

Economic Note	Number: HO EN 1023
Title of regulatory proposal	Offence for the online advertising of unlawful immigration services
Lead Department/Agency	Home Office
Expected date of implementation	2025/2026: subject to when the Border Security, Asylum and Immigration Bill achieves Royal Assent
Origin	Domestic
Date	22/10/2025
Lead Departmental Contact	bscbillteam@homeoffice.gov.uk
Departmental Assessment	GREEN
Rationale for intervention, objectives and intended effects Internet services, including social media platforms, are an important enabler of Organised Immigration Crime (OIC), providing a means for organised crime groups (OCGs) to promote and facilitate unlawful immigration services. New legislation will criminalise the creation or publication (or causing the creation or publication) of material which promotes unlawful immigration services on an internet service. The aim is to disrupt OCGs' business model, to discourage people from posting such online material and to improve the prospect of securing a prosecution for such activity. This is one of a suite of measures introduced in the Border Security, Asylum and Immigration Bill to reduce unlawful immigration into the UK.	
Policy options (including alternatives to regulation) Option 0: 'Do-nothing'. Continue relying on existing legislation to pursue individuals that are posting online content which promotes unlawful immigration services. Option 1: Introduction of an offence that criminalises the creation or publication (or causing the creation or publication) of material which promotes unlawful immigration services on an internet service. This is the government's preferred option as it meets its strategic and policy objectives.	
Costs and benefit summary There are limited monetised costs to government because of the policy. Those which have been monetised include familiarisation costs to law enforcement agencies (£0.02 million). There are no monetisable benefits estimated.	
Risks OCGs may increasingly move operations overseas to mitigate against prosecution. OCGs may adapt operating models and use methods of promoting unlawful immigration services that are more difficult to observe.	

Total Cost (£m PV)	Transition Cost (£m Constant)	Cost to Business (£m PV)	
£-0.02m	£0.02m	N/A	
Total Benefit (£m PV)	NPSV (£m PV)	BNPV (£m PV)	EANDCB (£m PV)
N/A	£-0.02m	£0	£0
Price Base Year	PV Base Year	Appraisal period (Years)	Transition period (Years)
2025	2025/26	10	1

Departmental sign-off (SCS):	Rebecca Nugent	Date: 06/10/25
Chief Economist sign-off:	Tim Laken	Date: 13/10/25
Better Regulation Unit sign-off:	Emma Kirk	Date: 14/10/25

Evidence Base

A. Policy objectives and intended effects

1. The legislation is to criminalise the creation or publication (or causing the creation or publication) of online material which promotes unlawful immigration services on an internet service, where it is known or suspected that the material will be published and have the purpose or effect of promotion. The objectives of this legislation are to:
 - a) Disrupt the online element of OCGs' business model by criminalising the creation or publication (or causing the creation or publication) of online material which promotes unlawful immigration services on an internet service and therefore make it more difficult for OCGs to exploit internet services, such as social media platforms to promote and facilitate their services.
 - b) Provide law enforcement with an additional power to prosecute the promotion of unlawful immigration services online that can be exercised without needing to link the online material to a specific instance of unlawful immigration, and, consequently, improving the prospect of the Crown Prosecution Service (CPS) approving a charge and improve the likelihood of securing a prosecution where criminality is detected. Under existing legislation (section 25 of the Immigration Act 1971 (assisting unlawful migration¹) and part 2 of the Serious Crime Act 2007 (SCA 2007) (encouraging or assisting crime²) an online post needs to be linked to a specific instance of unlawful immigration. Introducing an offence specifically to criminalise the creation or publication (or causing the creation or publication) of online material which promotes unlawful immigration services on an internet service may lead to additional counts on the indictment and could lead to a longer sentence.
 - c) Discourage other people from engaging in this type of activity, potentially reducing the use of social media and other online platforms to (and the amount of online content circulating) promote unlawful immigration services.
2. This offence does not place any additional burdens or obligations on online platforms, including social media platforms and there are therefore no costs to businesses. The offence targets those creating or publishing the material on internet services.
3. The offence will come into effect following Royal Assent of the Border Security, Asylum and Immigration (BSAI) Bill.

B. Policy options considered, including alternatives to regulation

4. Two options have been considered:
 - **Option 0: 'Do-nothing'**. Continue relying on existing legislation (section 25 of the Immigration Act 1971 and part 2 of the SCA 2007) to pursue individuals that are posting material which promotes unlawful immigration services, noting that complexities within existing legislation create barriers to securing prosecutions specifically for this type of activity (for example, where a person's sole role in facilitating of unlawful immigration is posting online).
 - **Option 1: Introduction of an offence** that specifically criminalises the creation or publication (or causing the creation or publication) of online material which promotes

¹ Immigration Act 1971 <https://www.legislation.gov.uk/ukpga/1971/77/part/III>

² Serious Crime Act 2007 - <https://www.legislation.gov.uk/ukpga/2007/27/part/2>

unlawful immigration services on an internet service. **Option 1 is the government's preferred option as it meets the strategic and policy objectives.**

Do-nothing – Option 0

5. The online environment would remain permissive and online platforms would continue to be exploited by OCGs to promote and offer unlawful immigration services at the expense of misinformed migrants. Prosecuting for the promotion of unlawful immigration services online would remain difficult. Under the existing legislation (section 25 of the Immigration Act 1971 (assisting unlawful migration) and Part 2 of the SCA 2007 (encouraging or assisting crime)), there is a requirement for a specific immigration law breach to have occurred because of the online content.

Preferred option – Option 1

6. Introduction of an offence that criminalises the creation or publication (or causing the creation or publication) of online material which promotes unlawful immigration services on an internet service, where it is known or suspected that the material will be published on an internet service and have the purpose or effect of promoting unlawful immigration.
7. Content that promotes unlawful immigration services, where it is known or suspected that the material will be published and have the purpose or effect of promoting unlawful immigration, will be in scope, regardless of whether it is posted by an OCG facilitator or migrant and irrespective of whether a specific successful or unsuccessful attempted breach of immigration law has occurred because of a specific piece of content. For online material to be in scope of the offence, it must refer to a breach to UK or EU immigration law.
8. This would enable law enforcement to take more effective action to disrupt the online element of OCGs' business model.
9. Although it is expected that there will be a small number of arrests under this offence, as the majority of activity is assessed to take place overseas, it is one of a suite of measures in the BSAI Bill designed to work together to disrupt and degrade OCGs' capabilities. Where activity does take place within the UK's jurisdiction, a perpetrator enters the UK's jurisdiction or in exceptional circumstances extradition is sought, this offence will give law enforcement an additional power to bring those responsible for the facilitation of illegal migration to justice. The offence also will enable law enforcement to bring individuals to justice more quickly by removing the legislative complexities of s25 of the Immigration Act 1971, enabling law enforcement to disrupt OCGs whilst they are publicising their services, such as people smuggling, online.

Non-regulatory options

10. The Home Office and the National Crime Agency (NCA) collaborate with Meta, X, TikTok and YouTube to disrupt circulation of OIC online content under the social media action plan, including the takedown of specific pieces of content. The plan, which is a voluntary agreement between the signatories, was launched in 2021 and aims to build understanding of and limit OCGs ability to exploit social media platforms.
11. The NCA has worked closely with the platforms to increase intelligence flows. The NCA also refers OIC online content for removal to platforms that are involved in the plan and those who are not.^{3 4} The action plan is focused on the role and responsibilities of the

³ New tech partnership to stop the boats - GOV.UK: <https://www.gov.uk/government/news/new-tech-partnership-to-stop-the-boats>

⁴ 12,000 takedowns as NCA leads blitz on people smugglers' social media accounts - National Crime Agency: <https://www.nationalcrimeagency.gov.uk/news/12-000-takedowns-as-nca-leads-blitz-on-people-smugglers-social-media-accounts?highlight=WyJuYXRpb24iLCJuYXRpb25hbCIsIm5hdGlvbmFsbHkiLCJuYXRpb25zJyIsIm5hdGlvbmFsaXR5IiwibmF0aW9uYWxzIiwibmF0aW9ucyIsIm5hdGlvbmFsbHknIiwibmF0aW9uYWxpdiGlcylsIm5hdGlvbidzII0=>

government and social media companies in removing and reducing the amount of OIC content circulating on online platforms.

12. The intent of this new offence is to target the creators of online material for publication which promotes unlawful immigration services. The social media action plan could not have achieved the aim of this legislation.

C. Past evaluations and rationale for government intervention

13. Online platforms are exploited at scale to promote or offer unlawful immigration services such as small boat crossings and provision of fraudulent travel documents. There is prevalence of such content on social media platforms such as TikTok and Meta (Facebook and Instagram) and migrants' use of social media as part of irregular migration is extensive. 94 per cent of OIC-related adverts identified by the NCA on online platforms were found on Facebook, TikTok, Instagram and Telegram.⁵
14. Disrupting the criminal groups responsible for the facilitation of OIC is a priority for the government. Internet services, including social media platforms are an important enabler of OIC as the platforms provide a means for OCGs to promote and facilitate unlawful immigration services.
15. Promotion of unlawful immigration services online can be prosecuted under existing legislation (section 25 of the Immigration Act 1971 (assisting unlawful migration) and Part 2 of the SCA 2007 (encouraging or assisting crime)). However, complexities within this legislation create barriers to securing prosecutions specifically for this type of activity (for example, where a person's sole role in facilitating of unlawful immigration is posting online).
16. Since 2024, over 15,000 accounts, pages and posts have been closed or taken down from platforms following referral by the NCA; the NCA's professional judgement is that this represents a small percentage of the true number of accounts, pages and posts which promote or offer unlawful immigration services. 80 per cent of migrants arriving via small boats debriefed by the Home Office stated that they have used social media at a point in their irregular migration journey, including to locate or communicate with an agent associated with an OCG.
17. Introduction of this offence, as part of the BSAI Bill, will disrupt the online element of OCGs' business model and provide law enforcement with an additional power to prosecute online promotion of unlawful immigration services. The intended effect is to discourage people from posting online material that promotes unlawful immigration services and to improve the prospect of the CPS approving a charge and securing a prosecution for such activity.

D. Appraisal

General assumptions and data

18. The price year used for the monetised costs is 2025 prices.

⁵ National Strategic Assessment 2025 - Organised Immigration Crime - National Crime Agency - <https://www.nationalcrimeagency.gov.uk/threats-2025/nsa-oic-2025>

19. The appraisal period is 10 years in line with Green Book best practice⁶. There are no monetised benefits modelled, with limited monetised costs.
20. The policy will be operationalised in spring 2026 alongside other new offences created within the BSAI Bill.
21. The exact volume of potential offenders is unknown, including the proportion that operate within UK jurisdiction. It is assumed that a majority of the OCGs responsible for facilitating illegal crossings to the UK are based overseas, and it is likely that offenders who share adverts for crossings are also based overseas and outside the jurisdiction of UK law enforcement agencies.
22. The volume of online advertisements and the control of advertisement is not consistent across OCGs, and the impact of an individual arrest may vary depending on the individual arrested.
23. The volume of arrests or prosecutions of offenders that may occur under the new powers are assumed to be low, as offenders are likely to be overseas. In instances where OCGs are utilising offenders within the UK, they may also move operations overseas to avoid prosecution.

Costs

Familiarisation Costs

24. Familiarisation costs have been monetised. The creation of the new offence is estimated to have £24,053 in familiarisation costs to the NCA in the central scenario. Approximately 350 officers will need to spend 90 minutes each familiarising themselves with the new legislation through training sessions⁷. Wages have been uplifted by 22 per cent to account for non-wage costs such as National Insurance contributions and pension contributions by the employer. Lower and upper bounds have also been estimated, where familiarisation time is 60 minutes or 120 minutes respectively. For the lower bound, familiarisation costs to the NCA are estimated to be £16,036 and for the upper bound, £32,071 (2025/26 prices, PV).
25. These costs are based on calculations used to determine familiarisation costs to NCA officers for the Enhanced OIC Powers measure within the BSAI Bill, which was assessed to be a comparative and proportionate proxy.
26. This is outlined in Table 1 below:

Table 1: NCA Familiarisation Costs £ (2025/26 prices)

	Low	Central	High
Familiarisation Costs	16,036	24,053	32,071

Source: Home Office internal calculations

Criminal Justice Costs

27. There may be costs to the Criminal Justice System (CJS) arising from arrests or prosecutions for those suspected of, or found guilty of, the new offence. These may include the cost of legal aid (either at a police station when someone is arrested or in court for those that are charged and must appear before a court), costs to the Crown Court and ongoing prison run costs. Whilst this offence may be heard at either a Magistrates or Crown Court for the purposes of modelling, a reasonable worst-case scenario has been assumed, whereby all offenders charged with the offence will be tried before the Crown Court.

⁶ HMT Green Book - <https://www.gov.uk/government/publications/the-green-book-appraisal-and-evaluation-in-central-government/the-green-book-2020>

⁷ Home Office estimates

28. This section outlines potential scenarios for the impact of the new offence on the justice system. Due to an absence of evidence, these estimates are based on professional judgement, and there are also no appropriate international comparisons to use as a basis for estimation. As a result, these impacts are not included in the NPSV.
29. For individuals where a custodial sentence must be served, there are additional costs in the creation of prison places and ongoing costs for a prisoner.

Volumes

30. The NCA has provided the following possible scenarios based on professional judgement as to the number of arrests for the new offences⁸, and have presented "low", "medium", and "high" scenarios. These estimates suggest that between three and six arrests may be made annually under the new offence, where existing legislation would not enable the pursuit of criminal charges, with two to five of these being convicted and receiving a custodial sentence. This is outlined in the table below:

Table 2: Steady state arrests, charges and conviction

	Low Scenario	Central Scenario	High Scenario
Arrests	3	5	6
Charges	3	5	6
Convictions	2	4	5

Source: NCA

31. These scenarios would lead to the following annual costs with the assumption that the policy is only 15 per cent effective in year 1, 50 per cent effective in year 2, and 100 per cent effective thereafter. This assumption exists as it is expected it may take time for law enforcement agencies to begin to fully use the new power operationally. This approach is also consistent with other measures within the BSAI Bill.
32. A summary of the associated justice impact costs is outlined in the table below, applying the low, central and high estimates used in Table 2.

Table 3: Justice impact costs £ (2025/26 prices, discounted, aggregated over a 10-year appraisal period)

	Low Scenario	Central Scenario	High Scenario
Total	1,398,610	2,331,017	2,797,220

Source: Home Office internal calculations

Benefits

33. It has not been possible to monetise the benefits of this new offence. In the absence of monetised benefits, non-monetised benefits have been set out below.
34. The offence intends to make the online environment for OCGs facilitating OIC within the UK more challenging and discourage people from the creation or publication (or causing the creation or publication) of online material which promotes unlawful immigration services on an internet service.

⁸ NCA scenarios

35. It is not possible to assess if this will have an impact on the number of small boat crossings into the UK as the likelihood is that migrants will see numerous adverts online and that any adverts migrants may see will form only one of many decision-points along their journey.
36. Law enforcement agencies will benefit from clearer legislation that can be used to pursue charges and prosecutions for people posting online material which promotes unlawful immigration services on an internet service.
37. Introduction of this offence is a world leading policy. This may result in other countries or international partners seeking to adopt similar policies. This would subsequently create a more challenging online environment for OCGs internationally.
38. This is a UK-wide offence with extraterritorial jurisdiction and can be applied to people of any nationality, including those overseas, posting online material which promotes unlawful immigration services on an internet service. If there is evidence of the individual committing the offence outside the UK and they subsequently visit the UK, they would be subject to arrest. In exceptional circumstances extradition may occur.

NPSV, BNPV and EANDCB

39. The Net Present Social Value for this policy is estimated to be -£0.02 million across a 10-year appraisal period.
40. This legislation is expected to have no direct impacts on businesses. Impact is expected in the form of familiarisation costs to the NCA in understanding the new offence.

E. Wider impacts

41. This legislation is not expected to have wider impacts. As set out above, the main objective of this legislation is to disrupt the online element of OCGs' business model and make facilitating OIC on internet services more challenging and discourage this type of activity.
42. There are no expected impacts to the environment, social, regional income, wealth distribution, households or trade and investment.
43. Some indirect impacts on the basis of protected characteristics have been identified. These impacts, and any available mitigations, are set out in the Equalities Impact Assessment. The potential impacts identified are considered to be justified as proportionate for the legitimate aims of the measures, including border security and disruption and prevention of crime.

F. Sensitivity

44. This policy does not meet the threshold for an Impact Assessment as there are no direct costs to business. Familiarisation costs and costs to the justice system are the only monetised costs.
45. Whilst a number of scenarios relating to CJS impacts have been included in the analysis, these are based on the professional judgement of the NCA. Should arrest volumes be significantly higher or lower than anticipated, there would be equivalent impacts on CJS costs.

G. Risks

46. There is a risk that the measure does not deliver its intended impacts, disrupt OCGs business models, increase law enforcement outcomes or discourage the posting of online material which promotes unlawful immigration services on an internet service. These risks and some potential mitigations are outlined below:
- OCGs may move operations overseas, if they are not already based overseas, to mitigate against prosecution. The offence has extraterritorial jurisdiction and in exceptional circumstances, extradition may occur.
 - OCGs may commission vulnerable groups or children under the age of criminal responsibility to create adverts. The act of causing someone else to create online material that promotes unlawful immigration services on an internet service is within scope of this offence.
 - OCGs may adapt into other forms of promotion that are harder to observe, such as increased use of private messaging online or offline promotion.

H. Annex

Mandatory specific impact test - Statutory Equalities Duties	Complete
The public sector equality duty requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and encourage good relations in the course of developing policies and providing services. This consideration has been made in development of this measure, and an Equalities Impact Assessment (EIA) has been produced for the BSAI Bill. Some indirect impacts on the basis of protected characteristics have been identified. Children or people with certain disabilities, for example, those with learning difficulties are likely to be more vulnerable to coercion to produce content by OCGs, which may put them at a particular disadvantage. However, the act of causing someone else to create online material that promotes unlawful immigration services on an internet service is within scope of this offence. More detail on these impacts, and any available mitigations, are set out in the EIA. The potential impacts identified are considered to be justified as proportionate for the legitimate aims of the measures, including border security and disruption and prevention of crime. The SRO has agreed these summary findings.	Yes