Welsh Parliament
Equality, Human Rights and Social Justice Committee

Immigration and Asylum Bill:

Legislative consent

November 2026

This report details the views of the Equality, Human Rights and Social Justice Committee on the Legislative Consent Memorandum (LCM) relating to the Immigration and Asylum Bill laid by the Welsh Government on 16 July 2026.

1. Background

1. The Immigration and Asylum Bill (the Bill) was introduced in the House of Commons on 30 June 2026.[1] The Bill is sponsored by the Home Office.

2. The purpose of the Bill is:

- to create an Independent Immigration Appeals Authority;
- to tighten the application of Article 8 of the European Convention on Human Rights;
- to reform the modern slavery legislative framework to set out the UK Government's obligations;
- to create new law enforcement measures to tackle exploitation and provide for the identification of and support for children;

[1] **Immigration and Asylum Bill (as introduced)**

- to replace asylum/refugee and humanitarian protection claims and grants of leave with a single 'core protection' model; and
- to establish a mechanism to require asylum seekers receiving publicly funded accommodation and other support to contribute once they are able to do so.

3. Paragraphs 3 to 7 of the Legislative Consent Memorandum summarise the Bill and set out the UK Government's main policy objectives.[2]

4. Paragraph 8 of the LCM states that Welsh Government Ministers and officials engaged with their UK Government counterparts prior to the Bill's introduction, including on its policy content and devolution implications, and that engagement is continuing.

2. Provisions in the Bill for which consent is required

5. The Welsh Government considers that the Senedd's consent is required for the following provisions:

- **Part 5, Clause 35** enables the Secretary of State to nominate a public authority in Wales as a "competent authority" for decisions concerning a person under 18.
- **Clause 41(5)(b)** makes further provision for public authorities to involve an Independent Child Trafficking Guardian in discussions and decisions relating to a child.
- **Clause 46** applies the slavery and human trafficking statement requirements to public authorities with a total budget meeting the specification as determined by the Secretary of State in regulations.
- **Clauses 44, 47, 48 and 49 of Part 5 and Schedule 5** are ancillary to clause 46, providing the framework and additional requirements of the slavery and human trafficking statements to public authorities.

[2] **Legislative Consent Memorandum on the Immigration and Asylum Bill**

- **Paragraph 2(5) of Schedule 2** amends the Senedd Cymru (Disqualification) Order 2025 following the creation of the Independent Immigration Appeals Authority.

- **Schedule 4 Paragraph 4** provides the Secretary of State with regulation-making powers to require public authorities, including those other than the designated competent authority, to participate in the modern slavery decision-making framework, and to require the competent authority to provide information to the Secretary of State.

6. The UK Government identifies clauses 44 to 49 and Schedule 5, clause 35 and Schedule 4, and paragraph 2(5) of Schedule 2 as requiring consent. The Welsh Government does not consider that clause 45 requires consent because it applies only to commercial organisations and does not affect devolved Welsh authorities.

Reasons for making these provision for Wales in the Immigration and Asylum Bill

7. Paragraphs 16 and 17 of the LCM state that nationality and immigration are reserved.[3]

8. The Welsh Government considers that an aligned approach to tackling modern slavery and improving information about modern slavery risks in supply chains is important. It states that the relevant provisions are broadly consistent with its policy positions on anti-slavery and ethical supply chains and would strengthen the existing reporting regime in Wales.

9. However, paragraph 18 of the LCM also states that the Bill would allow the Secretary of State to make regulations and issue guidance without the agreement of Welsh Ministers in areas which may impose further duties and financial penalties on devolved Welsh authorities. The Deputy First Minister therefore says that further engagement with the UK Government is required before she is able to recommend that the Senedd gives consent to those provisions.

[3] **Legislative Consent Memorandum on the Immigration and Asylum Bill**

3. Committee's consideration and views

10. After considering the LCM at our meeting on 7 October 2026 the Committee wrote to the Welsh Government to seek clarification and received a response from the Deputy First Minister and Cabinet Minister for Social Justice on 26 October 2026. In the response, the Welsh Government expressed concerns about the provisions of Clause 35 to delegate decision-making about whether a person under the age of 18 is a victim of modern slavery to local authorities in Wales. The Deputy First Minister outlined concerns about "the potential workload and capacity for Welsh local authorities to take on these roles" and added that the outcome of a UK Government burdens assessment had not yet been made available.

11. The Committee asked for clarification on arrangements to place Independent Child Trafficking Guardians ("ICTG") on a statutory footing and how services for children in Wales would be impacted should the Senedd withhold consent. The Deputy First Minister confirmed that withholding consent could put the ICTG service run by Barnardo's at risk in Wales.

12. Finally the Committee asked for an update on engagement with the UK Government regarding the provision for the Secretary of State to impose duties and fines on Devolved Welsh Authorities and make regulations and guidance without the agreement of Welsh Ministers. The response confirmed that the Welsh Government has requested changes to the Bill which would require Welsh Ministers to give their consent to the regulations and to be included as mandatory consultees. The UK Government's response to this request has not yet been received.

13. The LCM was given further consideration at our meeting on 4 November 2026. Members reiterated that further information is required in relation to the resource implications and impact of delegating responsibilities to Welsh public authorities, and clarity on the framework and implementation plan to ensure every child receives quality support.

Our view

On whether consent is required

We agree with the Welsh Government's view that the legislative consent of the Senedd is required in relation to clauses 35, 41(5)(b), 46, 44, 47, 48 and 49 of Part 5 and Schedule 5, paragraph 2(5) of Schedule 2 and Schedule 4 Paragraph 4.

Conclusion 1. Conclusion 1. The legislative consent of the Senedd is required for clauses 35, 41(5)(b), 46, 44, 47, 48 and 49 of Part 5 and Schedule 5, paragraph 2(5) of Schedule 2 and paragraph 4 of Schedule 4.

On the overall aims of the Bill

The Committee notes the overall aims of the Bill and the Welsh Government's view that the Bill is "broadly consistent" with the Welsh Government's policy positions on anti-slavery and ethical supply chains.

While the Committee recognises that it is not its role to scrutinise the policy objectives of the Bill, the Committee wishes to note the concerns identified in paragraph 4 of the LCM that have been raised by organisations that support victims, namely the unintended consequences of the Bill, which could affect the ability to support genuine victims, and bring perpetrators to justice.

On whether the Senedd should grant legislative consent

We do not object to the granting of consent in respect of clauses 41(5)(b) and paragraph 2(5) of Schedule 2.

We are grateful to the Deputy First Minister for her letter dated 26 October. We agree that more detail is needed on the potential impact of Clause 35 on local authorities and would welcome greater reassurance from both the Welsh and UK governments in that respect. This should

include requiring the UK Government to share the burdens assessment with the Welsh Government as a minimum.

We also note the extensive regulation-making powers conferred on the Secretary of State by Clauses 44, 46, 47, 48, 49 and paragraph 4 of Schedule 4. We note that these powers will allow the Secretary of State to potentially impose new duties and fines on devolved Welsh authorities without either consulting or seeking the consent of the Welsh Ministers. We further note the Welsh Government's requests for the Bill to be amended to remedy this and that the UK Government's position in response is not yet known.

We conclude therefore that the UK Government's response on both issues is required before the Committee can recommend whether or not to grant consent.

Conclusion 2. The Committee is not minded to make a recommendation on the issue of consent until the potential impact on local authorities is better understood and the UK Government's response to the changes suggested by the Welsh Government to the Secretary of State's powers to make regulations is known. The Committee recommends that the Welsh Government updates the Senedd on both of these issues before the Senedd is asked to make a decision on the legislative consent motion.