asylum support within 24 weeks of appeals being lodged. The UK Government has not provided an opportunity for the 24-week timeframe to be tested. Instead, it is currently proposing to scrap the FTT altogether.
5. By replacing the FTT with a decision-making body lacking practical independence and the required expertise to make highly sensitive, consequential decisions, the Government risks undermining the rule of law and the UK's compliance with its international obligations. Although the Home Office has not published data on asylum appeals outcomes in a number of years, the most recent data published by the Ministry of Justice shows that, between January and March 2026, 40% of asylum appeals were allowed by the FTT.² As this figure does not include decisions withdrawn by the Home Office with a view to grant permission, we can expect the proportion of appellants receiving a positive outcome after lodging an appeal to be higher. This data shows that the FTT plays a fundamental safeguarding role against appellants being unlawfully returned to unsafe countries and helps ensure the UK's compliance with its international obligations.
6. Beyond this, we are also concerned that the proposed IIAA will result in substantial cost to the public purse. We note that the expense of replacing the FTT with a new body has not been disclosed by the Government at this stage. However, the Government is proposing to create an entirely new body while the FTT will continue to hear appeals in the interim, which is likely to lead to wasted resources — resources that could instead be invested in improving the quality of initial decision-making, resulting in fewer appeals having to be heard altogether.³

¹ Immigration and Asylum Bill, Impact Assessment

² Ministry of Justice, Tribunal Statistics Quarterly: January to March 2026

<https://www.gov.uk/government/statistics/tribunals-statistics-quarterly-january-to-march-2026/tribunal-statistics-quarterly-january-to-march-2026#immigration-and-asylum>

³ Refugee Council, Analysis shows that the backlog of asylum appeals will cost hundreds of millions to resolve
<https://www.refugeecouncil.org.uk/press-office/media-centre/analysis-shows-that-the-backlog-of-asylum-appeals-will-cost-hundreds-of-millions-to-resolve/>

7. Part 2 of the Bill – particularly clauses 18 and 19 – are arguably inconsistent with our international obligations. They severely limit the concept of “family life” and use statutory tests and checklists to fetter the discretion of the courts. At times, they eliminate altogether the vital discretion, placing the courts in a very difficult position to apply primary statute in a manner compatible with the ECHR. They are particularly punitive for children in the UK – British and migrant alike. Our view is that clause 19 does not adhere to the UK’s duties to promote and safeguard the welfare of children in the UK.
8. Part 3 of the Bill would give the Government broad powers to fundamentally change the refugee protection system through regulations, without adequate parliamentary scrutiny. We are particularly concerned that the proposed “core protection” model could further restrict refugees’ rights, including access to family reunion, public funds, settlement and citizenship. When combined with proposed “Earned Settlement” measures, refugees will face much longer and more uncertain routes to permanent status. The changes proposed in this Bill, taken together with other pending reforms, may be inconsistent with the UK’s obligations under the Refugee Convention and would create greater pressure on the asylum, appeals and legal aid systems, leading to more delays, insecurity and hardship for refugees and their families.
9. Part 4 of the Bill would allow the Secretary of State to require asylum seekers to repay the cost of asylum support and accommodation. Asylum support is provided only to people who have been assessed as destitute, who generally have no right to work and survive on very limited financial assistance while often living in poor-quality accommodation. In our view, imposing repayment obligations would unfairly penalise people for seeking asylum, create significant anxiety and hardship for refugees rebuilding their lives, and risk trapping them in debt. We contend that a better approach would be to reduce delays in asylum decision-making and allow asylum seekers to work while their claims are processed. We note that such debts could affect future applications for family reunion, settlement and citizenship, and may be incompatible with the UK’s obligations under Article 34 of the Refugee Convention.
10. We work with survivors of trafficking and exploitation on a daily basis and are deeply concerned by a number of the proposed changes to the modern slavery framework, included in Part 5 of the Bill. Human trafficking and exploitation are horrific human rights abuses and serious crimes that cause lasting harm to survivors, their families and communities. Part 5 of the Bill and the UK Government’s broader rhetoric around trafficking represent a choice to prioritise immigration control over identifying and supporting survivors of exploitation.
11. We note with concern their stark contrast with the Scottish Government’s Trafficking and Exploitation Strategy which adopts a public health approach to trafficking that seeks to avoid and minimise exploitation and harm by focusing on improving the health and wellbeing of survivors of trafficking.⁴ The strategy envisages delivering targeted interventions that aim to ultimately prevent trafficking and re-trafficking.

⁴ <https://www.gov.scot/publications/scotlands-trafficking-exploitation-strategy-2025/pages/1/>

12. Moreover, the changes are also in direct conflict with the objectives of the UK Government's own strategies on Violence Against Women and Girls (VAWG) and Child Poverty.⁵ The former strategy recognises issues with trust in systems that are intended to protect women from harm and the need to take a trauma informed approach to engaging with women who have experienced gender-based violence. The Child Poverty Strategy states that there is a moral imperative to reduce child poverty. The survivors of trafficking we work with are predominantly women, children and young people. The changes in this Bill will have the effect of excluding survivors from identification and protection, making them more vulnerable to re-trafficking and at higher risk of experiencing destitution.

1. Will the Independent Immigration Appeals Authority established by the Bill provide a fair hearing of immigration and asylum cases and comply with the ECHR and Refugee Convention?

13. As lawyers regularly representing clients before the First Tier Tribunal (Immigration and Asylum) ("FTT"), we have significant concerns about the proposals set out in Part 1 of the Immigration and Asylum Bill. Our view is that these proposals, if implemented, may violate Article 13 (in conjunction with Article 3) ECHR, as well as fundamental principles of justice and fairness set out in common law.

14. ECHR case-law establishes that Article 13, taken with Article 3, requires that, where an applicant claims that return to their country of origin would expose them to a real risk of ill-treatment, that claim must be subject to independent and rigorous scrutiny by a national authority.⁶ Consistent with this, common law requires an absence of apparent bias⁷ and objective independence from the executive on the part of any authority determining disputes between the individual and the State.⁸

Our key concerns in relation to the proposed IIAA are as follows.

Lack of practical independence

15. It is our position that the proposed structure, governing framework and limited oversight of the IIAA mean that it will lack practical independence from the Secretary of State.

- Under Clause 2, the Secretary of State is responsible for nominating key members of the IIAA, including the Chair, the Professional Standards Officer ("PSO"), the Chief Executive and the Chief Appeals Officers ("CAO") (initially, later appointed by the Chair);
- The Procedure Rules, which will govern the practice of the IIAA (including its functions, review procedures, hearing timescales and management of evidence), will be made by the IIAA Procedure Rules Board ("the Board"). Under Clause 5, the Board is comprised of the Chief Executive, PSO, CAO and members appointed by the Chair. It follows that all Board members are, directly or indirectly, appointees of the Secretary of State, giving the Secretary of State the ability to influence the Board

⁵ <https://www.cps.gov.uk/publication/vawg-2025-2030>; <https://www.gov.uk/government/publications/our-children-our-future-tackling-child-poverty/our-children-our-future-tackling-child-poverty>

⁶ *AM v the Netherlands* [29094/09] (2016)

⁷ *Magill v Porter* [2001] UKHL 67

⁸ *R (Brooke) v Parole Board* [2008] EWCA Civ 29

and the drafting of the Procedure Rules. As a statutory instrument, the Procedure Rules will also be subject to very limited Parliamentary oversight.

- Under Schedule 2, the Secretary of State has the sole power to remove non-executive members of the IIAA,
- The IIAA is subject to very limited scrutiny. Under Clause 13, the Chief Inspector for Borders and Immigration must report on the IIAA once a year. However, the Inspector is appointed by the Secretary of State who also retains discretion not to accept the Inspector's recommendations, which are in any event non-binding.

16. Taken together, these measures point to the IIAA lacking practical independence from the Secretary of State. It is particularly striking to compare the IIAA's proposed framework with the current framework regulating the FTT: recruitment is overseen by the Judicial Appointments Commission and the FTT falls under the administration of the Ministry of Justice rather than the Secretary of State. It is our position, as shared by ILPA and other stakeholders, that the IIAA proposals clearly undermine judicial independence and, more broadly, the rule of law. As currently proposed, the IIAA framework, in our view, does not guarantee the level of independence required either by Article 13 ECHR or by common law.

Unfairness

17. It is our position that a number of proposed measures in Part 1 would render appeals before the IIAA unfair to appellants.

- Under Clause 9, the Secretary of State has sole power to request for an appeal or a bail application to be expedited; the IIAA may decline only on grounds that compliance would not be reasonably practicable or that doing so would not be in the interests of justice. Clause 9 therefore gives the Secretary of State an exclusive power to accelerate proceedings, with no reciprocal power available to appellants and no ability for appellants to challenge its exercise.
- IIAA decisions will be subject to very limited oversight. Under Clause 6, it is unclear on what basis the IIAA will review its own decisions, or whether reviews will be conducted by a different or a more senior adjudicator than the one who made the original decision. While appeals to the Upper Tribunal are possible under Clause 7, these are narrowly restricted to points of law. Clauses 6 and 7 together provide very limited scope for IIAA decisions to be reviewed, which is particularly concerning in light of the lack of practical independence highlighted above.
- We are particularly concerned about the implications of Schedule 3 of the Bill. The IIAA Procedure Rules will clearly dictate how appeals are conducted and, as noted above, will themselves be subject to very limited scrutiny. Paragraphs 7 and 8 of Schedule 3 permit the Rules to provide for matters to be dealt with without a hearing, and for proceedings to take place without notice to either party. Paragraph 11 further provides for the Rules to make provision for adjudicators to take into account, as factors damaging credibility, late submission of evidence and failure to comply with procedural requirements. It is particularly concerning that this indicates IIAA

adjudicators may treat procedural breaches as substantially damaging an appellant's credibility. Taken together, these provisions risk creating systemic procedural unfairness for appellants.

18. We wish to draw attention to the Court of Appeal decision in the *Detention Action*⁹ case where the Court found the Fast-Track Rules ("FTR") to be unlawful on the basis that, in light of the complexity of asylum appeals, they created an unfair and unjust system for appellants. The FTR, as with the IIAA framework, sought to prioritise efficiency and speed over fairness for appellants.

Quality of decision making

19. We are very concerned about the significant risk of poor-quality decision making by the IIAA. Under Clause 2, adjudicators – who we expect will determine the majority of appeals – will not be required to hold legal qualifications. The Bill provides no details around how adjudicators will be selected or what, if any, qualifications they will be expected to hold. However, we note that the call for evidence published by the Government in March 2026 suggested that potentially suitable candidates might include former police officers, social workers, civil servants, planning inspectors or councilors.¹⁰ Whilst it is noted that senior adjudicators will require to be legally qualified and hold at least two years' relevant experience, it is unclear to what extent, if any, adjudicators' decision-making will be overseen by senior adjudicators.

20. It follows that the IIAA framework proposes that decisions in complex immigration and asylum appeals be made by adjudicators with no legal qualifications and no prior experience in this area. We are deeply concerned by this, particularly given the complexity of this area of law which involves the interpretation of complex legislation and international law, the assessment of credibility and the evaluation of objective evidence relating to countries of origin. As noted by ILPA,¹¹ courts in the UK have repeatedly warned of the complexity of immigration law, with the Court of Appeal noting that the Immigration Rules are not "*readily understandable by ordinary lawyers and other advisers*".¹²

21. Our day-to-day practice supports the courts' views. Immigration and asylum law is an extremely complex, constantly evolving area of practice; arguably the most challenging in terms of the pace of change, whether in policy, rules and legislation or in the underlying country situations on which claims depend. Providing high-quality representation in this area requires continuous training and development to a degree not typically required in other areas of law. This is reflected in the fact that practitioners tend to specialise exclusively in this field, given both its complexity and the seriousness of the consequences that errors can lead to.

22. Against this background, it is very concerning that the IIAA, as proposed, will have adjudicators with no prior legal qualification or experience making decisions that, if

⁹ R (on the application of Detention Action) v First-tier Tribunal (Immigration and Asylum Chamber) [2015] EWCA Civ 840

¹⁰ <https://www.gov.uk/government/calls-for-evidence/asylum-new-independent-appeals-body/the-new-independent-appeals-body-call-for-evidence>

¹¹ See, inter alia, ILPA, Call for evidence: [the New Independent Appeals Body Response of the Immigration Law Practitioners' Association](#) (5 May 2026)

¹² Singh v Secretary of State for the Home Department [2015] EWCA Civ 74, at [59]

wrongly made, can result in genuine refugees being returned to persecution or families being wrongly separated. This is particularly problematic given that successive Governments have recognised the importance of legal qualifications for adjudicators in this area and that such qualifications have been a requirement since 2000.¹³

23. Our concerns are further corroborated by evidence provided by UNHCR, which recommended that recruitment of adjudicators focus on legal skills and experience in asylum and human rights law.¹⁴ UNHCR highlighted the example of Australia where the recruitment of adjudicators lacking qualifications and experience led to significant delays and a growing appeals backlog. We have no reason to doubt that, if implemented as proposed, the lack of qualifications and experience amongst adjudicators will produce poor-quality, legally unsafe determinations – with a corresponding increase in the Upper Tribunal's backlog.
24. In light of the above, we are concerned that the IAA framework as proposed will fail to deliver the rigorous level of scrutiny required under the ECHR and Strasbourg case-law. We are ultimately concerned that unsafe determinations will result in genuine refugee being refouled to unsafe countries, contrary to the UK's obligations under the Refugee Convention.

Overall impact on our clients

25. Most importantly, we are concerned about how these proposals will impact the clients we work with. When we recently discussed the proposals with a group of asylum seekers we provide support to, they likened the IAA framework to an internal complaints procedure within a large company. The group worried that IAA adjudicators will tend to uphold initial decisions made by the Secretary of State, given the lack of actual safeguards to prevent this. The group was also very concerned about poor-quality decisions being made, resulting in genuine refugees being left without support and potentially removed to a country where they would face harm. Finally, the group highlighted the potential unfairness of the framework, noting that appellants may be penalised for procedural mistakes beyond their control and unrelated to their credibility.¹⁵

¹³ House of Commons Library, History of asylum appeals in the United Kingdom
<https://commonslibrary.parliament.uk/research-briefings/cbp-10488/> (6 February 2026)

¹⁴ UNCHR, International standards and core procedural safeguards to be considered in design of the new appeals body https://www.unhcr.org/uk/sites/uk/files/docs/uk/2026-06/unhcr_observations_on_the_new_independent_appeals_body_-_june_2026.pdf (May 2026)

¹⁵ Annex B

2. Are clauses 17 to 20 of the Bill, concerning the application of Article 8 of the ECHR by courts and tribunals, consistent with the UK's obligations under the ECHR?

26. At JustRight Scotland our lawyers have more than a decade of experience in making applications for entry clearance for applicants to join a sponsor in the UK with protection status. In the last 3 years alone, we have made 58 entry clearance applications and conducted 32 entry clearance appeals in the First Tier Tribunal. Almost all appeals have been successful. This includes applications based upon the now suspended refugee family reunion regime under Appendix FRP of the Immigration Rules, but more often applications made relying on Article 8 ECHR. The sponsors are often young refugees seeking reunification with their minor siblings and/or their parents. The overseas family members are usually in unsafe locations or conflict zones, including Gaza, Sudan and Afghanistan. It is common for the minor siblings overseas to be displaced and alone, with the sponsor their only living relative.
27. Part 2 of the Bill attempts to codify key elements of the Article 8 ECHR legal test in different contexts. At clause 18, our view is that it takes a very narrow interpretation of existing domestic and European case-law. At Clause 19, our view is that it is not consistent with the UK's obligations under the ECHR.

Clause 17 – Sponsor Human Rights Claims

28. Clause 17 creates “sponsor human rights claims”. In practice, we understand this to mean that instead of acting for the overseas family member in our entry clearance applications, we will instead be acting for the UK-based sponsor. Appeals before the First Tier Tribunal (or the IAA) will be single appeals with the sponsor as the appellant, as opposed to multiple appeals from the same family requiring to be joined together. This has practical advantages in terms of streamlining the process and is by and large a welcome move.
29. There is one consideration that requires to be thought about with this shift: legal aid. In Scotland, entry clearance applications are within scope of legal aid. We require to assess the eligibility of our clients, which is the overseas family member. Given their displacement, they are in almost every circumstance destitute, and so are able to access a solicitor in Scotland to act for them in the application. If this Bill becomes law, it appears we will be acting for the sponsor and assessing their eligibility. Given the low financial eligibility rates for legal aid in Scotland,¹⁶ many families may be unable to access legal assistance to reunite because a sponsor earns more than £245 per week, or has more than £1,716 in their bank account. This is an access to justice matter which can be taken up with the Scottish Ministers.

¹⁶ JustRight Scotland, written evidence to Scottish Parliament, 1 May 2025, <https://www.justrightscotland.org.uk/wp-content/uploads/2025/05/FINAL-JRS-Legal-Aid-Inquiry-Response-1.5.25.pdf>

Clause 18 – Engagement with Article 8 ECHR

30. Clause 18 inserts a section 117AA into the Nationality, Immigration and Asylum Act 2002 (“the 2002 Act”). In doing so, it is seeking to codify what “engagement” with Article 8 ECHR means. We see this as a regressive and unnecessary step. Engagement with Article 8 ECHR has been a fact-sensitive analysis carried out by courts for more than 25 years. It requires to be flexible in the “family life” sphere to ensure that rights protections remain responsive to the modern make-up of families in the UK. There is little evidence to demonstrate that it is being carried out erroneously in a systematic fashion.¹⁷

31. The new section 117AA(3) gives us significant cause for concern. It states that where a parent and minor child do not live together, they will not even have a family life engaging Article 8 ECHR (a separate question from whether their family life can be proportionately interfered with), unless there is evidence that they have a “genuine and subsisting parental relationship”. The addition of this requirement is deeply challenging for families separated by conflict or persecution. By definition, they do not live together for reasons beyond their control. The UK has, until September 2025, accepted that those families require a special framework for family reunion. As the UNHCR states:¹⁸

“In situations where a family’s most realistic possibility for enjoying family life is in a specific country, as is the case for refugees and other beneficiaries of international protection in their countries of asylum, such countries have the responsibility to ensure family reunification in their countries and should allow family members to enter. Because of the very nature of being a refugee or otherwise in need of international protection, it cannot reasonably be expected of the family to exercise their right to family life in the country of origin. States should therefore allow and take steps to facilitate family reunification for refugees and other beneficiaries of international protection.” [para 15]

32. Instead, since September 2025, the UK Government has suspended the refugee family reunion framework it had in place for many years. Now, it seeks to add a new relationship requirement to even engage Article 8 ECHR. It has removed its positive facilitative steps and has increased the evidential threshold. This undermines the Article 8 ECHR rights of persons with protection status in the UK.

33. Section 117AA(4) reflects the law as it was articulated by the Court of Appeal in *IA and Others v Secretary of State for the Home Department* [2025] EWCA Civ 1516, as well as by the European Court of Human Rights.¹⁹

34. However, section 117AA(5) goes on to create a statutory checklist of elements of dependency that “*when taken independently*” do not constitute family life. It is directing the courts to specifically find family life is not engaged in these circumstances. It is this negative checklist that arguably falls foul of Article 8 ECHR. The European Court of

¹⁷ ILPA, Briefing re: Immigration and Asylum Bill, 9 July 2026, <https://ilpa.org.uk/ilpa-briefing-re-immigration-and-asylum-bill/>, at [73]-[78].

¹⁸ UNHCR Guidelines on international legal standards relating to family reunification for refugees and other beneficiaries of international protection, <https://www.refworld.org/policy/legalguidance/unhcr/2024/en/149243>

¹⁹ *Kumari v the Netherlands* [44051/20] (2024); *Martinez Alvarado v the Netherlands* [4470/21] (2024).

Human Rights (“ECtHR”) states repeatedly that “*the question whether ‘additional elements of dependency’ exist is to be decided on a case-by-case basis*” which will “*often be the result of a combination of elements*”.²⁰ Note the word “*often*”, not “*always*”, which is the effect of section 117AA(5). The Court of Appeal in *IA* stated at [125] that “*In our judgment, it is undesirable to lay down hard and fast rules as to how the additional elements of dependency test should be applied.*” The checklist in section 117AA(5) is exactly this undesirable outcome. It is a fettering of the discretion of the domestic courts to carry out the fact-sensitive, case-by-case analysis that Strasbourg and domestic case-law requires of Article 8 ECHR.

Clause 19 – Proportionality Assessment

35. Clause 19 goes on to codify the proportionality assessment of Article 8 ECHR. It contains provisions which, in practice, are difficult to meet and at times are inconsistent with ECtHR case-law.
36. Clause 19(2) asks the courts to conduct a future-looking, predictive exercise of financial independence from state support and public funds. It is expansive on what came before it in section 117B of the 2002 Act, because it makes reference to “*state support*” and “*health and social care services*”. This is not limited to “*public funds*” as defined by the Immigration Rules, but includes circumstances where a person may fall ill or require short-term support under the Children (Scotland) Act 1995 (or analogous legislation elsewhere in the UK). It is unclear how an applicant we represent will be able to satisfy a future-looking test like this, beyond providing financial evidence already common in these applications.
37. Clause 19(3) adds a section requiring an applicant to have never been convicted of a criminal offence, and to be of “*good character*”. The seriousness and nature of the criminal offence appears irrelevant on the face of the Bill. It is not clear how this provision will take account of applicants who have been persecuted by the authorities of their country of origin or residence using the criminal law, for example, convictions for same-sex relationships, adultery or political protest. These are live considerations for refugee family members which should be reflected in the Bill (particularly in the absence of a refugee family reunion framework). If it is not, then the public interest is against admitting a family member to the UK because of their persecution. The same considerations require to be borne in mind for the new “*good character*” requirement.
38. Clause 19(4) creates an automatic, blanket instruction to the courts to ignore the family or private life of persons (adults and children) when they are in the UK without leave to remain, or in breach of a condition of their leave to remain. There is a long line of case-law considering the imposition of a public interest test by statute, and the distinction between the application of Article 8 ECHR to settled migrants and those without leave to remain (or seeking entry clearance). However, this provision applies for the first time a blanket prohibition on considering private and family life, and arguably breaches Article 8 ECHR. Blanket prohibitions are not *per se* contrary to the ECHR, but the ECtHR is

²⁰ Kumari, at [37].

particularly wary of "*general, automatic and indiscriminate*" restrictions on ECHR rights.²¹ The wider and less individualised the restriction, the stronger the justification required. This blanket prohibition is, of course, discriminate because it only targets certain migrants. However, that means it requires objective justification under Article 14 ECHR. The absence of a discretion applied in this provision appears to prevent the "*fair balance*", fact-sensitive proportionality analysis that the UK Supreme Court (and before it, the House of Lords) repeatedly stresses is required through well-known and established case-law.²²

39. To give some examples we see in our work through outreach and representation, the provision takes no account of persons without leave to remain, or in breach of conditions, because of a circumstance of lapsed leave where a deadline is missed by reason of a medical matter, or an immigration adviser fails to submit the application on time. It does not take account of leave lapsing because of an unforeseen financial problem preventing the payment of the extortionate UK immigration application fees. It does not take account of a person on a skilled worker visa experiencing exploitation by their employer and subsequently sacked for whistleblowing, thereby falling into breach of their conditions. It does not take account of a person experiencing domestic abuse and escaping their abuser, breaching their dependency condition. The "no weight" provision directs the courts to ignore these highly relevant factors in the proportionality assessment.
40. Clause 19(5) extends the existing "little weight" direction in section 117B of the 2002 Act to include family life, and not just private life. A key consideration for scrutiny as regards this provision is the understanding of what "precarious status" means in light of the UK Government's "Earned Settlement" proposals. A person with limited leave to remain in the UK will, under current rules, be on a 5-year or 10-year route to settlement in most cases. Under the "Earned Settlement" proposals, that could be 15, 20 or 30 years. A person living lawfully in the UK, complying with all the rules, contributing to our society, can therefore go decades with "little weight" applied to their private and family life in the UK. It is difficult to see the public interest in this direction.
41. Clauses 19(6) and (7) target the children of migrants in the UK. For the public interest to not require a person's removal (note: not deportation as a foreign national offender), clause 19(6) adds a new criterion of "*very significant and long-lasting adverse effect on the child*" in the event of separation. This is envisaging a scenario where the Home Office accepts that a person has a relationship with their child, that the child should remain in the UK, but that they can still be separated. From our extensive experience representing children in the UK, it appears that the evidential burden to prove "*significant and long-lasting adverse*" effects will, in practice, likely require statutory service assessment (e.g. social work services) or medical assessment (e.g. psychological or psychiatric) of the child. This would particularly be the case where the child has had no previous involvement with statutory services or any health conditions. It is difficult to

²¹ *Hirst v. UK* (no. 2), [74025/01] (2005).

²² *Huang v SSHD* [2007] UKHL 11; *Hesham Ali v SSHD* [2016] UKSC 60 at [154]; *Agyarko v SSHD* [2017] UKSC 11 at [41].

overstate how invasive this evidential burden would be; aggravated further by it being applied to children. The clause applies to British citizen children as well as migrant children.

42. Clause 19(7) adds a three-part statutory test which dictates whether it is not reasonable to expect a child mentioned above to leave the UK when one of their parents is being removed. The test uses “*if and only if*” language, meaning that discretion to consider the holistic family picture and the circumstances of the child is actively prohibited. For the reasons set out in relation to clause 19(4), and for reasons set out below, this is highly likely to run foul of Article 8 ECHR. The test itself places a high legal bar. Part (a) means that if a child can access an education system overseas (of any standard, cost or language) then it is reasonable to expect the child to leave the UK. Part (b) applies the well-used “*very significant obstacles*” to integration test, which is seen elsewhere in UK immigration law. The courts have told us that “*integration*” is a broad term,²³ but that “*very significant obstacles*” is an elevated test.²⁴ Part (c) re-applies the test set out in clause 19(6).
43. These clauses 19(6) and (7) are deeply concerning. They willfully ignore the Secretary of State’s duties under section 55 of the Borders, Citizenship and Immigration Act 2009 to “*safeguard and promote the welfare of children who are in the United Kingdom*” (known as the ‘best interests of the child’ principle). The approach required of courts and tribunals by this clause, when considering separating a child from their parent against their will, is not compatible with existing domestic and international case-law. The UK Supreme Court in *ZH (Tanzania) v SSHD*²⁵ was clear that in an Article 8 ECHR proportionality assessment – which is what clause 19 is seeking to codify – the best interests of the child must be identified first, given substantial weight and then measured against the countervailing factors. It is also clear that children are innocent victims of their parents’ choices, and ought not to be punished accordingly.²⁶ The imposition of the additional criteria in clauses 19(6) and (7) have grave consequences for the private and family life of children in the UK; British and migrant alike. Our view is that they are likely not consistent with the UK’s international law obligations.

Clause 20 – Foreign National Offenders

44. We do not have experience of representing foreign national offenders in deportation proceedings, therefore we are not in a position to provide any added value to the Committee in its scrutiny of this provision.

²³ *SSHD v Kamara* [2016] EWCA Civ 813 at [14].

²⁴ *Parveen v SSHD* [2018] EWCA Civ 932 at [9].

²⁵ [2011] UKSC 4.

²⁶ *Ibid*, at [9] and [35].

3. Is it compatible with Article 34 of the Refugee Convention to provide refugees with temporary rather than permanent protection? Does this change give rise to any other human rights concerns?

45. Part 3 of the Bill allows for regulations to be made regarding 'protection status' and 'protection claims'. It replaces refugee status and humanitarian protection with 'protection status' to be granted on either the 'Convention ground' or 'humanitarian protection ground'. It replaces a claim for asylum or humanitarian protection with a 'protection claim'. This supports the implementation of the 'core protection' model described in the Government's November 2025 asylum and returns policy statement.²⁷
46. We are concerned about the very broad nature of the power which this part of the Bill gives to the Secretary of State and the lack of detail in the Bill about the changes which are envisaged to be made by way of regulations. It appears that this part of the Bill paves the way for significant changes to be made in terms of how the UK assesses protection claims – and therefore how it implements international refugee law – without any parliamentary scrutiny of such changes. As ILPA have noted, *'...Parliament is being asked to approve the power to redefine one of the most consequential legal categories in the immigration system, the criteria by which a person is recognised as needing protection, without the substance of that redefinition being presented in the Bill...'*²⁸
47. We are particularly concerned that regulations may be used to make significant changes to the rights of refugees under the 'core protection' model, such as restrictions to access to public funds and access to family reunion. It is clear from the November 2025 policy statement that the Government plans to further restrict or remove refugees' rights in these areas. In our view, such changes must not be made without parliamentary scrutiny.
48. Over the last year, since September 2025, we have seen the impact of the Government's suspension of refugee family reunion applications on our clients and the communities we work with. The gendered impact of changes to the availability of family reunion must be recognised; before the suspension, 92% of family reunion visas were issued to women and children. Since the suspension, the number of family reunion applications made has significantly dropped. While applications can still be made under Appendix FM of the Immigration Rules, the requirements are very complex and most families are unable to access legal representation to help them navigate the process. We urge the Government to reinstate the refugee family reunion route and to make it easier, not harder, for refugees to reunite with their family members. Family reunion is a crucial safe and legal route to sanctuary. Protecting family reunion is a humanitarian commitment which the UK should embrace.

²⁷ [Restoring Order and Control: A statement on the government's asylum and returns policy, November 2025](#)

²⁸ [ILPA-Second-Reading-Briefing-Immigration-and-Asylum-Bill-2026.pdf](#) p23

49. We also note that the Government has already implemented a significant element of the 'core protection' model, by changing the duration of permission to stay for Refugee Status to 2.5 years, instead of 5 years, for asylum applicants who claimed asylum on or after 2 March 2026. By offering significantly shorter-term protection, the Government has moved the goalposts for the settlement and naturalisation of refugees.

50. Refugee Status is already temporary. It comes with a grant of limited permission to stay in the UK, with the ability to apply for settlement after a set period. The vast majority of refugees who apply for settlement at the end of the relevant period are successful in doing so, because the Government recognises their ongoing need for protection in the UK. We are very concerned that, through the above-noted changes and this part of the Bill, the Government continues to set out to further limit the protection offered to people who have been recognised as requiring protection in the UK.

51. Furthermore, it is important to note that the Government's 'Earned Settlement' proposals, if implemented, will lead to huge increases in the length of routes to settlement, with refugees expected to wait up to 20 years or longer for settlement. We are strongly opposed to the 'Earned Settlement' proposals and refer to our previous consultation response.²⁹

52. It is difficult to see how the reduction in the duration of refugee permission to stay and the other elements of the 'core protection' model – particularly when considered alongside the 'Earned Settlement' proposals – could be compatible with Article 34 of the Refugee Convention, which provides:

"The Contracting States shall as far as possible facilitate the assimilation and naturalization of refugees. They shall in particular make every effort to expedite naturalization proceedings and to reduce as far as possible the charges and costs of such proceedings."

53. It is our position that the 'core protection' model is also completely impractical. As ILPA have noted in relation to a move towards more temporary protection: *'A change of this kind, if it results in shorter grants of status subject to more frequent review, is likely to create a much higher volume of further applications, extensions, and appeals than what we currently have, placing even additional pressure on the legal aid and appeals system, and further creating delays in the system.'*³⁰

54. We are deeply concerned about the impact of the 'core protection' model and its associated delays on our clients and the communities we work with. We note that a significant majority of asylum applicants are already forced to navigate the asylum system without legal representation, because they are unable to find a legal aid lawyer.

²⁹ [Our Response to earned settlement consultation online questionnaire - JustRight Scotland](#)

³⁰ [ILPA-Second-Reading-Briefing-Immigration-and-Asylum-Bill-2026.pdf](#) p23-24

55. People are waiting several months, if not years, for their cases to progress through the appeals system. The appeals backlog has been driven by various cycles of delays in Home Office decision-making in recent years, including as a result of the previous government's failed plans to remove people seeking asylum to Rwanda. In our view, the significant pressure on legal aid and appeals system will only be exacerbated by a 'core protection' model which embeds further delays into the asylum system. Increasing the complexity of the asylum and appeals system – with further layers of applications, extensions, and appeals – will further reduce legal aid capacity. It will also increase the risks that people will miss deadlines for extending their permission to stay and thus become overstayers. This will have grave consequences for health and wellbeing, increasing risks of individuals and families falling into destitution and homelessness, and leaving them particularly vulnerable to exploitation.

4. Does the power to require payments from recipients of asylum support raise any human rights concerns?

56. We note with concern that Part 4 of the Bill creates a power for the Secretary of State to require people who have received asylum support to repay the cost of that support, with the details of payment arrangements to be set out in future regulations. We strongly oppose the introduction of this power.

57. We would highlight that asylum support in the UK is provided only to those who have been assessed as destitute and therefore unable to meet their own support and accommodation needs. Most asylum seekers in the UK are not given the right to work and are therefore unable to earn money to support themselves and their families. Financial support is extremely limited, with cash support of £49.18 per week or only £9.95 if meals are provided with accommodation. It is also important to note that asylum support is provided on a 'no choice' basis; asylum seekers may be accommodated anywhere in the UK. Standards of asylum accommodation are poor, with well-documented health risks for individuals and families, especially children. Safety in asylum accommodation is also of significant concern, particularly in light of the increasing threats from far right groups since 2024. Asylum seekers accommodated in hotels are regularly faced with anti-immigration protests and harassment in the areas in which they are accommodated.

58. We know from our discussions with people with lived experience of the asylum system that this part of the Bill is causing significant alarm.³¹ It is difficult to see the introduction of a power to require payments from asylum support recipients as anything other than a way to punish for people for seeking asylum in the UK. Indeed, when we discussed this with members of the TARA Advisory Group, a group of survivors of human trafficking, they described it as being like a form of slavery.³²

³¹ Annex B

³² Annex A

59. We would also highlight the following issues and suggestions raised by the Rights Reps on this part of the Bill:

- The cost of asylum support is driven by the long wait for decisions and by the fact that people are not allowed to work during the asylum process. A better approach would be to shorten the wait for asylum decisions and allow people to work while their asylum claims are being processed.
- Having a big debt to pay could make the process of moving on from the asylum process even more difficult than it already is. If people were forced to pay off the debt before they were granted settlement, this could severely impact people's ability to move on with their lives. It would introduce anxiety for those who had been granted refugee protection in the UK, which the group felt was an injustice.
- Like the TARA Advisory Group, some Rights Reps group members raised concerns that charging people for asylum support and accommodation would be a form of exploitation. They highlighted that asylum seekers are provided with support on a no-choice basis, and the government chooses to use companies which make a profit from providing asylum accommodation, while the accommodation is often poor, the financial support is very limited, and the food is very poor.

60. For all of the above reasons, it is clear to us that recipients of asylum support should not be forced to incur debts to the Government for accessing asylum support. We are also concerned that such debts could lead to a negative 'good character' assessment for the purpose of family reunion, settlement and citizenship applications. In our view, this would not be compatible with Article 34 of the Refugee Convention.

5. Are the modern slavery provisions in the Bill compatible with the UK's obligations under Article 4 of the ECHR and the Council of Europe Convention on Action against Trafficking in Human Beings?

61. Our submission will focus on clauses 36-39, these being the provisions which we consider will harm the survivors of trafficking and exploitation we work with in Scotland. We are reflecting on our experience of representing and giving advice to more than 120 survivors of trafficking in the last 3 years alone, as well as working hand in glove with First Responders for adults and children.

Clause 36 – Credibility

62. Clause 36 seeks to enshrine in primary legislation a series of factors which must be considered as damaging to a potential victim's credibility when going through the NRM (Clause 36(2)). We strongly object to them all. These factors are:

- Any delay in making a claim to be a victim of trafficking;
- Any delay in sharing 'relevant status information' (including responding to clause

11 claims notices after the deadline);

- Any material inaccuracy, omission or inconsistency in the information provided to the competent authority, during a protection claim or any court process;
- Any 'striking similarity' with the information provided by someone else to the competent authority, during a protection claim or any court process

63. Clause 36(6) defines making a claim to be a victim of trafficking as “*a disclosure of information that tends to suggest they may be a victim*”. As is highlighted by clause 36(6), on an ordinary reading of the words, the first of the factors listed proceeds on the basis of a fundamental misunderstanding of how the NRM works. It is not possible for a potential victim to ‘*make a claim*’ to be a victim of trafficking. Instead, they are reliant on First Responders identifying indicators of trafficking and making a referral to the NRM on their behalf. The inability to self-refer is a safeguard against potential abuse of the NRM and, crucially, is a reflection of the state’s positive obligations to identify victims under Article 4 ECHR and Article 10 European Convention Against Trafficking in Human Beings (“ECAT”). The onus is not on potential victims to self-identify.

64. Furthermore, adopting a presumption that late or inconsistent disclosure will harm a potential victim’s credibility in effect penalises a common and well-documented response to trauma. For example, recent research from the Helen Bamber Foundation on barriers to disclosure³³ and Annex D of the Home Office’s own Modern Slavery Guidance on working with vulnerable people.³⁴

65. The penalisation of late or delayed disclosure in particular also fails to take into account the legal aid crisis that exists across the UK and the number of people who are going through the NRM and asylum system without a legal representative. In our response to the 2025 Scottish Parliament Equalities, Human Rights and Civil Justice Committee Legal Aid Inquiry,³⁵ we highlighted the significant and widespread issues in relation to insufficient provision of immigration legal aid in Scotland, particularly outside of Glasgow. It is common in our experience for our clients to have been in the UK for significant periods before they have been able to find a lawyer who can advise them on trafficking and exploitation. The same applies to support providers. We have had cases where victims of trafficking have been on a waiting list for several weeks to access advocacy support; meaning there are significant delays in their disclosure for reasons beyond their control.

66. With respect to punishing individuals for ‘striking similarities’ with other potential victims, we have a number of concerns. Firstly, the Secretary of State has not explained how she intends to assess cases for similarities in a way that is consistent and compliant with UK GDPR. If a client of JustRight Scotland was to have their credibility disputed for this reason, we would expect to be provided with detailed

³³ https://hubble-live-assets.s3.eu-west-1.amazonaws.com/biduk/file_asset/file/1694/Barriers-to-Disclosure.pdf

³⁴ https://assets.publishing.service.gov.uk/media/6a9161e401bbff0bf8f97b61/CLEAN_-_MSSG_v4.7.pdf

³⁵ <https://www.justrightscotland.org.uk/wp-content/uploads/2025/05/FINAL-JRS-Legal-Aid-Inquiry-Response-1.5.25.pdf>

reasoning. Will this involve the Secretary of State revealing other potential victims' experiences?

67. Secondly, we consider this approach to be illogical. It is well known that trafficking networks exploit multiple people and they frequently adopt the same methods for doing so. In the absence of contrary evidence, any similarities in accounts should therefore be understood as supporting the credibility of a survivor's account. This is the commonly understood position in other related areas of law. In Scots criminal law the 'Moorov' doctrine allows the evidence of multiple complainers who disclose a systematic course of conduct to be treated as mutually corroborative. As a result, discounting evidence of striking similarities will undoubtedly make it more difficult to prosecute traffickers in criminal investigations.

68. We work closely with Trafficking Awareness Raising Alliance (TARA), a First Responder that provides support to women who have been trafficked for the purposes of commercial sexual exploitation. They shared the case study of a woman they supported, Frankie, which illustrates the various barriers and challenges facing women being able to safely and comprehensively disclose their experiences of male violence against women:

*Frankie's experience**

"Frankie is a pregnant survivor of trafficking for commercial sexual exploitation. She was referred to our service by her midwife following her disclosure of commercial sexual exploitation. She was 6 months pregnant.

We identified that an NRM had been submitted 2 years previously but as she very quickly 'disappeared' from services a negative RGD was issued due to the very limited information available to the competent authority. The NRM was completed by a male UKBF officer following her recovery from a small boat and makes no mention of CSE or sexual violence.

She described getting lost and meeting people who offered to help her but then sexually exploited her in prostitution. This is a common account reported by women accessing our service. Based on our experience supporting survivors of trafficking, we recognise patterns suggesting that initial explanations may reflect coercion, trauma-related coping strategies, or narratives developed under the influence of traffickers.

Our initial assessment confirmed CSE on both her journey and within the UK, with our immediate response prioritising her safety, physical and health (natal and mental) needs over gathering objective evidence of her subsequent sexual exploitation for a further NRM. We did not wish to risk her psychological safety by retraumatising her or risk her natal health.

Social work services were involved due to the requirement for a pre-birth assessment under

child protection procedures. Due to their requirement to undertake a home visit her accommodation host asked her to leave their home resulting in her becoming destitute.

Robust advocacy was required around access to appropriate move on accommodation, to be provided by the local authority, ongoing child protection procedures, mental health and impact on her pregnancy alongside access to expert legal advice. Significant support to help her prepare for the arrival of her newborn baby as a single mother was also prioritised as part of her support plan.

This trauma informed response and her current needs meant that as a First Responder Organisation we delayed her formal disclosure of trafficking for CSE within the UK and the submission of a second NRM covering the new information and commercial sexual exploitation within the UK.

Given that she was 6 months pregnant at the point of referral to TARA, it is unclear if this would be considered 'good reason' for a delayed disclosure and therefore likely to impact on her future credibility.

Frankie's case demonstrates how homelessness, trauma, pregnancy, safeguarding interventions and immediate safety concerns can delay disclosure. Frontline services will necessarily prioritise such safeguarding interventions which delay a NRM submission through no fault of the victim-survivor.

Introducing adverse credibility findings based on delayed disclosure risks penalising survivors for circumstances directly related to their trafficking experience and recovery needs that are outwith their control."

**Anonymised name*

67. TARA also shared with us some of their learning as a front-line support organisation and First Responder in relation to common barriers to identification and disclosure for trafficked women. They identified the following:

- *Adult women exploited in prostitution have often just escaped from very recent sexual violence and abuse*
- *They have been exploited multiple times by multiple people*
- *Trauma resulting from CSE and sexual violence impacts on their ability to disclose*
- *Religious and cultural norms around prostitution, sexual violence and 'honour' can severely restrict immediate disclosures*
- *Women may not have the language to name, explain or articulate the sexual violence*
- *Women may be interviewed by male members of staff/interpreters or in front of their children*
- *Women believe their families and children are at risk*

- *Women believe they will be arrested for prostitution crimes or immediately deported as informed by perpetrators and reinforced by current political, public and media discourse*
- *Women think or have been told by 'authorities' that they are not believed*
- *Poor quality interpreting can severely impact accuracy and assessments – we have noted an increased use of apps such as google translate by those with initial contact with women*
- *Fear of authorities including poor experiences with policing (both UK and International)*
- *Limited availability of 'objective' evidence. At the point of identification women frequently have no medical histories, have been homeless, have no bank accounts, have no identification documents (destroyed, lost, stolen by perpetrators) or ability to retain documentary evidence given their experiences or being held in brothels, constant moving around the UK or from 'host' to 'host'. Many flee with no belongings such as clothing or footwear.*

68. We have also observed the above in our work supporting survivors of trafficking and consider that they can apply equally to other forms of exploitation. Clause 36(3) states that an individual's credibility will not be considered to be damaged where there are 'good reasons' for perceived delays, inconsistencies or striking similarities. What is considered a good reason is to be defined in guidance. We submit that the non-exhaustive myriad of good reasons articulated by TARA above demonstrate that the Secretary of State's default position that credibility should be damaged in Clause 36(1) is inherently flawed.

69. This fundamentally flawed credibility assessment in relation to identification as a victim of trafficking has a wide-ranging impact that will extend far beyond the NRM. We note that survivors' accounts when going through the NRM are to be compared against any protection or human rights claim, and any information given in criminal or civil proceedings to which the individual has been a party. Any negative credibility findings from the strict assessments set out in clause 36 will also impact upon all of these proceedings.

70. We are particularly concerned about the impact on children and those who do not have legal representatives. Children are referred into the NRM, and therefore subjected to these hostile credibility assessments, without consent. Children assessed by the devolved NRM pilots in Scotland – multi-agency panels applying Scots child protection policy, law and practice – are being compelled to use these damaging credibility clauses and trauma-deadlines. This may have knock on effects to other child protection safeguards available for these young people.

71. We offer one-off legal surgeries to potential victims of trafficking supported by TARA and Migrant Help who do not have lawyers to give initial advice on the NRM and immigration. In these surgeries we regularly come across adult survivors who have

consented to being referred into the NRM without fully understanding what this meant. This is particularly common where trafficking indicators are identified by survivors encountered by the police after escaping their traffickers or by border officials very soon after arriving in the UK.

72. Clause 36 arguably falls short of the standards required by ECAT and the ECHR. We would urge those scrutinising these provisions of the Bill to reflect on the fact that survivors of human trafficking and exploitation are highly vulnerable. This is not an immigration issue – it is one of women's rights, children's rights, and victims of serious crime. To date there has been no evidence put forward that the NRM is being abused. These provisions promise to cause serious damage to survivors. It is foreseeable that fewer survivors will come forward or be identified. With fewer identified victims, or victims unwilling to cooperate by reason of fear of the authorities, then prosecution of this crime will be more difficult.

Clause 37 – Recovery Period

73. This clause removes the guaranteed 30-day recovery period and any associated entitlements it affords, allowing it to be brought to an end on receipt of a negative conclusive grounds decision (even if this comes within 30 days of a positive reasonable grounds decision). That recovery period is linked to two key things – 1) the support offered to victims of trafficking under the Modern Slavery Victim Care Contract in England and Wales; and 2) protection from removal from the United Kingdom (s61(2) Nationality and Borders Act 2022 (NABA)).

74. In Scotland, section 9 of the Human Trafficking and Exploitation (Scotland) Act 2015 imposes a legal duty on the Scottish Ministers to secure support and assistance for survivors of trafficking and exploitation for 90 days (extended by regulation), or until a conclusive grounds decision is reached, whichever comes first. While this clause does not alter this position, it does represent a worrying shift. In our response to the Scottish Government's consultation on the draft guidance on the support offered to adult survivors of trafficking and exploitation in Scotland,³⁶ one of the concerns we raised was the absence of a guaranteed period of support and the impact that has on survivors' ability to engage with authorities and with treatment to support their recovery.

75. More broadly, the removal of a guaranteed 30-day recovery period is inherently incompatible with ECAT. Article 13 explicitly mandates a 30-day period for recovery during which it is not possible to enforce any expulsion orders. The rationale behind the creation of a recovery period is the recognition that survivors need and deserve time to escape the influence of their traffickers and take informed decisions on their next steps, including on whether they feel able to engage with authorities.

Clause 38 – Disqualification from Protection

³⁶ <https://www.justrightscotland.org.uk/2026/08/survivors-of-trafficking-in-scotland-what-support-is-available/>

76. Section 63 of the Nationality & Borders Act 2022 (“NABA”) currently covers disqualification from protection on the grounds of both public order and bad faith. Clause 38 separates the two grounds of disqualification into separate provisions. It comes alongside the intention to bring into force section 29 of the Illegal Migration Act 2023 (“IMA”) which makes disqualification a duty, not a power, when the relevant criteria are met.
77. In addition, clauses 38(2) and 38(3) set out what it means to be disqualified from protection:
- No protection from removal
 - No consideration for VTS leave
 - No need to make a conclusive grounds decision
78. This clause follows on from the recent case of *R (ABW) v Secretary of State for the Home Department* [2025] EWHC 3280 (Admin) in which the court found that the Secretary of State’s current approach to public order disqualifications (PODs) was unlawful in two respects. Firstly, the court found that the Secretary of State has an obligation under NABA and the Statutory Guidance to proceed to a conclusive grounds decision in respect of an individual who is the subject of a POD decision, for so long as that person remains in the UK. In reaching that decision, the court considered the text of Article 10 ECAT which covers the obligation on states to identify victims. It concluded that Article 10 obliges states to complete the identification process, i.e. make conclusive grounds decisions, for all actual victims.
79. Secondly, the court found that in order to be considered compatible with Article 13(3) ECAT, the Statutory Guidance should not direct decision-makers that there is a presumption in favour of disqualifying individuals from protection on public order grounds and that the parts of the current guidance which did so were unlawful. This reflects the position in ECAT that disqualification from protection should always be applied on a case-by-case basis and only in exceptional circumstances.³⁷ Clause 38 appears to be in part a response to this judgment and represents a move away from compatibility with ECAT, a move which we strongly oppose.
80. With regards to the public order disqualification, under clause 38(2)(c) children with leave to remain (other than VTS leave) are exempt from the public order duty to disqualify. In the Explanatory Notes for the Bill, this is explained as “*an explicit statutory safeguard reflecting the need for enhanced protection of children within the modern slavery framework*”. We strongly oppose the discrimination between children with different immigration statuses authorised by clause 38(2)(c). The identified need for enhanced protection of children is not dependent on their immigration status, and neither should be their access to protection under the human trafficking framework. This provision is incompatible with the principle of non-discrimination set out in Article 3

³⁷ <https://rm.coe.int/guidance-note-on-recovery-and-reflection-period-group-of-experts-on-ac/1680b1a3ca>

ECAT. If the effect of this clause is to deprive children in Scotland access to rights and entitlements derived from the Human Trafficking & Exploitation (Scotland) Act 2015 – which, if they are removed from the UK, it would – then it runs counter to child protection standards set out in the UNCRC (Incorporation) (Scotland) Act 2024 and Getting it Right for Every Child (GIRFEC).³⁸ This would represent an incursion into areas of law devolved to the Scottish Parliament.

81. Furthermore, we are alarmed about disqualification becoming a duty and not a power, which we consider to be incompatible with the UK government's obligations to identify victims of trafficking under Article 4 ECHR and ECAT. The only exception permitted under clause 32(2)(e) is where the person is considered to "*be at immediate and significant risk of becoming a victim of modern slavery or human trafficking, or further slavery or trafficking, in the United Kingdom*". This is a significant departure from the wording of section 29 IMA which permitted an exception where there were "*compelling circumstances*". By only allowing consideration of immediate re-trafficking risks, decision-makers will be unable to take into account increased risks of destitution and homelessness as a result of being disqualified from support and the consequential increased risk of re-trafficking in the short to medium term.

82. In addition to cases where false or fabricated information is provided, clause 38(3) states that those who make claims at the time when they were due to be removed from the UK will be considered bad faith claims unless there are "*compelling reasons*" why the claim was not made earlier. For all of the reasons set out above in relation to the changes proposed in clause 36, we are opposed to penalising individuals for the timing of disclosing experiences of trafficking and exploitation. It should be noted that there is no evidence of there being a systemic problem with bad faith claims. In 2025, there were 23,411 referrals into the NRM and a total of 6 bad faith disqualifications.³⁹

Clause 39 – VTS Leave for Recovery Purposes

83. This clause removes the Secretary of State's duty to grant Temporary Permission to Stay as Victims of Trafficking ("VTS leave") to recognised victims of trafficking who require leave to remain in the UK in order to assist with their recovery from the physical and/or psychological harm caused by their exploitation. Recent research from Helen Bamber Foundation has identified that VTS leave grants are rare, with only 4% of those eligible receiving a grant.⁴⁰ This is a reflection of the already high eligibility threshold for VTS leave to assist with recovery. Section 65 of NABA takes a much narrower view than Article 14(2) ECAT which creates a duty to grant leave where it is necessary owing to the survivor's personal circumstances. Under section 65(4) NABA, VTS leave for recovery from exploitation-related physical or psychological harm is only to be granted where these needs cannot be met in any other country to which they

³⁸ <https://www.gov.scot/policies/girfec/>

³⁹ <https://www.gov.uk/government/statistics/modern-slavery-nrm-and-dtn-statistics-end-of-year-summary-2025/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-end-of-year-summary-2025>

⁴⁰ https://www.helenbamber.org/sites/default/files/2025-07/RoadtoNowhere_FINAL_150725.pdf

could be removed.

84. The experience of Maria, shared by TARA, clearly demonstrates both the benefits of and how difficult it is currently to receive a grant of VTS leave:

*Maria's experience**

"Maria is a young EU national woman who has been supported by TARA for a year. She was referred to the service by Police Scotland following a serious assault by her partner. She disclosed that she had been forced to sell sex in Scotland by her partner who controlled all aspects including online adverts and subsequent bookings. She was only ever provided with a very small amount of money. She was discharged to TARA support following a short stay in hospital to treat injuries. She has been diagnosed with complex PTSD and has been receiving support for anxiety and reproductive health whilst waiting for further health treatments.

Maria engaged well with the service and Police Scotland, cooperating with their ongoing investigation, proactively informing TARA and Police of contact from the perpetrator and resisting pressure from her family to cease cooperating with the authorities. She supported the NRM process and at the end of December 2025 received a positive Conclusive Grounds Decision.

At this stage an application for VTS leave was made based on the need to continue with her recovery due to a formal diagnosis of Complex PTSD and remaining on the waiting list for psychological treatment whilst continuing to cooperate with Police Scotland. Maria has limited to no family support in her country of origin and would remain very vulnerable to re-trafficking on her return. Despite significant evidence being provided in May 2026, at the start of August 2026 VTS leave was refused due to a lack of recent evidence. It should be noted that no request from the competent authority for an update on her progress was received.

Maria has excellent English and is currently volunteering for a small charity. She has established herself with her local community and has begun to make safe friendships. She would like to support her recovery by working full time and establishing a 'normal life' in Scotland. However, TARA are increasingly concerned that Maria's significant progress is beginning to be impacted by her lack of immigration status, independence, and ability to financially support herself.

Maria faces risks if returned to her country of origin and without VTS leave her options are restricted. Therefore, the danger of becoming involved in selling sex to survive are significantly increased.

This case demonstrates the role of VTS leave in supporting recovery, engagement with criminal justice processes and reducing vulnerability to re-trafficking. Removing automatic

access to temporary leave may undermine these protective outcomes.”

**Anonymised name*

85. We have ourselves observed the positive impact a grant of leave can have on survivors and their ability to recover from their experiences and rebuild their lives. An example of this is our client Linh’s case*.

Linh is a Vietnamese young person who was subjected to forced labour and serious physical abuse from the ages of 12 to 16 before being trafficked into the UK. When she claimed asylum in the UK, her age was disputed by the Home Office and she was treated as an adult. She was then re-trafficked and forced to work in domestic servitude and cannabis cultivation in the UK. She escaped from her traffickers in Scotland and she was assisted by police and a specialist trafficking first responder service. While waiting for a decision on her asylum claim and the outcome of court proceedings regarding her age dispute, she was granted an initial period of 6 months VTS leave on the basis of her need for specialist trauma therapy. VTS leave has given her a sense of stability despite the stress she is experiencing due to previous traumas and her ongoing cases. It has also allowed her to take up part-time employment in Scotland. This has helped her to improve her English, as well as contributing to the local economy.

**Anonymised name*

86. We consider removing the duty to grant leave to people such as Maria and Linh will not only prevent survivors from benefiting from a period of stability and increased rights, but it will also leave them more susceptible to re-trafficking and less likely to engage with the NRM process. This is particularly true when clause 39 is considered in conjunction with other restrictions in this Bill and in the Government’s ‘Restoring Order and Control’ policy statement.

6. Are there any other human rights issues raised by the Bill or the government’s implementation of its November 2025 policy statement “Restoring Order and Control”?

87. We are struck that this Bill comes at a time when significant pieces of UK immigration law are being proposed for reform, seemingly all at once but through different mechanisms.

88. The ‘Earned Settlement’ consultation proposals of February 2026 are the largest since the Immigration Act 1971. You can see our consultation response here.⁴¹ It is difficult to overstate the alarm the proposals are causing to people in the UK affected; we are seeing clients turn down state support to which they are entitled and need for fear of

⁴¹ <https://www.justrightscotland.org.uk/wp-content/uploads/2026/03/Earned-settlement-%E2%80%93-FINAL-.pdf>

being punished through the 'Earned Settlement' proposals. Partner organisations have reported to us similar examples, including recognized victims of trafficking. To date, there has been no published UK Government response to the consultation, and updates on changes are limited to rumour and interviews by politicians to media outlets.

89. Concurrently, in June 2026, the UK Government carried out a targeted consultation called 'Family Returns', which is seeking to reform asylum support, who is entitled to statutory support to avert destitution, and how the use of force is carried out on adults and children to facilitate removal. You can see our consultation response here.⁴² To date, we are not aware of any published UK Government response to the consultation, and updates on changes are limited to rumour.
90. As highlighted, the UK Government suspended refugee family reunion in September 2025 with a view to reforming it by Spring 2026. It is now September 2026 and there is no news of what, if any, a new refugee family reunion framework will look like. We have noted above the significant legal implications of suspending this framework with no end in sight. Updates on changes are limited to rumour.
91. The November 2025 policy statement "Restoring Order and Control" promised a new 'Protection "work and study" visa route as an off-ramp from core protection. Despite the provisions of this Bill, we are no clearer whether this will go ahead, how it will operate and who may access it. Updates on changes are limited to rumour.
92. We are not stating that stakeholders are entitled to private governmental deliberation on key policy objectives and manifesto commitments. Rather, we wish to make the point that each of these areas of work intersect with one another, especially with this Bill. It is difficult to scrutinise and understand the implications of the Bill without knowing whether the other reforms are going ahead and in what guise. It is notable that, if any of these reforms are simply reflected in the Immigration Rules, then they will receive no parliamentary scrutiny at all. We would respectfully suggest that parliamentarians seek to gain insight from the UK Government on these matters when carrying out your duties as regards this Bill.

Andy Sirel, Partner & Legal Director, JustRight Scotland

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7 September 2026

⁴² <https://www.justrightscotland.org.uk/wp-content/uploads/2026/06/JRS-Family-Returns-Consult-Response.pdf>



Annex A

TARA Partner Briefing

Immigration and Asylum Bill 2026

Clauses 36 and 39

Clause 36: Establishes a list of arbitrary and punitive factors deemed to damage a victim's credibility when making an identification decision.

We are extremely concerned about the proposed introduction of adverse credibility under Clause 36 focussed on late disclosures and/or the 'claim notices' being considered under Clause 11.

Women trafficked for (commercial) sexual exploitation have particular intersecting barriers and complex needs which impact on their ability to safely disclose their abuse which do not appear to have been considered.

Frankie's story below is a common presentation to our service and illustrates the various barriers and challenges facing women being able to safely and comprehensively disclose their experiences of male violence against women.

Trauma Deadlines and Credibility – Case Study

Frankie is a pregnant survivor of trafficking for commercial sexual exploitation. She was referred to our service by her midwife following her disclosure of commercial sexual exploitation. She was 6 months pregnant.

We identified that an NRM had been submitted 2 years previously but as she very quickly 'disappeared' from services a negative RGD was issued due to the very limited information available to the competent authority. The NRM was completed by a male UKBF officer following her recovery from a small boat and makes no mention of CSE or sexual violence.

She described getting lost and meeting people who offered to help her but then sexually exploited her in prostitution. This is a common account reported by women accessing our service. Based on our experience supporting survivors of trafficking, we recognise patterns suggesting that initial explanations may reflect coercion, trauma-related coping strategies, or narratives developed under the influence of traffickers.



Our initial assessment confirmed CSE on both her journey and within the UK, with our immediate response prioritising her safety, physical and health (natal and mental) needs over gathering objective evidence of her subsequent sexual exploitation for a further NRM. We did not wish to risk her psychological safety by retraumatising her or risk her natal health.

Social work services were involved due to the requirement for a pre birth assessment under child protection procedures. Due to their requirement to undertake a home visit her accommodation host asked her to leave their home resulting in her becoming destitute.

Robust advocacy was required around access to appropriate move on accommodation, to be provided by the local authority, ongoing child protection procedures, mental health and impact on her pregnancy alongside access to expert legal advice. Significant support to help her prepare for the arrival of her newborn baby as a single mother was also prioritised as part of her support plan.

This trauma informed response and her current needs meant that as a First Responder Organisation we delayed her formal disclosure of trafficking for CSE within the UK and the submission of a second NRM covering the new information and commercial sexual exploitation within the UK.

Given that she was 6 months pregnant at the point of referral to TARA, it is unclear if this would be considered 'good reason' for a delayed disclosure and therefore likely to impact on her future credibility.

Frankie's case demonstrates how homelessness, trauma, pregnancy, safeguarding interventions and immediate safety concerns can delay disclosure. Frontline services will necessarily prioritise such safeguarding interventions which delay a NRM submission through no fault of the victim-survivor.

Introducing adverse credibility findings based on delayed disclosure risks penalising survivors for circumstances directly related to their trafficking experience and recovery needs that are outwith their control.

Barriers to Disclosure – Lived and Learned experience

TARA have over 20 years of providing specialist support to women experiencing CSE and trafficking, defined by the Scottish Government as a form of male violence against women and girls.



The VAWG sector have long highlighted the systemic and psychological barriers which can prevent women from being able to safely disclose abuse and seek protection.

From our frontline support, provided since 2004, we have learned that common identification barriers faced by trafficked women include:

- Adult women exploited in prostitution have often just escaped from very recent sexual violence and abuse
- They have been exploited multiple times by multiple people
- Trauma resulting from CSE and sexual violence impacts on their ability to disclose
- Religious and cultural norms around prostitution, sexual violence and 'honour' can severely restrict immediate disclosures
- Women may not have the language to name, explain or articulate the sexual violence
- Women may be interviewed by male members of staff/interpreters or in front of their children
- Women believe their families and children are at risk
- Women believe they will be arrested for prostitution crimes or immediately deported as informed by perpetrators and reinforced by current political, public and media discourse
- Women think or have been told by 'authorities' that they are not believed
- Poor quality interpreting can severely impact accuracy and assessments – we have noted an increased use of apps such as google translate by those with initial contact with women
- Fear of authorities including poor experiences with policing (both UK and International)
- Limited availability of 'objective' evidence. At the point of identification women frequently have no medical histories, have been homeless, have no bank accounts, have no identification documents (destroyed, lost, stolen by perpetrators) or ability to retain documentary evidence given their experiences or being held in brothels, constant moving around the UK or from 'host' to 'host'. Many flee with no belongings such as clothing or footwear.

The introduction of claim notices and negative credibility inferences for survivors fails to account for the impact of men's sexual violence against women and creates a two tier system for those exploited in the sex industry.



Current NRM data as highlighted by the recent report from [Justice and Care - Issue Brief: Female Victims of Modern Slavery in the UK – an analysis of NRM data](#) shows that across the UK the number of women being referred into the NRM is proportionally decreasing.

A simple analysis of the NRM statistics published by the Home Office demonstrate a proportional decrease for women in Scotland where sexual exploitation is indicated as part of their trafficking experience, reducing from 23% of the total Scottish cases in 2018 to just 8% in 2025:

Year	Adult Women Scotland SE +++	Adult Women UK SE +++	All Scottish NRMs	All UK NRMs
2018	52 (23%)	1192 (17%)	228	6986
2019	77 (15%)	1481 (14%)	512	10,627
2020	51 (13%)	940 (14%)	387	10,613
2021	47 (11%)	874 (7%)	419	12,727
2022	54 (9%)	1077 (6%)	621	16,938
2023	49 (6%)	1274 (7%)	765	17,004
2024	47 (8%)	874 (9%)	920	19,125
2025	94 (8%)	2076 (9%)	1,025	23,411

The proposed claim notices, adverse credibility and limited options for leave to remain to support women's significant and particular recovery needs will act as a further barrier for women, further limiting their identification and consequent protection and creating further disadvantage for women.

With the starkness of the numbers above it is of great concern that a limited impact assessment was undertaken and, in particular for an already marginalised group, no gendered lens was apparently applied.

Learning from VAWG colleagues

Many women trafficked for different types of exploitation have survived male violence, in particular sexual violence at the hands of the traffickers but also those who have paid to exploit them.



Rape Crisis Support Services and other VAW services never request immediate disclosures or require detailed 'objective evidence' within a few hours of referral for any other form of male violence against women. It is recognised as detrimental to mental health, trust and engagement, and women's safety. Trauma informed disclosures are taken in collaboration with women, at their pace and access to support based on organisational assessments of individual need.

The challenges for women to come forward and report rape and sexual assaults to the police or other law enforcement agencies are well recognised across specialist services in the UK. A clear example of this is the success of Sexual Assault and Referral Centres across the UK which enable women to undertake a forensic exam, the results of which can be stored safely until they can decide if they wish to report to the police.

Clause 39: Removes the duty to grant temporary leave to remain for recovery purposes.

Importance of VTS Leave – Case Study

Maria is a young EU national woman who has been supported by TARA for a year. She was referred to the service by Police Scotland following a serious assault by her partner. She disclosed that she had been forced to sell sex in Scotland by her partner who controlled all aspects including online adverts and subsequent bookings. She was only ever provided with a very small amount of money. She was discharged to TARA support following a short stay in hospital to treat injuries. She has been diagnosed with complex PTSD and has been receiving support for anxiety and reproductive health whilst waiting for further health treatments.

Maria engaged well with the service and Police Scotland, cooperating with their ongoing investigation, proactively informing TARA and Police of contact from the perpetrator and resisting pressure from her family to cease cooperating with the authorities. She supported the NRM process and at the end of December 2025 received a positive Conclusive Grounds Decision.

At this stage an application for VTS leave was made based on the need to continue with her recovery due to a formal diagnosis of Complex PTSD and remaining on the waiting list for psychological treatment whilst continuing to cooperate with Police Scotland. Maria has limited to no family support in her country of origin and would remain very vulnerable to re trafficking on her return. Despite significant evidence being provided in May 2026, at the start of August 2026 VTS leave was refused due to a lack of recent evidence. It should be noted that no request from the competent authority for an update on her progress was received.



Maria has excellent English and is currently volunteering for a small charity. She has established herself with her local community and has begun to make safe friendships. She would like to support her recovery by working full time and establishing a 'normal life' in Scotland. However, TARA are increasingly concerned that Maria's significant progress is beginning to be impacted by her lack of immigration status, independence, and ability to financially support herself.

Maria faces risks if returned to her country of origin and without VTS leave her options are restricted. Therefore, the danger of becoming involved in selling sex to survive are significantly increased.

This case demonstrates the role of VTS leave in supporting recovery, engagement with criminal justice processes and reducing vulnerability to re-trafficking. Removing automatic access to temporary leave may undermine these protective outcomes.

Lived Experience – Victim - Survivor Views

The TARA Lived Experience Group have completed 3 peer led service user consultations since 2023 with women accessing support under the NRM. All of these events have included questions around the barriers to identification.

'When you don't know anyone or how things work in the country...sometimes the person you ask for help can be the one who puts you in danger.'

All of the survivors stated that after escaping their situation, they were all unaware of help existing prior to being referred to TARA. They noted that when arriving in the UK, there was a language barrier which made it difficult for them to ask for support or even know what was going on. The traffickers arranged everything.

'...once you've been labelled as 'illegal', it is impossible to seek out services. '

The women all described needing to feel safer before they were able to disclose being trafficked. One woman told us that her first contact was with a midwife:

'I made an appointment but was too scared to go. They kept calling and messaging me to check I was ok. I was ashamed.'

Women also talked about the need for trust in the early stages:

'Initially I did not trust the solicitor who referred me to TARA. Initially I was scared to be accommodated by TARA but agreed after 1 month.'



'It took a long time to trust TARA too. I was scared of meeting other TARA women from my home country.'

Fear of disclosing to Police and the Home Office is a core theme:

'When you come to the UK you have the same fear of the police.'

'The fear of the Home Office stops you from approaching them. '

'The trafficker discourages you from going to the police – they say the police would not believe you. '

'I felt I could not go to the police because I did not realise it was a crime. '

Conclusion

The proposed changes contained within Clauses 36 and 39 risk creating additional barriers for women who have experienced trafficking and commercial sexual exploitation. Any legislative changes should therefore be assessed through a trauma-informed and gendered lens to ensure that survivors are not disadvantaged in accessing protection, support and long-term recovery

Annex B

Views of the 'Rights Reps' group, a group of people seeking asylum and residing in an asylum hotel in Scotland. Taken during a 'Rights Reps' meeting in August 2026

1. Views on “Core Protection Status”

We are worried about the impact of this. We are worried about anything that has the potential to lessen the rights we have when we get refugee status. The Bill does not say exactly how this will work, but we know that is trying to make the recent changes part of law.

We think anything that lessens rights or lessens the duration of leave for people who have been through the asylum system clashes with human rights. People have had to flee war or persecution in their own country and ask for protection in the UK. When people get a decision in their asylum claim, they just want to move on with their life and contribute to society in the UK.

Important rights that should be a core part of any grant of status are:

- The right to stay in the UK, without the risk of being returned to somewhere unsafe.
- The right to work
- The right to access support and services.
- The same human rights as any UK citizen, we should be able to access and be protected by fundamental human rights, regardless of our immigration status.

2. Views on paying back asylum support

The group said they would reject this proposal, they felt the better approach to this is to allow people to work during the time that they are in the asylum process.

The group said the cost of asylum support is driven by the long wait for decisions and by the fact that people are not allowed to work during that time. People have no choice about relying on support while they wait. The group noted that once people receive status, they want to work, pay taxes, and support themselves, and they felt it would be better if they were allowed to do this while seeking asylum. If the asylum process were shorter, it would also be less costly. The group did not want asylum seekers to be seen as or made to feel as though they were taking something from others, they want to be contributing members of society. Hotel accommodation is expensive, but asylum seekers do not choose where they are placed. The group felt it was unfair that people could be accommodated on a no-choice basis, given very limited support, and then potentially be asked to repay that support in the

future. They felt the better approach would be to shorten the wait for decisions and allow people to work during that time.

One group member shared that they had claimed asylum over three years ago and he said he is aware that the government has spent lots of money on him and other people seeking asylum however again he said he would have liked to be able to work during this time. He noted that once asylum seekers get status and can work they wish to support themselves and move on with their lives having a big debt to pay back could make this process of moving on even more difficult than it already is.

Some group members felt that charging people for asylum support and accommodation would be a form of exploitation. Asylum seekers are provided with support on a no-choice basis, and the government chooses to use companies that provide accommodation, including hotels. The group said those companies make a profit, while the accommodation is often poor, the financial support is very limited, and the food is very poor. The group would like to invite the government to see what life is really like in hotels. Although this group would not be directly impacted by the change, they felt it was unjust that people in the future might be. They said it felt like holding people hostage. People claiming asylum in the UK are fleeing persecution and war. When they are finally granted status and have the chance to rebuild their lives, it feels very unfair that they could be paying for a company's profit. Once someone has refugee status, they want to make a new life in the UK, but in this situation they would have debt hanging over them. They want to live, start their life, work, and pay taxes, but this would make them start that life with anxiety, which the group felt was an injustice.

The group were particularly concerned about the potential need to pay all the money owed before they get Settlement or if they want to leave the UK and return in the future. They again felt that this could impact severely people's possibility to move on and become a proper part of UK society. They also again felt like this was holding them hostage and creating a situation where they cannot move on in their lives even though they have been found to be refugees are in need of protection.

3. Views on changes to "family life" interpretation/ Article 8

The group proclaimed that they are aware the Home Office already narrowly interprets "family". They would oppose any further limiting of the interpretation of family life. The group wanted to make clear that family today includes more than just partners and children. One group member shared the example of his sister whom he cares for and has a strong relationship with. It is upsetting that that would not be considered as family. Another group member wished to share that in their culture they also called their cousins 'brother and sister', as is their relationship with uncles and aunts.

The group also wanted to make clear that human rights are universal and apply to everyone. Article 8 should be interpreted in the same way for British citizens as it is for people with different immigration statuses. People are not lesser just because they were born elsewhere. They should have equal access to their human rights when they are in the UK.

In terms of Article 8 decisions and “public interest”, the group recognised the need to protect the public and that in any group of people no matter their shape or colour there will always be a few individuals who commit crimes or do bad things. However, again, there should not be a different application of human rights law to people just because of where they are born. The group are also concerned about the references to debt impacting Article 8 applications they did not feel that this would be a valid reason when assessing a situation regarding someone’s human right

4. Views on a new system for appeals

The group raised concerns about the Independent Immigration Appeals Authority (IIAA) independence from the government and the Home Office. The group support the process being quicker, but it is very important to have an independent decision maker following the home office's decision. They likened the situation to that of a large company, when you make a complaint the company will back up the staff. This is why independence of a decision maker is essential the group worry that there will be a tendency to support the initial decision of the Home Office. The group said that although independence is in the name of this new body they shouldn't be set up or organised by the same people as the Home Office. Immigration decisions may be the biggest decision in somebody's life this shouldn't be decided by the same body twice. There is a need for independent oversight.

There's also concerns about the level of training that will be provided to the staff. Immigration tribunal judges are very well trained and have lots of experience. This is very important when they're making such important decisions.

There were also concerns around the proposal that delay or failure to respond to directions may impact somebody's credibility, especially when the new system seems to be focused on speed. The group noted that even when people have lawyers they can make mistakes, and they can fail to pass on information quickly. This is often due to them having many other clients. Some people only find out that they have actually had a decision made after the date for people has passed. The group worried that people would be negatively impacted due to lack of response to directions or delay even when it was no fault of their own. They could be punished for the failures of others. The group highlighted that the asylum process and the appeal process are very confusing and difficult. It may take time to respond - that does not mean that the individual is lying or trying to avoid engaging with the process.

5. Views on changes to modern slavery rules

Regarding the potential changes to modern slavery rules, The group noted that people are often not aware of what modern slavery is when they first come to the UK, and even if they do know they may be very scared. Another big issue raised was that of interpreters; especially in the initial interview. It's clear that interpreters don't always interpret exactly what is said by the Home Office or by the person being interviewed.

One of the group shared that they themselves have been through the NRM process. They were exploited as a young person on their journey to the UK. It was only after being in the UK for quite some time that they actually knew what modern slavery or exploitation was. The group said that exploitation and human slavery happens to around 90% of people that travel through Libya but they don't know what this is and cannot name it. The language used is inaccessible.

One of the group shared that during the session when they were taught about what modern slavery, it was the first time that they had realised that this is something that they had experienced themselves. They'd never had it explained by the Home Office or their solicitor. The group said that they should have access to information and examples of what modern slavery is, and their own languages. People may also find it very difficult to initially talk about or remember traumatic things. Therefore, no one should be negatively impacted for late disclosure of their experiences.

Regarding the proposal make it easier for some people to be disqualified from modern slavery protection, the group said that people might only be able to tell the Home Office what they've been through when they actually know what modern slavery is. This is not done in bad faith, instead it may only be done at time when the person is safe and understands what modern slavery is.

6. Further views

The group shared that these proposals for the new bill feel felt like nothing but more pressure on asylum seekers. The group noted that they had fled war and persecution they face injustices and that will all have an impact.

People seeking asylum simply want to be safe and become part of British society. They want to contribute to society. This is why they believe they should be able to work first when claiming asylum. The group said many of them had fled countries where their human rights were not respected and they hope that their human rights can be respected in the UK.

END