# Border Security, Asylum and Immigration Bill

# Report on the Legislative Consent Memorandum

May 2025

### 1. Introduction

#### The Bill

- 1. The Border Security, Asylum and Immigration Bill ("the Bill") was introduced in the House of Commons on 30 January 2025 and had its Second Reading on 10 February 2025. The Bill has completed Committee Stage, which began on 27 February 2025.
- **2.** The Explanatory Notes to the Bill prepared by the UK Government state that the purpose of the Bill is to:
  - "... improve UK border security and strengthen the asylum and immigration system by creating a framework of new and enhanced powers and offences that, when taken together, reinforce, strengthen and connect capabilities across the relevant government and law enforcement partners which make up the UK's border security, asylum and immigration systems".
- **3.** The main provisions in the Bill as introduced would:

<sup>&</sup>lt;sup>1</sup> UK Government, 'Border Security, Asylum and Immigration Bill. Explanatory notes', 30 January 2025, page 4

- require the Home Secretary to appoint a Border Security Commander.
   The Commander would set strategic priorities in relation to border security;
- create criminal offences in relation to unauthorised migration. It would be a criminal offence to supply or receive almost any item which a person knows or suspects will be used to facilitate illegal travel to the UK;
- allow for seizure of things (like mobile phones) on which information about facilitating illegal immigration might be stored electronically;
- allow HMRC to share customs information with UK and foreign government agencies in line with data protection laws;
- allow immigration officers to take biometric details from people abroad who are being considered for relocation to the UK; and
- repeal all of the Safety of Rwanda (Asylum and Immigration) Act 2024 and most of the Illegal Migration Act 2023.<sup>2</sup>
- **4.** The explanatory notes, delegated powers memorandum, a human rights memorandum and responses to the written consultation on the Bill (amongst other key documents) have been published on the Bill's webpage.<sup>3</sup> The UK Government has also published a factsheet on various aspects of the Bill. <sup>4</sup>

## **The Legislative Consent Memorandum**

- **5.** Standing Order 29 provides that the Welsh Ministers must lay a legislative consent memorandum ("LCM") where a UK Bill makes provision in relation to Wales that has regard to devolved matters. The Welsh Government must lay an LCM in relation to such a Bill normally no later than two weeks after:
  - its introduction to the first House of UK Parliament that makes provision in relation to Wales; and

2023

<sup>&</sup>lt;sup>2</sup> House of Commons Library, 'Border Security, Asylum and Immigration Bill 2024-25', 6 February 2025

<sup>&</sup>lt;sup>3</sup> UK Parliament, 'Border Security, Asylum and Immigration Bill'

<sup>&</sup>lt;sup>4</sup> UK Government, 'Border Security, Asylum and Immigration Bill 2025: factsheets', 30 January 2025

- amendments are tabled or agreed to any Bill that make (or would make) provision in relation to Wales.<sup>5</sup>
- **6.** The Cabinet Secretary for Social Justice, Trefnydd and Chief Whip laid an LCM on 17 February 2025.<sup>6</sup> Therefore, the LCM was laid after the two week deadline. The Welsh Government's LCM states that:

"It has not been possible to comply with the two week requirement to lay a memorandum (Standing Order 29.2) as Welsh Government officials were not able to consider clauses before introduction of the Bill (with the exception of clause 51 which UK Government had already identified as needing Senedd consent)."

**7.** The Business Committee referred the LCM to the Children, Young People and Education Committee, the Equality and Social Justice Committee, the Local Government and Housing Committee and the Legislation, Justice and Constitution Committee with a reporting deadline of 2 May 2025.8

#### Approach to scrutiny

- **8.** We considered our approach to the LCM on 13 March 2025. We agreed to write to the Welsh Government jointly with the Equality and Social Justice Committee. We also agreed to write to stakeholders to gather more information about certain issues relating to the LCM.
- **9.** The Welsh Government replied on 2 April 2025.9 We received five responses from stakeholders.10

<sup>&</sup>lt;sup>5</sup> Welsh Parliament, 'Standing Orders of the Welsh Parliament', January 2025

<sup>&</sup>lt;sup>6</sup> Welsh Government, '<u>Legislative Consent Memorandum: Border Security, Asylum and Immigration Bill'</u>, 17 February 2025

<sup>&</sup>lt;sup>7</sup> Welsh Government, '<u>Legislative Consent Memorandum: Border Security, Asylum and Immigration Bill</u>', 17 February 2025, page 2

<sup>&</sup>lt;sup>8</sup> Welsh Parliament, 'Timetable for consideration: Legislative Consent Memorandum on the Border Security, Asylum and Immigration Bill', February 2025

<sup>&</sup>lt;sup>9</sup> Letter from the Cabinet Secretary for Social Justice, Trefnydd and Chief Whip to the Chairs of the Children, Young People and Education Committee and the Equality and Social Justice Committee, 2 April 2025

<sup>&</sup>lt;sup>10</sup> All the responses are published here: Welsh Parliament, '<u>Legislative Consent: Border Security</u>, <u>Asylum and Immigration Bill</u>'

# 2. Provisions requiring the Senedd's consent

#### Clause 38

#### Overview

- **10.** Clause 38 of the Bill as introduced repeals certain provisions of the Illegal Migration Act 2023 ("the 2023 Act"). However, the LCM is concerned with the specific repeal of the following sections:
  - **Section 4**, which conferred a power on the UK Secretary of State to make exemptions from the duty to remove individuals from the UK (partially commenced, but not in effect).
  - **Section 20**, which allowed the UK Secretary of State to extend clauses relating to the accommodation of unaccompanied migrant children to Wales (partially commenced, but not in effect).
  - **Section 21**, which enabled the transfer of unaccompanied migrant children between local authorities, including potentially out of Welsh local authority care (not commenced).
  - **Section 57**, which prevented appeals to the outcome of a so-called scientific method of age assessment (not commenced).
  - **Section 58**, which gave the UK Secretary of State the power to make regulations regarding the refusal of a scientific age assessment (not commenced).<sup>11</sup>
- 11. In our report on the Illegal Migration Bill Legislative Consent Memoranda, a majority of the Committee recommended that the Senedd should withhold its consent to the above clauses.<sup>12</sup> The Senedd went on to withhold consent. However, the provisions remained in the Bill, which then became the 2023 Act.

#### The UK Government's view

Welsh Government, '<u>Legislative Consent Memorandum: Border Security, Asylum and Immigration Bill</u>', 17 February 2025, page 4, paragraphs 14-18

<sup>&</sup>lt;sup>12</sup> Welsh Parliament, 'Illegal Migration Bill Legislative Consent Memoranda', 19 June 2023, pages 10-11

- **12.** The UK Government believes that clause 38 relates to wholly reserved purposes of immigration and, therefore, that consent is not required.<sup>13</sup> This matches the position taken by the previous UK Government in relation to those clauses in the then Illegal Migration Bill.<sup>14</sup>
- **13.** The UK Government explains that the repeal of certain sections of the 2023 Act, including those for which the Welsh Government is seeking the Senedd's consent, will address:
  - "... provisions which prevent asylum decision-making, increase the backlog of asylum cases awaiting an outcome and put impossible pressure on asylum accommodation with significant costs to taxpayers." <sup>15</sup>
- **14.** As currently drafted, the Bill does not repeal provisions in the Nationality and Borders Act 2022 ("the 2022 Act") relating to scientific age assessments. The provisions about scientific age assessments were strongly resisted by the Welsh Government when the Nationality and Borders Bill was passing through the Houses of Parliament (see paragraph 18 below).
- **15.** During scrutiny of the Bill, the Public Bill Committee asked the Minister for Border Security and Asylum whether the UK Government supported the use of scientific age assessments. She stated that "we are in the middle of doing work to see whether we can get a system of scientific age assessment that is robust enough to use", however:

"I would not, however, want to give the hon. Gentleman the false impression that we have completely abandoned the idea of doing scientific age assessment. Currently, we are trying to assess whether there are ways of doing it that not only are cost-effective, but can be relied on. It is not an easy thing to do; there are no very easy solutions to whether it is accurate. We are exploring those areas ahead of making any subsequent announcements about if—and how, if we do—we use scientific age assessment.<sup>16</sup>

<sup>&</sup>lt;sup>13</sup> Welsh Government, '<u>Legislative Consent Memorandum: Border Security, Asylum and Immigration Bill'</u>, 17 February 2025, page 6, paragraph 30

<sup>&</sup>lt;sup>14</sup> UK Government, 'Illegal Migration Bill: Explanatory notes', 27 April 2023, page 12

<sup>&</sup>lt;sup>15</sup> UK Government, 'Border Security, Asylum and Immigration Bill 2025: impact assessment', paragraph 117

<sup>&</sup>lt;sup>16</sup> UK Parliament, '<u>Hansard: Border Security, Asylum and Immigration Bill (Second sitting)</u>', 27 February 2025

#### The Welsh Government's view

- **16.** The Welsh Government argues that clause 38 makes provision within devolved competence of the Senedd and therefore require the Senedd's consent. It states that:
  - section 4 of the 2023 Act conferred a power on the UK Secretary of State to make amendments, including consequential amendments to Measures or Acts of the Senedd; and that
  - sections 20, 21, 57 and 58 impact on the devolved areas of social care and/or local authorities functions.<sup>17</sup>
- 17. The Welsh Government recommends that the Senedd gives its consent to clause 38, arguing that "it is not possible to repeal the relevant provisions of the Illegal Migration Act 2023 through anything other than UK legislation." This position is consistent with the Welsh Government's views on those provisions in the Illegal Migration Bill, for which it recommended that the Senedd refuse consent. The Welsh Government set out that they were inconsistent with Welsh Government social care policy and that the UK Government had failed to confirm that the Bill was compatible with Convention rights.<sup>18</sup>
- **18.** However, in the LCM we are considering, the Welsh Government did not set out a view on provisions in the 2022 Act or 2023 Act that are not being repealed by the Bill, but to which the Welsh Government objected in previous LCMs. For example the Welsh Government sets out its opposition to scientific age assessment techniques in its Nationality and Borders Bill LCM, laid in December 2021. The LCM quotes its age assessment toolkit, which states:

"This Toolkit does not recommend or support the use of medical examinations as determinants of age. The science underpinning the determining of age is inconclusive, unclear and in any event, subjecting young people to invasive medical examinations is judged to be morally wrong... It is worth noting the position of the UNHCR that 'medical age assessment methods remain highly contested and are subject to a high margin of error'. The evidential value of such methods

<sup>&</sup>lt;sup>17</sup> Welsh Government, '<u>Legislative Consent Memorandum: Border Security, Asylum and Immigration Bill</u>', 17 February 2025, pages 4 & 6, paragraph 4-18 & 32.

<sup>&</sup>lt;sup>18</sup> Welsh Government '<u>Legislative Consent Memorandum (Memorandum Number 2): Illegal Migration Bill'</u>, 26 Mauy 2023, Pages 3-5, paragraphs 26-49

remains contested by UK courts and in other jurisdictions, and by medical professionals and associations."<sup>19</sup>

**19.** However, in its recent letter to us, the Welsh Government reiterated that its position in relation to scientific age assessments of unaccompanied asylum seeking children is set out in its age assessment toolkit. It confirmed that "We would like to see the related provisions repealed in time."<sup>20</sup>

#### Stakeholders' views

- 20. While welcoming the Bill, some organisations, including:
  - the Children's Commissioner for England<sup>21</sup>,
  - Coram<sup>22</sup>.
  - Amnesty International UK<sup>23</sup>,
  - the Refugee and Migrant Children's Consortium<sup>24</sup>,
  - Hope for Justice<sup>25</sup>,
  - the Law Society of England and Wales<sup>26</sup>, and
  - Immigration Law Practitioners' Association ("ILPA")<sup>27</sup>,

have expressed concerns that the UK Government has not gone far enough to safeguard the rights of unaccompanied children and repeal provisions in the Nationality and Borders Act 2022 ("the 2022 Act") and the Illegal Migration Act

<sup>&</sup>lt;sup>19</sup> Welsh Government, '<u>Unaccompanied Asylum Seeking Children: Age Assessment Toolkit</u>', June 2021

<sup>&</sup>lt;sup>20</sup> Letter from the Cabinet Secretary for Social Justice, Trefnydd and Chief Whip to the Chairs of the Children, Young People and Education Committee and the Equality and Social Justice Committee, 2 April 2025

<sup>&</sup>lt;sup>21</sup> UK Parliament, 'Hansard: Border Security, Asylum and Immigration Bill (First sitting)', 27 February 2025

<sup>&</sup>lt;sup>22</sup> Coram, 'Coram Children's Legal Centre welcomes scrapping of child detention powers', 30 January 2025

<sup>&</sup>lt;sup>23</sup> Amnesty International UK, 'Briefing: Border Security, Asylum and Immigration Bill, Bill 173'

<sup>&</sup>lt;sup>24</sup> Refugee and Migrant Children's Consortium, '<u>Border Security</u>, <u>Asylum and Immigration Bill</u>', February 2025'

<sup>&</sup>lt;sup>25</sup> Hope for Justice, '<u>Border Security, Asylum and Immigration Bill: Hope for Justice Briefing,</u> <u>Committee Stage February 2025</u>', February 2025

UK Parliament, 'Written evidence submitted by the Law Society of England and Wales to Border Security, Asylum and Immigration Bill Committee (BSAIB08)', 24 February 2025
 Immigration Law Practitioners' Association (ILPA), 'Briefing of the Immigration Law Practitioners' Association: Border Security, Asylum and Immigration Bill', February 2025

2023 ("the 2023 Act"). The Bevan Foundation and the Children's Legal Centre Wales shared similar views.<sup>28</sup>

- **21.** Coram welcomed the repeal of powers to detain children without a time limit and for the Home Office to keep unaccompanied children out of the normal care system.<sup>29</sup> The Refugee and Migrant Children's Consortium and the ILPA also welcomed the removal of measures to penalise children and young people who do not consent to scientific age assessment methods.<sup>30</sup>
- **22.** However, Amnesty International UK has questioned fundamentally why the UK Government is proposing to retain any provision of the 2023 Act. They have also queried why no assessment has been made of the human rights-compatibility of the remaining provisions of the 2023 Act, given that the previous UK Government was "unable to give Parliament any assurance as to that Act's human rights-compatibility". It has also questioned why the UK Government has not included human rights-incompatible provisions of the 2022 Act among those to be repealed by this Bill.<sup>31</sup>
- 23. Coram and NYAS Cymru<sup>32</sup> raised concerns that the Bill builds on existing immigration criminal offences, including unauthorised entry. Coram states that they have worked with children who have been forced to steer a boat and then have been charged with facilitation, and have ended up at ports and put into adult prisons on the basis of a visual assessment of their age by border officials.<sup>33</sup> The Bevan Foundation argued that the Bill sits within a legislative framework that is incompatible with the Rights of Children and Young Persons (Wales) Measure 2011.<sup>34</sup>
- **24.** Many organisations have raised concerns that the Bill does not repeal provisions in the 2022 Act relating to scientific age assessments. The Refugee and Migrant Children's Consortium the ILPA, and NYAS Cymru all raised strong

<sup>&</sup>lt;sup>28</sup> See also: Written evidence on Legislative Consent: Border Security, Asylum and Immigration Bill: Children's Legal Centre Wales: Written evidence on Legislative Consent: Border Security, Asylum and Immigration Bill: Bevan Foundation

<sup>&</sup>lt;sup>29</sup> Coram, 'Coram Children's Legal Centre welcomes scrapping of child detention powers', 30 January 2025

<sup>&</sup>lt;sup>30</sup> Refugee and Migrant Children's Consortium, 'Border Security, Asylum and Immigration Bill', February 2025; Immigration Law Practitioners' Association (ILPA), 'Briefing of the Immigration Law Practitioners' Association: Border Security, Asylum and Immigration Bill', February 2025

<sup>&</sup>lt;sup>31</sup> Amnesty International UK, 'Briefing: Border Security, Asylum and Immigration Bill, Bill 173'
<sup>32</sup> Written evidence on Legislative Consent: Border Security, Asylum and Immigration Bill:
National Youth Advocacy Service (NYAS) Cymru

<sup>&</sup>lt;sup>33</sup> Coram, 'Coram Children's Legal Centre welcomes scrapping of child detention powers', 30 January 2025

<sup>&</sup>lt;sup>34</sup> Written evidence on Legislative Consent: Border Security, Asylum and Immigration Bill: Bevan Foundation

concerns about the retention of the scientific age assessment set out in the 2022 Act, which the ILPA calls "invasive".<sup>35</sup>

**25.** The British Association of Social Workers (BASW) raised concern at the retention of provisions in the 2022 Act relating to a National Age Assessment Board, which they argue creates a risk that:

"age assessments are skewed and result in individuals being assessed as adults ... In contrast, age assessments undertaken by social workers employed by local authorities demonstrate 'clear blue water' in matters of immigration and criminal cases and age assessments are truly independent."

#### Clause 51

#### Overview

- **26.** Clause 51 of the Bill as introduced (clause 53 of the Bill as amended in Public Bill Committee) provides for retrospective statutory authority for the UK Government's charging of fees for three services provided by a third-party supplier on behalf of the UK Government. The services, which include the UK European Network of Information Centres Services ("the UK ENIC Service"), relate to the comparability, recognition and assessment of qualifications obtained outside and within the UK. These services might include, for example, the preparation of a 'statement of comparability' that evidences the comparability of an individual's overseas qualification with qualifications awarded in the UK.
- **27.** Third party suppliers have charged individuals these fees on behalf of the UK Government. However, they did not have statutory authority to do so. Clause 51 of the Bill as introduced establishes that statutory authority retrospectively, therefore removing the possibility of customers requesting refunds for fees paid for these services.<sup>37</sup>

#### The UK Government's view

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<sup>&</sup>lt;sup>35</sup> Refugee and Migrant Children's Consortium, 'Border Security, Asylum and Immigration Bill', February 2025; Immigration Law Practitioners' Association (ILPA), 'Briefing of the Immigration Law Practitioners' Association: Border Security, Asylum and Immigration Bill'; Written evidence on Legislative Consent: Border Security, Asylum and Immigration Bill: National Youth Advocacy Service (NYAS) Cymru;

<sup>&</sup>lt;sup>36</sup> UK Parliament, 'Written evidence submitted by the British Association of Social Workers (BASW) (BSAIB09)', 27 February 2025. See also:

<sup>&</sup>lt;sup>37</sup> UK Government, '<u>Border Security, Asylum and Immigration Bill. Explanatory notes</u>', 30 January 2025, paragraphs 353-355, page 50

- **28.** The UK Government believes that clause 51 of the Bill as introduced requires the consent of the Senedd.<sup>38</sup>
- **29.** The UK Government argues that clause 51 of the Bill as introduced is necessary because it removes the possibility of customers requesting refunds for fees paid for services, the benefits of which they have fairly received. It explains that the clause establishes that fees meeting the relevant conditions are taken to have been lawfully charged.<sup>39</sup>

#### The Welsh Government's view

**30.** The Welsh Government agrees with the UK Government that clause 51 of the Bill as introduced requires the consent of the Senedd:

"The primary object and purpose of clause 51 is within the remit of education i.e. access to higher education and recognition of qualifications pre and post higher education. Therefore, consent is required for clause 51 because it makes provision with regards to devolved matters in so far as they relate to education."

**31.** The Welsh Government recommends that the Senedd supports and gives its consent to clause 51 of the Bill as introduced. It states that:

"The historic contracting and fee charging arrangements for the UK ENIC Service were put in place by the UK Government but impact service users in Wales... It is therefore appropriate for provision to be made in the UK Government's Bill rather than utilising a Senedd Bill to address this matter, as this deals with an arrangement that was set up and administered by UK Government."<sup>41</sup>

**32.** The Welsh Government provided reassurances to us that users of the UK service, which includes those in Wales, would incur no additional burden as a result of the measure. It added that the retrospective legislation would mitigate

<sup>&</sup>lt;sup>38</sup> UK Government, '<u>Border Security, Asylum and Immigration Bill. Explanatory notes</u>', 30 January 2025, page 56, paragraph 386

<sup>&</sup>lt;sup>39</sup> UK Government, '<u>Border Security, Asylum and Immigration Bill, Explanatory notes'</u>, 30 January 2025, page 50, paragraphs 353-355

<sup>&</sup>lt;sup>40</sup> Welsh Government, '<u>Legislative Consent Memorandum: Border Security, Asylum and Immigration Bill</u>', 17 February 2025, page 5, paragraph 23

<sup>&</sup>lt;sup>41</sup> Welsh Government, '<u>Legislative Consent Memorandum: Border Security, Asylum and Immigration Bill</u>', 17 February 2025, page 6, paragraph 29

against the risk that service users who have paid fees for services provided bring claims against the UK Government, which could result in those historic costs being transferred to the taxpayer.<sup>42</sup>

#### Stakeholders' views

**33.** Some organisations, such as Migrant Voice and Amnesty International, have campaigned on issues relating to the charging of nationality and immigration fees, which they claim "do serious harm to many people" by forcing them into situations of "irregular immigration status" because they cannot afford to pay the fees. They go on:

"Clause 51 is remarkable for being retrospective legislation. It is intended to cure what was unlawful conduct in charging immigration-related fees without legal authority .... It would make retrospectively lawful what was unlawful when it was done, as if no violation of law had ever been perpetrated."43

The ILPA make similar arguments, arguing that by charging the fees, the UK Government was exercising powers "they simply do not have".<sup>44</sup>

#### Clause 53

#### Overview

**34.** Clause 53 of the Bill as introduced (clause 55 of the Bill as amended in Public Bill Committee) contains a regulation making power for the Secretary of State to make consequential provision. These regulations may amend, repeal or revoke any enactment. An "enactment" includes an enactment contained in, or in an instrument made under, a Measure or Act of Senedd Cymru.

#### The UK Government's view

**35.** The UK Government does not list clause 53 of the Bill as introduced as a provision in the Bill that engages the Legislative Consent Motion process.

<sup>&</sup>lt;sup>42</sup> Letter from the Cabinet Secretary for Social Justice, Trefnydd and Chief Whip to the Chairs of the Children, Young People and Education Committee and the Equality and Social Justice Committee, 2 April 2025

 <sup>&</sup>lt;sup>43</sup> Migrant Voice and Amnesty International UK (joint submission), 'Border Security, Asylum and Immigration Bill Submission to Public Bill Committee', 25 February 2025, paragraph 51
 <sup>44</sup> Immigration Law Practitioners' Association, 'Briefing of the Immigration Law Practitioners' Association: Border Security, Asylum and Immigration Bil', February 2025

#### The Welsh Government's view

- **36.** The Welsh Government's LCM does not make reference to clause 53 of the Bill as introduced.
- **37.** In its response to our letter querying why clause 53 of the Bill as introduced was in not included in the LCM, the Welsh Government stated that:

"Clause 53 was not included in the LCM as it is a narrow power which is restricted to making required amendments to existing legislation as a direct consequence of the provisions of the Bill coming into force. This power will primarily be used in relation to reserved subject matters, as the majority of the Bill is outside legislative competence."

<sup>&</sup>lt;sup>45</sup> Letter from the Cabinet Secretary for Social Justice, Trefnydd and Chief Whip to the Chairs of the Children, Young People and Education Committee and the Equality and Social Justice Committee, 2 April 2025

# 3. Our view

**38.** Clause 38 of the Bill, in repealing sections 20, 21, 57 and 58 of the 2023 Act, relates to the devolved areas of social care and local authority functions. The repeal of section 4 of the 2023 Act concerns a power for the Secretary of State to disapply or modify the effect of Senedd legislation. Clause 51 of the Bill as introduced relates to the devolved area of education. We therefore agree with the Welsh Government's assessment that both clauses 38 and 51 of the Bill as introduced require the legislative consent of the Senedd.

**Conclusion 1.** Clauses 38 and 51 of the Border Security, Asylum and Immigration Bill as introduced (clauses 38 and 53 of the Bill as amended in Public Bill Committee) require the legislative consent of the Senedd.

**39.** Clause 38 repeals certain provisions in existing legislation that we objected to when we scrutinised previous Welsh Government Legislative Consent Memoranda. We have no undue concern about clause 51 of the Bill as introduced. Therefore, we agree with the Welsh Government that the Senedd should give its consent for clauses 38 and 51 in the Bill as introduced.

**Recommendation 1.** The Senedd should grant its consent for clauses 38 and 51 of the Border Security, Asylum and Immigration Bill as introduced (clauses 38 and 53 of the Bill as amended in Public Bill Committee).

**40.** However, we were not convinced by the Welsh Government's argument that clause 53 of the Bill as introduced does not require the consent of the Senedd. It is clear that clause 53 of the Bill as introduced provides the Secretary of State with regulation making power to amend, repeal or revoke an enactment contained in, or in an instrument made under, a Measure or Act of Senedd Cymru. We therefore ask the Cabinet Secretary for Social Justice, Trefnydd and Chief Whip to set out to the Senedd why she believes that this power does not require the Senedd's consent, and for what purposes she believes it will be used.

**Recommendation 2.** During the Senedd's debate on the Border Security, Asylum and Immigration Bill LCM, The Cabinet Secretary for Social Justice, Trefnydd and Chief Whip should clarify to the Senedd why she believes that the power contained in clause 53 of the Bill as introduced (clause 55 of the Bill as amended in Public Bill Committee) does not require the Senedd's consent, and for what purposes she believes it will be used.

- **41.** We agree with the views set out by NYAS Cymru and others that unaccompanied asylum seeking children should receive legal support and advocacy when they arrive in Wales. As we set out in our recent report 'Children on the margins', without such support, unaccompanied asylum seeking children can be at heightened risk of being exploited or abused.
- **42.** We also believe that there should be an effective response to asylum seekers who have been assessed as being adults, with swift and effective action taken for the benefits of both the young person and to reduce strain on the immigration system as a whole.

# Annex 1: List of written evidence

The following people and organisations provided written evidence to the Committee. All Consultation responses and additional written information can be viewed on the <u>LCM page</u> on the Senedd website.

Reference	Organisation
BSAI 01	Children's Legal Centre Wales
BSAI 02	The Refugee and Migrant Children's Consortium
BSAI 03	National Youth Advocacy Service (NYAS)
BSAI 04	Bevan Foundation
BSAI 05	Welsh Local Government Association (WLGA)
BSAI 06	Welsh Government