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By email only

Dear Cabinet Secretary

**The draft Social Security (Residence and Presence Requirements)
(Miscellaneous Amendment) (Scotland) Regulations 2026**

Thank you for your letter of 8 October 2025 regarding the Social Security (Residence and Presence Requirements) (Miscellaneous Amendment) (Scotland) Regulations 2026 [hereafter 'the draft regulations']. This letter is the Commission's report on these draft regulations.

We note that the draft regulations aim to provide a long-term solution for exemptions to residence and presence rules as they relate to overseas crises. As we have previously noted, consolidating this approach into one set of general crisis exemption regulations is welcome as it avoids having to bring forward emergency regulations each time these circumstances arise and the potential for delay this could cause.

We are grateful to officials for their discussions with us and for sharing draft impact assessments. In our response to the 2025 amending regulations which added the crisis in Israel and the Occupied Palestinian territories, we noted that making a general provision presents an opportunity for continuous improvement. There is potential for learning from previous regulations, as well as monitoring the delivery and impact of these general regulations.

As there is limited data on people using the previous regulations it is difficult to draw conclusions about the potential impact of these regulations and if their policy intent will be met.

Recommendation 1: To inform the development of guidance, and improvement of local delivery services, we recommend that Social Security Scotland and the Scottish Government collect and analyse data on exemptions made under these regulations and monitor their impact.

We hope you find this letter helpful and we welcome your feedback.

Yours sincerely,

Ed Pybus
Chair
Scottish Commission on Social Security