



Equality Impact Assessment [EIA]

1. Name and outline of policy proposal, guidance, or operational activity

Title: Border Security, Asylum and Immigration Act 2025

The Government has passed the Border Security, Asylum and Immigration Act ("the Act") to create a framework of new and enhanced powers and offences to improve UK border security and to strengthen the asylum and immigration system. This enactment stage EIA reflects changes to the legislation that have occurred over the course of the passage of the legislation through Parliament.

Collectively, the provisions within the Act reinforce, strengthen, and connect capabilities across the relevant government and law enforcement partners which make up the UK's border security system.

The Act provides the framework which enables the Border Security Commander, and the Border Security Command (BSC), to fulfil their role as the border security system leader, cohering and driving improvements to the collective response to current and future threats, starting with organised immigration crime (OIC). The legislation puts the Border Security Commander's responsibilities onto a statutory footing.

The Act creates an array of new, stronger powers for law enforcement agencies to deal with, investigate and prosecute OIC, and it provides additional deterrents and penalties for criminals involved in OIC. The Act:

- Expands data-sharing capabilities to assist in developing the intelligence picture of OIC;
- Enables smarter, faster and more effective interventions to protect UK border security and to bring those involved in OIC to justice;
- Will improve understanding of how and why OIC happens.

The Act introduces new and enhanced tools which will allow faster interventions against those suspected of being involved in serious and organised crime. The strengthening of Serious Crime Prevention Orders (SCPOs), including the introduction of new interim orders, will mean offenders will be more closely managed in UK communities, breaking known links to Organised Crime Groups (OCGs).

The Act enables action to be taken against individuals whose actions whilst travelling to the UK on a small boat result in the risk of serious injury or death to others and travels onto the UK regardless without the required entry clearance or immigration permission.

Finally, the Act repeals the Safety of Rwanda (Asylum and Immigration) Act (SoRA 2024), repeals parts of the Illegal Migration Act 2023 and introduces new, additional measures to support and strengthen a properly functioning UK immigration and asylum system.

The measures in the Act fall into four pillars:

Pillar 1: The framework within which the Border Security Command can operate

- a) **Making the Border Security Commander a statutory office holder:** With the collective agreement of the Home Secretary and Prime Minister, and in collaboration with partners, the Border Security Commander will agree the government's strategic priorities for border security. The Border Security Commander will work closely with other government departments, including HM Revenue and Customs (HMRC) and the Foreign, Commonwealth and Development Office (FCDO), as well as operational partners, including Border Force, the National Crime Agency (NCA), Immigration Enforcement and policing, to achieve those priorities. This will ensure that the full range of capabilities, including that of the UK Intelligence Community, are maximised and brought to bear on those exploiting the UK border.

Pillar 2: Expanded data sharing capabilities to assist in the development of the intelligence picture of OIC and other threats

- b) **Sharing of customs information by HMRC:** The removal of legal barriers and the simplification of data sharing processes from HMRC to the Home Office and other government departments. Data gathered under this provision may be used for purposes such as immigration, customs, law enforcement, national security, or human welfare.
- c) **Sharing of trailer registration information:** The Driver and Vehicle Licensing Agency (DVLA) will have the ability to share some or all of the trailer registration data held with the Home Office, HMRC, NCA and the police, enhancing each organisation's ability to identify trailers in connection with their functions and for a range of processing purposes (as applicable): law enforcement, policing, customs, immigration, national security and safeguarding vulnerable persons; and, for the desired effect of improving border security. Any information shared under this measure will be done so in accordance with UK data protection and human rights legislation.

Pillar 3: New and enhanced powers to strengthen border security

- d) **Enhanced organised immigration crime powers and offences:** The Act introduces new powers and offences for dealing with OIC.
- 1) A new offence of supplying, offering to supply, or handling a relevant article, where the person knows or suspects that the article is to be used by any person in connection with an offence under section 24 or 25 of

the IA 1971, or being concerned in the supplying, offering to supply or handling of a relevant article, where the person knows that the article is to be used by any person in connection with an offence under section 24 or 25 of the IA 1971.

- 2) A new offence of taking specified actions in circumstances giving rise to a reasonable suspicion of a connection with an offence under section 24 of the IA 1971, for example research into viable locations and departure points, dates and times and transport for a journey to the UK. These new offences and their lower suspicion thresholds will allow law enforcement to act earlier and faster to pursue, disrupt and deter OIC.
 - 3) A new offence that criminalises the creation or publication (or causing the creation or publication) of material whose purpose is, or effect will be, to promote an unlawful immigration service. This includes circumstances where the individual knows or suspects that the material a) will be published on an internet service and b) has the purpose or effect of promoting an unlawful immigration service. The promotion of all unlawful immigration services is in scope of the offence, including illegal entry to the UK or the provision of fraudulent travel documents. The offence criminalises such material regardless of whether a specific instance or breach of immigration law has taken place as a result of a specific piece of content.
 - 4) New powers to search for, seize, retain and use information from electronic devices will be introduced for Immigration Officers, NCA officers and police constables where there are reasonable grounds to suspect that a relevant person has an electronic device that may contain information in relation to facilitation offences under section 25 or 25A of the IA 1971.
- e) **Endangerment offence:** The Act includes a new offence to prosecute individuals whose actions whilst travelling to the UK by sea (which includes travel by small boats) contrary to certain existing section 24 IA 1971 offences, cause, or cause a risk of, serious personal injury or death of another. The new offence is intended to disincentivise dangerous behaviour, including acts of aggression or preventing rescue. The offence takes the form of a new aggravated offence under section 24 of the IA 1971.
- f) **Serious Crime Prevention Orders (SCPOs):** SCPOs are a powerful tool for preventing and disrupting the activities of the highest-harm criminals involved in serious crime. SCPOs are not currently being used to maximum effect. This legislation streamlines the application process and improves law enforcement's ability to proactively manage those involved in serious crime, better protect communities and take preventative action. The provisions:
- 1) Expand the list of agencies that can apply directly to the High Court for an SCPO in the absence of a conviction to increase their use.

- 2) Ensure SCPOs impose a standardised list of notification requirements.
 - 3) Provide the courts with an express power to impose electronic monitoring as a condition of an SCPO.
 - 4) Enable Crown Courts to issue SCPOs on acquittal or when allowing an appeal.
- g) Interim SCPOs:** The Act creates interim SCPOs to ensure that law enforcement agencies can take immediate preventative action, while allowing the courts time to consider the evidence for a full SCPO application or to continue investigations in pursuit of a prosecution.
 - h) New offences to criminalise the making, adapting, importing, supplying, offering to supply and possession of articles for use in serious crime:** The list of articles in scope of the legislation includes pill presses and encapsulators, vehicle concealments and templates used for printing 3D firearms components. The provision includes a delegated power to enable the Secretary of State for the Home Department (Home Secretary) to amend the list.
 - i) Counter-terrorism (CT) port powers in Scotland:** The Act amends CT port powers to allow the police to take biometrics at a port in Scotland, bringing Scotland into alignment with the position across England, Wales, and Northern Ireland.

Pillar 4: Measures to support and strengthen the UK's asylum and immigration system

- j) Repeal of the Safety of Rwanda (Asylum and Immigration) Act 2024:** The Act repeals the Safety of Rwanda (Asylum and Immigration) Act 2024 which came into force on 25 April 2024. It was passed under the previous government and along with the UK-Rwanda Treaty was intended to enable removals to Rwanda under the previous government's policy.
- k) Repeal of parts of the Illegal Migration Act 2023:** The Act repeals parts of the Illegal Migration Act 2023, including the duty to remove and associated provisions.
- l) Detention and exercise of functions pending deportation:** The Act confirms the Home Office's ability to detain someone from the point at which the Home Office serves notification that deportation is being considered. The powers to take biometrics and search for nationality documents in these circumstances is aligned with the power to detain.
- m) Increased powers for the Immigration Services Commissioner:** The Act will help tackle abuse of the immigration system from bad actors through the introduction of extra powers for the Immigration Services Commissioner to ensure effective regulation and enforcement of immigration advice and services. The legislative measures are an extension of existing regulation and designed to give parity with other

regulators, minimising the exploitation of any disparity, and strengthening the Commissioner as a regulator.

- n) **Extension of personnel who can take biometric information:** The Act enables contractors at short-term holding facilities to be able to take biometric information and allows for the Home Secretary to designate further authorised persons to take biometric information in the future, should the need arise. This will reduce the risk of delaying or missing the capture of biometric information.
- o) **Collection of biometrics outside of a visa application process:** The Act creates a power to take biometrics without (and irrespective of) the need for an immigration application from persons not in the UK. This will enable the Home Secretary to understand whether the person might pose a risk of harm prior to facilitating their exit from a country.
- p) **Conditions on limited leave to enter or remain and immigration bail:** The Act adds electronic monitoring, curfews, inclusion zones, exclusion zones and any condition the Secretary of State thinks fit to the list of conditions that can be attached to a grant of limited leave to enter or remain. These powers help protect the public from migrants that pose a threat to the public but cannot be removed because of obligations under domestic and international law. In addition, the Act clarifies that curfews, inclusion zones and exclusion zones can be imposed as conditions of immigration bail.
- q) **EU Settlement Scheme - rights of entry and residence:** The Act confirms in UK law that all EU, other European Economic Area (EEA) and Swiss citizens continuously resident in the UK immediately before the end of the post-EU exit transition period at 11pm on 31 December 2020, and their family members, who have pre-settled status (five years' limited leave to enter or remain) or settled status (indefinite leave to enter or remain) under the EU Settlement Scheme (EUSS) will be treated, as a matter of UK law, as being a beneficiary of the Withdrawal Agreement (WA)¹ for as long as they hold EUSS status.
- r) **Right to work:** The Act strengthens right to work checks by extending the scope of employers and businesses required to carry out checks on their workers to prevent illegal working. This will include a legal requirement for organisations to conduct right to work checks on individuals they employ under a worker's contract or as individual sub-contractors; and for online matching services that provide details of service providers to potential clients or customers for remuneration.
- s) **Statutory timeframe for the First-tier Tribunal Immigration & Asylum Chamber appeals:** The Act introduces a statutory timeframe for the First-

¹ Or, as appropriate, of the Separation Agreement with the other EEA states (Iceland, Liechtenstein and Norway) or of the Swiss Citizens' Rights Agreement. For simplicity, this EIA will focus on EU citizens and their family members and on the WA, but the same considerations apply in respect of other EEA and Swiss citizens and their family members, under the relevant Agreement.

tier Tribunal Immigration & Asylum Chamber to determine appeals brought by non-detained foreign national offenders (FNOs) liable to deportation, and those receiving accommodation support.

- t) **Refugee Convention - particularly serious crime:** Sexual offences which give rise to the notification requirement in Schedule 3 of the Sexual Offences Act 2003 will be assumed to be 'particularly serious' for the purpose of applying Article 33(2) of the Refugee Convention, thereby allowing the UK to exclude those individuals from being granted asylum protections in the UK.
- u) **Retrospective authority for fees relating to English language and UK and overseas qualifications:** The Act provides retrospective statutory authority for fees charged in connection with the following three services provided by a third-party supplier on behalf of the Home Office and the Department for Education (DfE):
 - 1) The Home Office Visas and Nationality Service ("the HO V&N service")
 - 2) The DfE UK European Network of Information Centres (ENIC) Services ("the DfE UK ENIC services")
 - 3) The non-UK Early Years (EY) Qualifications Recognition Service ("the DfE EY service").

Illegal Migration Act 2023

A separate EIA was produced in the development of the Illegal Migration Act (IMA) 2023 and is available at:

<https://www.gov.uk/government/publications/illegal-migration-bill-overarching-documents/equality-impact-assessment-accessible>.

The Act repeals all of the Illegal Migration Act 2023 except the measures below, which are retained:

Section 12 – Period for which persons may be detained

Section 29 – Disapplication of modern slavery provisions

Section 52 – Judges of First-tier Tribunal and Upper Tribunal

Section 59 – Inadmissibility of certain asylum and human rights claims

Section 60 – Cap on number of entrants using safe and legal routes

Section 62 – Credibility of claimant: concealment of information etc

Most of the provisions retained are already in force (see exceptions below), and therefore the Act does not constitute policy change and the Home Office does not consider there to be additional equalities considerations for those provisions at this stage.

Section 29 of the Illegal Migration Act 2023 (Disapplication of modern slavery provisions) has not been commenced. Further equalities considerations would be made at such a time that the provisions are commenced.

Section 59 of the same Act (Inadmissibility of certain asylum and human rights claims) has partially commenced. Further equalities considerations would be made as needed with any further commencement of the provisions.

The Act includes provision in connection with the repeal of provisions in the Illegal Migration Act 2023 to ensure that any permission granted prior to the commencement of The Illegal Migration Act 2023 (Amendment) Regulations 2024 is valid. The effect is to maintain existing permission, which therefore does not constitute policy change and the Home Office does not consider there to be additional equalities considerations since the Illegal Migration Act 2023 was approved by Parliament.

2. Summary of the evidence considered in demonstrating due regard to the Public-Sector Equality Duty.

- Road Haulage Association's *Attract, Train & Retain, A skills manifesto for the road transport industry* published July 2023.
- Domestic road freight statistics (Gov.uk) <https://www.gov.uk/government/statistics/domestic-road-freight-statistics-july-2021-to-june-2022/domestic-road-freight-statistics-july-2021-to-june-2022>
- Modern Slavery: National Referral Mechanism and Duty to Notify statistics UK <https://www.gov.uk/government/collections/national-referral-mechanism-statistics>
- *Customs Importer and Exporter Population 2023* (Gov.uk) [Customs Importer and Exporter Population 2023 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/customs-importer-and-exporter-population-2023).
- The following data sources were used to provide an indicative picture of the cohort of individuals who may be impacted by serious organised crime measures:
 - Offending population statistics from the Ministry of Justice's (MOJ) [Criminal Justice System Statistics Quarterly](https://www.gov.uk/government/publications/criminal-justice-system-statistics-quarterly)² release.
 - Her Majesty's Courts and Tribunals Service (HMCTS) data on individuals who receive SCPOs³.
- Jonathan Hall KC, 'Terrorism Acts in 2022: Report of the Independent Reviewer on the Operation of the Terrorism Acts 2000 and 2006, and the Terrorism Prevention and Investigation Measures Act 2011' (November 2024)⁴
- Jonathan Hall KC, 'Terrorism Acts in 2020: Report of the Independent Reviewer on the Operation of the Terrorism Acts 2000 and 2006, and the Terrorism Prevention and Investigation Measures Act 2011' (April 2022)⁵.

² Ministry of Justice, Criminal justice system statistics quarterly: December 2023: [Criminal Justice System statistics quarterly: December 2023 - GOV.UK](https://www.gov.uk/government/publications/criminal-justice-system-statistics-quarterly)

³ This is the first release of this data and it is a subset of the published Accredited Official Statistics series Criminal Justice Statistics Quarterly (CJSQ) which are available here: <https://www.gov.uk/government/collections/criminal-justice-statistics-quarterly>. The data is unpublished management information and has not been quality assured to the same standards as the wider CJSQ release but is important to the equalities impact assessment.

⁴ [The Terrorism Acts in 2022 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/the-terrorism-acts-in-2022)

⁵ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1071570/IRTL_Report_Terrorism_Acts_in_2020

- Jonathan Hall KC, [Independent Reviewer of Terrorism Legislation: Report on the use of Schedule 7 powers against Ernest Moret](#), (July 2023).
- MI5, [Director General Ken McCallum gives latest threat update | MI5 - The Security Service](#).
- [Ethnicity and religion by age - Office for National Statistics \(ons.gov.uk\)](#).
- Public data on use of Schedule 7 (CT powers) can be found [at this publication](#).⁶
- Treaty between the UK and Rwanda - [Agreement between UK and Rwanda for the provision of an asylum partnership to strengthen internal commitments on the protection of refugees and migrants \(publishing.service.gov.uk\)](#)
- Safety of Rwanda (Asylum and Immigration) Act: supporting documents including the Country Information Notes: <https://www.gov.uk/government/publications/safety-of-rwanda-asylum-and-immigration-bill-supporting-evidence>.
- The Safety of Rwanda (Asylum and Immigration) Act: these documents relate to the safety of Rwanda (including Policy Statement published January 2024: [The Safety of Rwanda \(Asylum and Immigration\) Bill - GOV.UK \(www.gov.uk\)](#)
- Equality Act 2010 - <https://www.legislation.gov.uk/ukpga/2010/15/contents>
- Article 3 of the ECHR https://www.echr.coe.int/Documents/Convention_ENG.pdf
- Ilias and Ahmed v Hungary, (Application no. 47287/15; judgment 21 November 2019), paras 139 – 14. [https://hudoc.echr.coe.int/eng#{"itemid":\["001-198760"\]}](https://hudoc.echr.coe.int/eng#{)
- Section 55 the Borders, Citizenship and Immigration Act 2009 - <https://www.legislation.gov.uk/ukpga/2009/11/section/55>
- AM (Zimbabwe) [2020] UKSC 17. <https://www.supremecourt.uk/cases/docs/uksc-2018-0048-judgment.pdf>.
- MEDP Published Equality Impact Assessment
- [Migration and Economic Development Partnership with Rwanda: equality impact assessment - GOV.UK \(www.gov.uk\)](#)
- [Irregular migration statistics to the UK \(including small boat statistics\): https://www.gov.uk/government/statistics/irregular-migration-to-the-uk-year-ending-september-2023/irregular-migration-to-the-uk-year-ending-september-2023](#)
- Publicly available official data sets - [How many people are detained or returned? - GOV.UK \(www.gov.uk\)](#)
- Home Office Immigration Enforcement Transparency Data - [Immigration Enforcement data: Q2 2024 - GOV.UK \(www.gov.uk\)](#)
- The Detention Centre Rules 2001 [The Detention Centre Rules 2001 \(legislation.gov.uk\)](#) and Short-term Holding Facility Rules 2018 [The Short-term Holding Facility Rules 2018 \(legislation.gov.uk\)](#)

⁶ Operation of police powers under the Terrorism Act 2000 and subsequent legislation: Arrests, outcomes, and stop and search, Great Britain, quarterly update to September 2024. 12.12.2024.

- The Home Office's Adults at Risk Guidance [Adults at risk in immigration detention](#)⁷ and guidance on the detention of pregnant women⁸.
- [Detention General instructions \(publishing.service.gov.uk\)](#)
- The Home Office Visas and Nationality Service data (October 2020-October 2024)⁹.
- The Citizens' Rights Agreements: the Withdrawal Agreement (UK withdrawal from the EU); the Separation Agreement with other EEA states (Iceland, Liechtenstein and Norway); and the Swiss Citizens' Rights Agreement.
- [Secretary of State for Work and Pensions v AT \[2023\] EWCA Civ 1307 \(08 November 2023\)](#)¹⁰.
- [EU Settlement Scheme Home Office statistics](#)¹¹.
- [Operation of police powers under the Terrorism Act 2000 and subsequent legislation: Arrests, outcomes, and stop and search, Great Britain, quarterly update to September 2024 - GOV.UK](#)
- [Offender management statistics quarterly: July to September 2024 - GOV.UK](#)
- [HMPPS Offender Equalities Report 2023/24 - GOV.UK](#)
- [Office for National Statistics – employment](#)¹².
- [Domestic abuse victim characteristics, England and Wales - Office for National Statistics](#)¹³.
- Office for National Statistics - Summary of labour market statistics¹⁴
- Employment by detailed occupation and industry, by sex, age group and country, 2020 to 2023, Reference number 2316 (Annual Population Survey, ONS. 2024)¹⁵
- [Internet users, Office for National Statistics, 2021](#)¹⁶
- [The gig economy: What does it really look like? Report 8453, Chartered Institute of Professional Development](#)¹⁷

⁷ <https://www.gov.uk/government/publications/adults-at-risk-in-immigration-detention>

⁸ <https://www.gov.uk/government/publications/pregnant-women-in-detention>

⁹ This data is limited and does not cover the full period that these services have been specified in the Home Office Immigration Rules or relevant nationality legislation.

¹⁰ <https://www.bailii.org/ew/cases/EWCA/Civ/2023/1307.html>

¹¹ <https://www.gov.uk/government/statistics/immigration-system-statistics-year-ending-december-2024/how-many-people-have-been-granted-settlement-via-the-eu-settlement-scheme>

¹² <https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/datasets/a12employmentunemploymentandeconomicinactivitybynationalityandcountryofbirth/current>

¹³ <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/domesticabusevictimcharacteristicsenglandandwales/yearendingmarch2024>

¹⁴ <https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/datasets/summaryoflabourmarketstatistics>

¹⁵ <https://www.ons.gov.uk/>

¹⁶ <https://www.ons.gov.uk/businessindustryandtrade/itandinternetindustry/datasets/internetusers>

¹⁷ <https://www.cipd.org/globalassets/media/knowledge/knowledge-hub/reports/2023-pdfs/2023-cipd-gig-economy-report-8453.pdf>

- [Economic activity status and sector of workers, by ethnicity, disability, marital status and religion, UK: 2021 to 2022¹⁸](#)
- Diversity in the labour market, England and Wales: Census 2021¹⁹
- UK Consumer Digital Index, (Lloyds, 2024)²⁰[Offender management statistics quarterly: October to December 2024 - GOV.UK](#)
- [UK Prison Population Statistics: July 2024 - Parliament.uk](#)
- [Tribunal Statistics Quarterly: October to December 2024 - GOV.UK](#)
- [Prison population 31 March 2025](#) (Ministry of Justice, 2025)[Equality impact assessment: GPS non-fitted devices](#) (Home Office, 2025)
- Asylum claims and initial decisions detailed datasets, year ending March 2025 (Home Office, 2025)
- Section 50 of the Children and Young Persons Act 1933 – <https://www.legislation.gov.uk/ukpga/Geo5/23-24/12/section/50>
- Children as suspects and defendants | The Crown Prosecution Service
- Taking into account an offender's disabilities – <https://sentencingcouncil.org.uk/latest/how-does-sentencing-take-into-account-an-offender-s-disabilities/>
- Irregular migration statistics year ending June 2025 – <https://www.gov.uk/government/statistics/immigration-system-statistics-year-ending-june-2025/how-many-people-come-to-the-uk-irregularly#irregular-arrivals>

3a. Consideration of limb 1 of the duty: Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act.

The Act makes changes with the aim of strengthening border security and reducing cross-border threats, including organised immigration crime. As part of this, the intention is to reduce dangerous journeys and the threat to human life that they pose. On that basis, the Home Office expects there will be positive impacts through enhanced safety and security, and reduced serious and organised crime, including organised immigration crime.

The potential impacts identified in this EIA should be considered alongside this broad aim. All of the identified impacts are considered justified as proportionate in view of the overall aims and positive impacts they are expected to produce, and mitigations have been put in place where possible to address potential negative impacts.

The Home Office has considered all measures proposed within the Act in terms of direct and indirect discrimination and the potential for disproportionate negative impact on the basis of a protected characteristic.

¹⁸ <https://www.ons.gov.uk/file?uri=/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/adhocs/1522economicactivitystatusandsectorofworkersbyethnicitydisabilitymaritalstatusandreligionuk2021to2022/copyoflevellingupilodpublicrxvarsj21j22finpub.xlsx>

¹⁹

<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/articles/diversityinthelabourmarketenglandandwales/census2021>

²⁰ <https://www.lloydsbank.com/consumer-digital-index.html>

Where available data indicates potential impact on the basis of a protected characteristic, this is set out below. Where a particular measure is not mentioned, it is because no such impact has been identified.

Age

Direct Discrimination

Amendments to **Serious Crime Prevention Orders** (SCPOs) will directly discriminate on the basis of the protected characteristic of age. All the proposals relating to SCPOs will only impact individuals aged 18 years and over as SCPOs cannot be imposed on an individual under the age of 18 (as per section 6 of the Serious Crime Act 2007).

As per section 13(2) of the Equality Act 2010, direct discrimination on the basis of age can be justified if it is a proportionate means of achieving a legitimate aim. SCPOs can impose stringent conditions on individuals, and it is considered that children who commit serious offences have different needs to adults, and therefore a different criminal justice response is more appropriate.

Amendments to allow **collection of biometric data outside of a visa application process** will have differential effect based on age. Specifically, children under five will only need to provide a facial image, because their fingerprints are generally too small to be easily automatically matched; and children under 16 require the presence of a responsible adult. This is not expected to constitute negative impact and is justified under section 13(2) of the Equality Act 2010 for practical and safeguarding reasons.

Provisions for **imposing conditions on immigration leave** where a foreign national poses a threat to the public but cannot be removed from the UK prohibit the Home Office from using electronic monitoring as a condition of leave on those under the age of 18. This differentiation on the grounds of age is justifiable in order to fulfil the duty imposed under [Section 55 of the Borders, Citizenship and Immigration Act 2009](#) to make arrangements for ensuring that immigration, asylum and nationality functions are discharged having regard to the need to safeguard and promote the welfare of children who are in the UK.

The **Right to Work Scheme** applies to individuals over the age of 16. Businesses may be liable to penalties if they employ an adult contrary to the legislation, therefore, right to work checks only apply to those aged 16 or over. As such, the Scheme subjects individuals aged 16 or over, similarly to the requirements on national insurance contributions, to less favourable treatment than children because of the protected characteristic of age. However, this is a proportionate means of achieving the legitimate aims of ensuring the protection and welfare of children and that access to the labour market is reserved to those who are eligible and with lawful immigration status in the UK. Children can only start full-time work once they have reached the minimum school leaving age and are eligible for employment rights and rules at age 18.

Indirect Discrimination

According to the Road Haulage Association's *Attract, Train & Retain, A skills manifesto for the road transport industry* published July 2023, the average age of an HGV driver is 51²¹. On that basis, the new **DVLA data sharing** measures are more likely to affect those of that age. However, the Home Office does not expect this to constitute negative impact except where addressing non-compliance or criminal activity and is justified on the basis of law enforcement and protecting human life. This is considered justified as proportionate for the legitimate aim law enforcement and protecting human life.

Customs data relevant to new **HMRC data sharing** measures will in the main relate to companies which are engaged in international trade. Those associated with such companies are more likely to be adults. This means that, to the extent that information shared is capable of identifying individuals, it is more likely that that information will be about adults. It may therefore be that once that information is operationalised, it is more likely that there will be an indirect impact on adults. However, any such impact is considered justified as proportionate for the legitimate aim law enforcement and protecting human life.

In respect of **new organised immigration crime offences**, children may be more likely to be vulnerable to coercion to produce content by organised crime groups, which may put them at a particular disadvantage. A child below the age of 10 cannot be guilty of a criminal offence under section 50 of Children and Young Persons Act 1933. This may result in a risk of organised crime groups exploiting them to conduct the activities captured by the three new offences. To mitigate against inappropriate prosecution, prosecution services are committed to ensuring the special considerations which apply to cases involving children are enshrined in its working practices and form part of the training of its prosecutors, including age as a relevant characteristic in determining whether an offender was less able to withstand threats and pressure than an ordinary person. Children coerced by organised crime groups may have a defence under section 45 Modern Slavery Act 2015 or under the common law defence of duress. In addition, each of the three new offences includes causing/commissioning someone to undertake the relevant activity of the offence, and someone coercing a child may therefore be prosecuted. It is considered that any potential disproportionate impact to children, mitigated by existing prosecutorial consideration, is justified as proportionate for the legitimate aim of preventing organised immigration crime and operating and enforcing a fair immigration system.

Enhanced powers to seize, retain, copy and extract information from electronic devices will apply where a device is i) found on an illegal entrant/arrival and ii) there are reasonable grounds to suspect the relevant person is in possession of a relevant article (anything which appears to contain information relating to a facilitation offence under section 25 or section 25A Immigration Act 1971). In the year ending September 2024, 25-39 year-olds

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https://www.rha.uk.net/Portals/0/PolicyCampaigning/RHA_ATandR%20document_230721.pdf?ver=2023-07-25-113248-347%C3%97tamp=1690281109299

comprised 40.0% of small boat arrivals, closely followed by those aged 18-24 (32.2%). On that basis, individuals in those age groups are more likely to be affected, but this is justified to protect migrants from exploitation from organised crime groups and disrupt OIC.

Under the new **aggravated offence under Section 24** of the Immigration Act 1971 relating to the endangerment of another during a sea crossing, there may be an indirect impact on children if their parents are prosecuted. Prosecutors will consider cases on their individual merits. However, this is a more general risk and is not unique to this new aggravated offence – it is a risk that is expected to exist for all criminal offences, i.e. where a parent commits and is prosecuted for a crime, the onward repercussions have an impact on any children they have (e.g. absence of a parent if in custody). In this particular case, there could conversely be a positive impact for children since the measure is intended to reduce dangerous behaviour that risks injury or fatality. Any impact is considered justified as proportionate for the legitimate aim of preventing crime and attempting to avoid injury and fatalities in these crossings.

Evidence used to provide an indicative picture of the cohort of individuals who may be impacted by changes to **SCPOs and new offences related to articles for use in serious crime** suggests that individuals in the age range of 30 – 39 are overrepresented in the cohort (31-34% compared to 13.7% of the general population of England and Wales in the 2021 census). This may result in this group being disproportionately impacted by these changes, but this is justified as a proportionate means to achieve a legitimate aim of targeting serious crime. The measures will have the positive effect of preventing harm. Any order imposed or any conviction under the measures will be carried out by a court following proper process and safeguards.

Schedule 7 powers – which includes the power to **take biometrics during a CT port examination** to determine an individual's involvement in terrorism – are used in accordance with the threat from terrorism. While the age of those selected for examination under Schedule 7 is not recorded, data for those arrested for terrorism-related offences show that younger people are more likely to be involved in terrorism. It is possible that those stopped under Schedule 7 also reflect this trend which could indicate indirect discrimination in use of Schedule 7 but this is justified to counter the threat of terrorism. Additionally, the existing Schedule 7 Code of Practice sets out that the decision to examine someone must not be arbitrary or based on protected characteristics alone.

Providing **validation of fees charged in relation to qualifications**, may, in the case of the Home Office services, be more likely to affect those aged 16-35 based on data available of those using those services. No such data is available in relation to the Department for Education services. However, it is not expected that those individuals would be at a particular disadvantage. The changes mean all individuals will not be able to recover fees paid for services in the past, but they will have received the benefit of those services and the change is justified on the basis of ensuring effective use of taxpayer funds.

Provisions for **imposing conditions on immigration leave** where a foreign national poses a threat to the public but cannot be removed from the UK may be more likely to affect certain age groups. The conditions provided for by the measures will only be used in a very low number of cases involving conduct such as war crimes, crimes against humanity, extremism, serious crime or where the person poses a threat to national security or public safety. At the time of this EIA, around 170 people are currently on restricted leave, with over half having been involved in terrorism or extremism related activities. Home Office statistics indicate that 87% of people on restricted leave are over the age of 40. The changes may therefore disproportionately affect people over the age of 40, however the impact is a result of an individual's conduct and is justified and proportionate to achieve the legitimate aims of protecting the public and reducing crime.

Changes to the **Right to Work Scheme** will apply Right to Work checks to those working in the gig economy²². Casual, temporary work as seen in the gig economy has an overrepresentation of young people who may be students, recent graduates, or those looking for flexible working options. This could result in this group being more likely to be affected by the changes. However, there are a range of ways in which an individual can evidence their right to work, which include manual and digital options. Any potential indirect discrimination that may arise is justified as a proportionate means of achieving the legitimate policy aims: to tackle and deter irregular migration, to secure compliance with and help to enforce UK immigration laws and to support efforts to tackle those who exploit vulnerable migrants.

Introduction of a **statutory timeframe for the FTT IAC to determine appeals for non-detained FNOs** may disproportionately affect those between the ages of 30 and 49, on the basis that the general prison population and those served a deportation order^{23 24} are more likely to be within that age bracket. The provision allows for the timeframe not to be met where it would not be reasonably practicable to do so, which may take into account the appellant's age if appropriate. The provision contributes to the legitimate aim of facilitating swifter deportation of non-detained FNOs and restoring confidence in the immigration system. Any disproportionate impact on the basis of age is considered proportionate to this legitimate aim.

Introduction of a **statutory timeframe for the FTT IAC to determine appeals for asylum appellants receiving accommodation support** may disproportionately affect those between the ages of 18 and 49, on the basis that those claiming asylum or protection are more likely to be within that age bracket²⁵. The provision allows for the timeframe not to be met where it would not be reasonably practicable to do so, which may take into account the appellant's age if appropriate. The provision contributes to the legitimate aim of

²² Employers that exchange money for labour (usually but not always via digital platforms that link workers with short-term tasks), paid on a per task basis.

²³ [Prison population 31 March 2025](#) Table 1.Q.8 (Ministry of Justice, 2025)

²⁴ [Equality impact assessment: GPS non-fitted devices](#) (Home Office, 2025)

²⁵ [Asylum claims and initial decisions detailed datasets, year ending March 2025](#) Asy_D01 (Home Office, 2025)

reducing public cost, maintaining public order, and reducing negative impacts on those using asylum accommodation on a long-term basis. Any disproportionate impact on the basis of age is considered proportionate to this legitimate aim.

Changes to **treat specified sexual offences as particularly serious** when determining exclusion from Refugee Convention have not been assessed to be more likely to affect individuals on the basis of their age, against the available data. The provision will apply to children in the same way as adults. Data is not available on the age breakdown of sex offender in the asylum system. Data held by the Ministry of Justice on sex offenders more generally (i.e. not exclusively in the asylum system) shows the highest proportion to be aged 30-39 (27%). While relevant, this does not directly relate to the cohort affected by these changes so does not draw conclusions on the groups more likely to be affected. Younger offenders may not fully appreciate the potential wider implications of their offending. However, the issue of age is already adequately taken into account in sentencing guidelines and within the Sexual Offences Act 2003 (which includes the offences in scope of the provisions). The Sentencing Council has specific guidance for sentencing children and young people, which is considered sufficient to mitigate any disproportionate impact to young people. It is considered that if there is any indirect discrimination in relation to age, this is justified as proportionate for the legitimate aim of protecting the public from harm, including by reducing violence against women and girls.

In respect of the **new offence for the online promotion of unlawful immigration services**, children are more likely to be vulnerable to coercion to produce content by organised crime groups, which may put them at a particular disadvantage. Commissioning someone to create or publish online material that intentionally promotes unlawful immigration services – and knowing or suspecting it will appear online – falls within the scope of this offence. Where coercion is used to make this happen, the person applying the coercion may be prosecuted. A child below the age of 10 cannot be guilty of a criminal offence under section 50 of Children and Young Persons Act 1933²⁶. This may result in a risk of organised crime groups exploiting them to produce online material promoting unlawful immigration services. To mitigate against inappropriate prosecution, prosecution services are committed to ensuring the special considerations which apply to cases involving children are enshrined in its working practices and form part of the training of its prosecutors, including age as a relevant characteristic in determining whether an offender was less able to withstand threats and pressure than an ordinary person. Children coerced by OCGs may have a defence under section 45 Modern Slavery Act 2015 or under the common law defence of duress²⁷. It is considered that any potential disproportionate impact to children, mitigated by existing prosecutorial consideration, is justified as proportionate for the legitimate aim of preventing organised immigration crime and operating and enforcing a fair immigration system.

²⁶ <https://www.legislation.gov.uk/ukpga/Geo5/23-24/12/section/50>

²⁷ [Children as suspects and defendants | The Crown Prosecution Service](#)

Disability

Direct Discrimination

No direct discrimination has been identified.

Indirect Discrimination

In respect of **new organised immigration crime offences**, people with certain disabilities, for example those with learning difficulties, are likely to be more vulnerable to coercion to undertake the activities in scope of the offences, produce content by organised crime groups, which may put them at a particular disadvantage. People who are coerced by organised crime groups may have a defence under section 45 Modern Slavery Act 2015 or under the common law defence of duress. Sentencing Council guidelines instruct judges to take in to account an offender's disability when sentencing them^{[OBJ]²⁸}

In addition, each of the three new offences includes causing/commissioning someone to undertake the relevant activity of the offence, and someone coercing someone with a disability may therefore be prosecuted. It is considered that any potential disproportionate impact on the basis of a disability, mitigated by existing defences and sentencing guidelines, is justified as proportionate for the legitimate aim of preventing organised immigration crime and operating.

There is potential that those with certain disabilities may be disproportionately impacted by **enhanced powers to seize, retain, copy and extract information from electronic devices**. This is because seizure of devices may be disproportionately impactful where the individual relies on the device for communication or other needs arising from a disability (e.g. an individual who is deaf and needs the device to communicate). This is justified as proportionate for the legitimate aim of preventing crime, including disrupting OIC.

There is potential that new **offences related to articles for use in serious crime** could potentially have a differential impact on people with disabilities, which can be appropriately mitigated as set out below. The proposed new offences impose an objective test where a person has reasonable grounds to suspect that an article will be used in serious crime (where a reasonable person with access to the same information as the accused would have suspected that the article was for use in serious crime). Some individuals may be less able to identify reasonable grounds for suspicion that an article will be used in serious crime, on the basis of a mental impairment, disorder or condition amounting to a disability under section 6(1) of the Equality Act 2010. It is therefore possible that such individuals may be more likely to come under scrutiny by law enforcement agencies on suspicion of these offences.

This risk can be mitigated by the Crown Prosecution Service (CPS) considering whether prosecution is in the public interest, and considering CPS published legal guidance for prosecutors on deciding whether to prosecute

²⁸ [How does sentencing take into account an offender's disabilities?](#)

individuals with a mental health condition or disorder. Any remaining risk is considered to be justified as proportionate for the legitimate aim of tackling serious crime and preventing harm.

Amendments to allow **collection of biometric data outside of a visa application process** applies to everyone regardless of disability. Where people are physically unable to enrol their fingerprints, such as an amputee, they will be excused from the requirement. Any indirect discrimination on the basis of disability is considered justified as proportionate for the legitimate aim of maintaining reasonable adjustments for those with disabilities.

Practical mitigations include:

- Providing additional time for data collection (as far as operational constraints allow),
- Offering personal assistance for those with mobility issues,
- Training staff on disability awareness and legal obligations under the Equality Act 2010,
- Ensuring biometric data collection sites are fully accessible (as far as operational constraints allow).

There is no evidence to suggest that provisions for **imposing conditions on immigration leave** where a foreign national poses a threat to the public but cannot be removed from the UK would be more like to affect those with a disability. However, there may be differential impact on the grounds of the protected characteristic of disability, on the basis that individuals with a disability may require reasonable adjustments that, if not available, would have a greater impact on the individual than someone without a disability. Reasonable adjustments can include ensuring all information is in an easy-to-read format and explained verbally, equipment being configured to make allowances for different sizes and ranges of mobility, and measures to assist communication between the individual and the Monitoring Centre. Those with disabilities that prevent them from being tagged or complying with electronic monitoring requirements should not have such conditions imposed and specific consideration of any physical or mental health conditions which may be exacerbated using electronic monitoring would be considered in the case-by-case decision. Any residual differential impact after such considerations and reasonable adjustments have been made is considered justified and proportionate for the legitimate aim of protecting the public and reducing crime.

Changes to the **Right to Work Scheme** may have an indirect disproportionate effect on the basis of the protected characteristic of disability. While the changes apply to everyone equally, those who have a disability may have difficulty accessing necessary documentation for right to work checks, or undertaking the steps required to prove their right to work to an employer or conduct a right to work check as an employer. For example, there is a requirement to use computers for online checks or attending a workplace in person where the manual checking of documents is necessary. Evidence suggests that some disabled people may experience barriers to using technology, with the Office for National Statistics finding that 81% of disabled people had used the internet in the last three months, compared to 96% of non-

disabled people²⁹. Disabled people may also be less likely to have basic digital skills than non-disabled people³⁰. The Home Office has dedicated support to help those with disabilities navigate the checks. Guidance is available, explaining the checks, and the Employer Checking Service (ECS) is available for employers to ask the Home Office to check an employee's or potential employee's immigration status if they cannot show their documents or online immigration status, in certain circumstances. If an employer or employee needs help accessing or using the digital immigration status information, they can contact the UKVI Resolution Centre. The service also includes a helpline specifically for employers, who need help accessing or using the online immigration status services. Any residual disproportionate impact following those mitigations is considered justified as proportionate for the legitimate aims of tackling and deterring irregular migration, securing compliance with and helping to enforce UK immigration laws and supporting efforts to tackle those who exploit vulnerable migrants.

Introduction of a **statutory timeframe for the FTT IAC to determine appeals for non-detained FNOs and asylum appellants receiving accommodation support** may disproportionately affect those with a disability as they may have different needs during a Tribunal hearing. The provision allows for the timeframe not to be met where it is not considered reasonably practicable to do so. This could include where it is not considered compatible with the interests of justice or rights of the parties, and any broader operational constraints. This may take into account potential impacts on those with disabilities, for example a need for reasonable adjustments. HM Courts & Tribunals Service (HMCTS) already provides a range of reasonable adjustments, which the appellants have access to, and Judges are committed to making sure everyone can give their best evidence and everyone has a fair hearing. With mechanisms for reasonable adjustments in place, any disproportionate impact is considered proportionate to the legitimate aim of facilitating swifter deportation of non-detained FNOs and restoring confidence in the immigration system; and reducing public cost, maintaining public order, and reducing the negative health impacts on those using temporary asylum accommodation on a long-term basis.

Changes to **treat specified sexual offences as particularly serious** when determining exclusion from Refugee Convention have not been assessed as being more likely to affect individuals on the basis of the protected characteristic of disability. Those who have a limited mental capacity may in turn be less likely to understand the wider implications of their offending. However, issues such as whether a person has a limited awareness or understanding of the offence is already a mitigating factor that Courts are instructed to consider as part of their sentencing (as set out in guidance from the Sentencing Council). If, despite that being a mitigating factor, an individual receives a conviction to bring

²⁹ Internet users, Office for National Statistics, 2021, 3b:

<https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/disability/articles/outcomesfordisabledpeopleintheuk/2021>

³⁰ UK Consumer Digital Index, (Lloyds, 2024):

<https://www.lloydsbank.com/consumer-digital-index.html>

them within scope of this provision, it is considered appropriate to also consider exempting them from the principle of non-refoulement. An individual with a disability, like any other individual in scope of the provisions, may seek to rebut the two presumptions in the legislation (that they have committed a serious offence and that they constitute a danger to the community in the UK). Factors concerning their disability may be used to rebut either presumption and any information provided will be considered on its merits. It is considered that if there is any indirect discrimination in relation to disability, this is justified as proportionate for the legitimate aim of protecting the public from harm, including by reducing violence against women and girls.

Gender Reassignment

Direct Discrimination

No direct discrimination has been identified.

Indirect Discrimination

The Home Office does not routinely collect or process data in respect of this protected characteristic for immigration purposes. As such, the Home Office has been unable to conduct any internal analysis to explore how the protected characteristic of gender reassignment may be impacted by changes to the **Right to Work Scheme**. However, there have been representations made to the Department previously regarding issues of gender reassignment and the need to check documents against an individual's physical appearance. These were considered and incorporated into policy, where appropriate. Therefore, while the Scheme applies to everyone, indirect disadvantages may occur for those with the protected characteristic of gender reassignment. To mitigate against any potential discrimination, harassment or victimisation, the Secretary of State has issued a code of practice specifying what an employer should or should not do to ensure that, while avoiding liability to a penalty, and the commission of an offence under the above provisions, the employer also avoids contravening the Equality Act 2010 (c 15) as it pertains to gender reassignment. Any residual disproportionate impact following those mitigations is considered justified as proportionate for the legitimate aims of tackling and deterring irregular migration, securing compliance with and helping to enforce UK immigration laws and supporting efforts to tackle those who exploit vulnerable migrants.

Marriage and Civil Partnership

Direct Discrimination

No direct discrimination has been identified.

Indirect Discrimination

No indirect discrimination has been identified.

Pregnancy and Maternity

Direct Discrimination

No direct discrimination has been identified.

Indirect Discrimination

There is potential that amendments to allow **collection of biometric data outside of a visa application process** may have a disproportionate impact on the basis of pregnancy and maternity. This could arise where biometric collection processes may involve extended wait times, screening or physical demands to complete such processes. The intention would be to mitigate such risk through operational planning, implementing reasonable accommodations where possible. Any residual risk of indirect discrimination is considered justified as a proportionate means of supporting security during an evacuation of other HMG exit facilitation.

Introduction of a **statutory timeframe for the FTT IAC to determine appeals for non-detained FNOs and asylum appellants receiving accommodation support** may disproportionately affect women who are heavily pregnant or have recently given birth, on the basis they may have different needs during a Tribunal hearing. The provision allows for the timeframe not to be met where it is not considered reasonably practicable to do so. Pregnancy or recently giving birth may be considered as part of that, including requirement for account to be taken of the needs of women in that situation. Any disproportionate impact is considered proportionate to the legitimate aim of facilitating swifter deportation of non-detained FNOs and restoring confidence in the immigration system.

Race

Direct Discrimination

The provisions that allow **collection of biometric data outside of a visa application process** will directly discriminate on grounds of nationality, in that biometrics can generally only be taken from persons subject to immigration control, a definition which broadly reflects the scope of the Immigration Act 1971. This would therefore generally exclude British Citizens. This direct discrimination will be authorised by law under paragraph 17 to Schedule 3 of the Equality Act 2010. It would additionally be a proportionate means of supporting security during an evacuation of other HMG exit facilitation.

Indirect Discrimination

It may be that UK nationals are more likely to be affected by the new **DVLA data sharing** measures, however there is not enough available evidence to confirm this. However, this is not expected to constitute negative impact except where addressing non-compliance or criminal activity and is justified on the basis of law enforcement and protecting human life.

Customs data relevant for new **HMRC data sharing** measures will in the main relate to companies which are engaged in international trade. Those associated with such companies may be more likely to be nationals of countries which are more likely to engage in such trade. This means that, to the extent that information shared is capable of identifying individuals, it may be more likely that that information will be about nationals of such countries. It may therefore be that once that information is operationalised, it is more likely that there will be an indirect impact on such nationals. However, there is not enough available evidence to suggest particular nationalities will be impacted. There are likely to be changes in trade over the years, leading to a different make-up of companies using HMRC's services. Secondly, a company being based in a particular country does not determine that the company's employees are likewise from that particular country. Nevertheless, any such impact is considered justified as proportionate for the legitimate aim law enforcement and protecting human life.

Evidence used to provide an indicative picture of the cohort of individuals who may be impacted by changes to **SCPOs and new offences related to articles for use in serious crime** suggests the majority of individuals who may be impacted by these proposals are white. However, there is an over-representation of black people in the proxy data used, as they constitute 4-11% of the cohort within the data, despite making up only 4% of the population of England and Wales in 2021. The measures will have the positive effect of preventing harm, and any order imposed or conviction made under the measures will be carried out by a court following proper process and safeguards. Any indirect discrimination is justified as a proportionate means to achieve a legitimate aim of targeting serious crime.

Schedule 7 powers – which includes the power to take **biometrics during a CT port examination** to determine someone's involvement in terrorism – are used in accordance with the threat from terrorism. The ethnicity of those examined under Schedule 7 is recorded. In the cases where ethnicity was known:

- 35% identified as "Chinese or Other"
- 27% identified as 'Asian or Asian British'
- 22% identified as "White"
- 7% identified as "Black or Black British"
- 5% identified as "Mixed"³¹

The most significant terrorist threat to the UK remains Islamist terrorism.³² As noted by the Independent Reviewer of Terrorism Legislation in his 2020 report regarding similar figures, *"It is a reasonable inference from these ethnicity figures that the main use of Schedule 7 powers is to detect Islamist terrorism*

³¹ See: Length of examination, resultant detention and ethnicity in 'Operation of Police Powers under the Terrorism Act 2000: quarterly update to September 2024: quarterly data'.

³² Whilst public statistics are not available for counter-terrorism police's prioritisation of their CT caseload, it is likely that it is broadly comparable to MI5's where 75% of their CT work relates to Islamist extremists. See: [Director General Ken McCallum gives latest threat update | MI5 - The Security Service](#).

*which continues to be the principal threat within Great Britain*³³. This could indicate indirect discrimination in the use of Schedule 7, but this is justified to counter the threat from terrorism. Additionally, the existing Schedule 7 Code of Practice³⁴ sets out that the decision to examine someone must not be arbitrary or based on protected characteristics alone.

Providing **validation of fees charged in relation to qualifications** will be more likely to affect individuals outside the UK and therefore non-UK nationals. The changes may be particularly likely to affect individuals from certain countries (namely India, China and the USA) based on data available of those using the services. However, those individuals are not expected to be at a particular disadvantage. The changes mean all individuals will not be able to recover fees paid for services in the past, but they will have received the benefit of those services and the change is justified on the basis of ensuring effective use of taxpayer funds.

Changes related to **imposing conditions on immigration leave** where a foreign national poses a threat to the public but cannot be removed from the UK may have indirect impact on the basis of race. While data on the specific cohort affected is not available, as a proxy³⁵, data for the operation of police powers under the Terrorism Act 2000 has been used to help assess the potential reach and impact of the policy on people with protected characteristics, because the conditions will only be used in a very low number of cases involving conduct such as war crimes, crimes against humanity, extremism, serious crime or where the person poses a threat to national security or public safety. This data indicates that people who appeared to be of an Asian background other than Indian, Pakistani, Bangladeshi, Chinese, a White background other than British or Irish, Pakistani or Arab are more likely to be impacted. More generally, prison population data as of 31 December 2024 shows there were 10,355 foreign nationals in prison in England and Wales. The nationality of the highest proportion was Albania with 1,099 prisoners (11%), followed by Poland with 789 (8%) and Romania with 740 (7%). People of these nationalities may therefore be more likely to be affected by these measures. However, any differential impact on people of a particular nationality, race or colour is the result of a person's conduct and is considered justified and proportionate to achieve the legitimate aims of protecting the public and reducing crime.

Changes to the **Right to Work Scheme** may have disproportionate impact on the basis of the protected characteristic of race, although there is limited data available to make firm conclusions on the impact. While the Scheme applies to individuals of all nationalities and relates to immigration status and the associated right to work, not the nationality or race of the individual, some may

³³ From IRTL 2020 report, paragraph 6.31.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1071570/IRTL_Report_Terrorism_Acts_in_2020

³⁴ [Codes of practice for officers using examination powers at ports - GOV.UK](#)

³⁵ Data on those with restricted leave has also been used as a proxy within equalities considerations for this measure. This is not included in the assessment for each protected characteristic in this EIA to avoid any risk in identifying individuals publicly, within a small data set. Further data sets (e.g. general prison population) have been used to support an assessment of potential impacts.

be more likely to be affected, or more frequently affected, by the checks. For example, those with time-limited permission (as shown by an expiry date) would be subject to follow up checks when their permission expires, whereas those with indefinite permission would not require such follow up checks while continuing in the same employment (e.g. a British citizen). Furthermore, there may be disproportionate impact where certain nationalities may be less likely to access the internet. An Office for National Statistics survey found that those who identified as Bangladeshi were least likely of all ethnic groups to say they had accessed the internet in the last three months, with 88% of respondents saying they had. In contrast, 99% of those in the mixed/multiple ethnic group had done so. However, manual (non-digital) checks can be used in certain circumstances. To mitigate against any potential discrimination, harassment or victimisation, the Secretary of State has issued a code of practice specifying what an employer should or should not do to ensure compliance and avoiding contravening the Equality Act 2010 (c 15), so far as relating to race. Any residual disproportionate impact following those mitigations is considered justified as proportionate for the legitimate aims of tackling and deterring irregular migration, securing compliance with and helping to enforce UK immigration laws and supporting efforts to tackle those who exploit vulnerable migrants.

Introduction of a **statutory timeframe for the FTT IAC to determine appeals for non-detained FNOs** may have indirect impact on the basis of race. Statistics considered as part of equalities considerations show that a significant proportion of FNOs are of Albanian, Polish, Romanian, Irish and Jamaican ethnicity, and are therefore more likely to be affected by this change³⁶. However, the policy applies to all, regardless of the individual's race. Any disproportionate impact on the basis of race is considered proportionate for the legitimate aim of facilitating swifter deportation of non-detained FNOs and restoring confidence in the immigration system.

Introduction of a **statutory timeframe for the FTT IAC to determine appeals for asylum appellants receiving accommodation support** may have indirect impact on the basis of race. Statistics considered as part of equalities considerations show that the most common nationalities claiming asylum in 2024 were Pakistani, Afghan, Iranian, and Bangladeshi³⁷, therefore more people from these nationalities will have outstanding asylum appeals and will be affected by this policy. However, the policy applies to all, regardless of the individual's race. Any disproportionate impact on the basis of race is considered proportionate for the legitimate aim of reducing public cost, maintaining public order, and reducing the negative health impacts on those using temporary asylum accommodation on a long-term basis.

Changes to **treat specified sexual offences as particularly serious** when determining exclusion from Refugee Convention may be indirectly more likely to impact certain nationalities on the basis that some nationalities more than others apply for asylum. Data is not available on the ethnic breakdown of sex

³⁶ [Prison population 31 March 2025](#) Table Q.1.12 (Ministry of Justice, 2025)

³⁷ [Asylum claims and initial decisions detailed datasets, year ending March 2025](#) Asy_D01 (Home Office, 2025)

offenders in the asylum system. However, data from the Ministry of Justice on all convicted sex offenders shows that the proportion of individuals convicted for sexual offending varies across ethnic groups. Of those convicted for sexual offences in the year ending June 2024, the majority were White (59.0%), likely to be a reflection of the wider population, 28.6% were 'Unknown', 5.8% were Asian, 4.1% were Black, 1.3% were Mixed and 1.2% were 'Other'. It is not known how those in the asylum system may differ from ethnic breakdown of the general population of convicted sex offenders. It is considered that if there is any indirect discrimination in relation to race, this is justified as proportionate for the legitimate aim of protecting the public from harm, including by reducing violence against women and girls.

In respect of the **new offence for the online promotion of unlawful immigration services**, the new offence is likely to disproportionately impact certain nationalities and races, as individuals from particular ethnic groups are likely to be disproportionately represented amongst migrants seeking unlawful immigration services. From Q1 2024 to Q2 2025, the most common nationalities detected arriving irregularly were Afghans (8,902), Eritreans (7,712), Iranians (7,523), Sudanese (5,856) and Syrians (5,766)³⁸. Any disproportionate impact is justified as proportionate for the legitimate aim of preventing organised immigration crime and operating and enforcing a fair immigration system.

Religion or Belief

Direct Discrimination

No direct discrimination has been identified.

Indirect Discrimination

Schedule 7 powers – which include the power to **take biometrics during a CT port examination** to determine an individual's involvement in terrorism - are used in accordance with the threat from terrorism. The religion of those examined under Schedule 7 is not recorded. The most significant threat remains Islamist terrorism. As noted by the Independent Reviewer of Terrorism Legislation in his 2020 report regarding similar figures, *"It is a reasonable inference from these ethnicity figures that the main use of Schedule 7 powers is to detect Islamist terrorism which continues to be the principal threat within Great Britain"*³⁹. This could indicate indirect discrimination in the use of Schedule 7, but this is justified to counter the threat from terrorism. Additionally, the existing Schedule 7 Code of Practice⁴⁰ sets out that the decision to examine someone must not be arbitrary or based on protected characteristics alone.

³⁸ [How many people come to the UK irregularly? - GOV.UK](#)

³⁹ From IRTL 2020 report, paragraph 6.31.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1071570/IRTL_Report_Terrorism_Acts_in_2020

⁴⁰ [Codes of practice for officers using examination powers at ports - GOV.UK](#)

Changes related to **imposing conditions on immigration leave** where a foreign national poses a threat to the public but cannot be removed from the UK may have indirect impact on the basis of religion. The conditions provided for by the measures will only be used in a very low number of cases involving conduct such as war crimes, crimes against humanity, extremism, serious crime or where the person poses a threat to national security or public safety. Data relating to custody for terrorism and terrorism-related offences, and wider prison population, has therefore been used as a proxy⁴¹ in considering potential equalities considerations. While not everyone on restricted leave will have been charged with or convicted of an offence, this data has been used to help assess the impact of the policy on people of different faiths. As of 30 September 2024, data on those in custody for terrorism and terrorism-related offences shows 63% declared themselves to be Muslim, and 18% declared themselves to be Christian. More generally, of the total prison population as of 31 December 2024, 44% declared themselves to be Christian, 31 % declared themselves as not belonging to any religion, and 18% declared themselves to be Muslim. These groups (Muslim, Christian, and those declaring as not belonging to a religion) may be more likely to be affected by the changes on that basis that they may be subject to the conditions. Any differential impact on people of a particular religion or with particular beliefs is the result of a person's conduct and is considered justified and proportionate to achieve the legitimate aims of protecting the public and reducing crime.

Introduction of a **statutory timeframe for the FTT IAC to determine appeals for non-detained FNOs** may have indirect impact on the basis of religion or belief. Statistics considered as part of equalities considerations show that a significant proportion (45%) of prisoners in England and Wales are Christian, 31% have no religion and 19% are Muslim⁴². People of these beliefs may be more likely to be affected. However, the provision applies to all, regardless of belief. Any disproportionate impact is considered proportionate for the legitimate aim of facilitating swifter deportation of non-detained FNOs and restoring confidence in the immigration system.

In respect of the **new offence for the online promotion of unlawful immigration services**, there may be disproportionate impact on the basis of religion or belief, as migrants from certain countries may be more likely to seek unlawful immigration services, and those countries have a majority religion. As a result, individuals from that religion could be disproportionately represented amongst migrants seeking unlawful immigration services. However, data on the religion of illegal arrivals (as a proxy for those who may engage in this online content) is not collected and therefore not available to confirm or quantify this risk of disproportionate impact. Any disproportionate impact is justified as proportionate for the legitimate aim of preventing organised immigration crime and operating and enforcing a fair immigration system.

⁴¹ Data on those with restricted leave has also been used as a proxy within equalities considerations for this measure. This is not included in the assessment for each protected characteristic in this EIA to avoid any risk in identifying individuals publicly, within a small data set. Further data sets (e.g. general prison population) have been used to support an assessment of potential impacts.

⁴² [Prison population 31 March 2025](#) Table 1.Q.8 (Ministry of Justice, 2025)

Sex

Direct Discrimination

No direct discrimination has been identified.

Indirect Discrimination

Males may be more likely to be affected by the new **DVLA data sharing** measures. According to the DfT's Domestic Road Freight Statistics for the United Kingdom published 24 January 2023⁴³, in 2021 (the most recent available that consider sex), 98% HGV drivers were male, and 2% female. However, this is not expected to constitute negative impact except where addressing non-compliance or criminal activity and is justified on the basis of law enforcement and protecting human life.

Enhanced powers to seize, retain, copy and extract information from electronic devices will apply where i) a device is found on an illegal entrant/arrival; and ii) there are reasonable grounds to suspect the relevant person is in possession of a relevant article (anything which appears to contain information relating to a facilitation offence under section 25 or section 25A of the Immigration Act 1971). In the year ending September 2024, males represented 82.3% of small boat arrivals (with similar proportion in previous years 2018-2023). Therefore, males are more likely to be affected by these changes, but this is justified as it reflects a disproportionate role of males in organised crime group activity, and for disrupting OIC and preventing exploitation of migrants.

Evidence used to provide an indicative picture of the cohort of individuals who may be impacted by changes to **SCPOs and new offences related to articles for use in serious crime** suggests these measures will mainly impact men. Of the proxy used to understand the target cohort, 54-97% were male, consisting of an over-representation compared to the overall population of England and Wales of which 49% are male. Furthermore, evidence showed the relevant subject of 99% of SCPOs issued at criminal courts in England and Wales between the years 2019-2023, were male.⁴⁴ This may result in men being disproportionately impacted by these changes, but this is justified as a proportionate means to achieve a legitimate aim of targeting serious crime. The measures will have the positive effect of preventing harm, and any order imposed or conviction made under the measures will be carried out by a court following proper process and safeguards.

Schedule 7 powers – which include the power to **take biometrics during a CT port examination** to determine an individual's involvement in terrorism - are

⁴³ <https://www.gov.uk/government/statistics/domestic-road-freight-statistics-july-2021-to-june-2022/domestic-road-freight-statistics-july-2021-to-june-2022>

⁴⁴ This is the first release of this data and it is a subset of the published Accredited Official Statistics series Criminal Justice Statistics Quarterly (CJSQ) which are available here: <https://www.gov.uk/government/collections/criminal-justice-statistics-quarterly>. The data is unpublished management information and has not been quality assured to the same standards as the wider CJSQ release but is important to the equalities impact assessment.

used in accordance with the threat from terrorism. While the sex of those selected for examination under Schedule 7 is not recorded, data indicates that those arrested for terrorism-related offences are predominantly males (82%)⁴⁵. It is possible that those stopped under Schedule 7 also reflect this trend which could indicate indirect discrimination in use of Schedule 7, but this is justified to counter the threat from terrorism. Additionally, the existing Schedule 7 Code of Practice sets out that the decision to examine someone must not be arbitrary or based on protected characteristics alone.

Providing **validation of fees charged in relation to qualifications** may be slightly more likely to affect men than women, on the basis that limited data available shows a slight majority of applications for the relevant Home Office services being from men. No such data is available for the Department for Education services. However, those individuals are not expected to be at a particular disadvantage. The changes mean all individuals will not be able to recover fees paid for services in the past, but they will have received the benefit of those services, and the change is justified on the basis of ensuring effective use of taxpayer funds.

Changes related to **imposing conditions on immigration leave** where a foreign national poses a threat to the public but cannot be removed from the UK may be more likely to impact males. The conditions provided for by the measures will only be used in a very low number of cases involving conduct such as war crimes, crimes against humanity, extremism, serious crime or where the person poses a threat to national security or public safety. At the time of this EIA, around 170 people are currently on restricted leave, with over half having been involved in terrorism or extremism related activities. While not everyone granted restricted leave will have been charged with or convicted of an offence, data on the prison population has also been considered, as a proxy. The majority of those on restricted leave (97%) and foreign national offenders in the general prison population (96%) are male. Any differential impact on males is the result of a person's conduct and is considered justified and proportionate to achieve the legitimate aims of protecting the public and reducing crime.

Changes to the **Right to Work Scheme** may be slightly more likely to affect men than women, on the basis that current data suggests that the employed population is majority male, with 52% of those employed being men and 48% being women⁴⁶. Although the operation of the scheme may result in an indirect differential impact in respect of the protected characteristic of sex, the Home Office considers this is outweighed by the legitimate aims of the Scheme. Namely, of operating and enforcing a fair immigration system; protecting taxpayer funded services; and protecting vulnerable migrants from exploitation and is therefore justifiable as a proportionate means of achieving multiple legitimate aims.

⁴⁵ See: [Operation of police powers under the Terrorism Act 2000 and subsequent legislation: Arrests, outcomes, and stop and search, Great Britain, quarterly update to September 2024 - GOV.UK](#).

Introduction of a **statutory timeframe for the FTT IAC to determine appeals for non-detained FNOs** may disproportionately affect men, on the basis that statistics considered as part of equalities considerations show that 96% of FNOs are male⁴⁷. However, the provision applies to all equally, regardless of sex, and any disproportionate impact to men is considered proportionate for the legitimate aim of facilitating swifter deportation of non-detained FNOs and restoring confidence in the immigration system.

Introduction of a **statutory timeframe for the FTT IAC to determine appeals for asylum appellants receiving accommodation support** may disproportionately affect men, on the basis that statistics considered as part of equalities considerations show that 71⁴⁸% of people claiming asylum in the UK are men, therefore more men will have an outstanding asylum appeal and more men will be affected by this policy. However, the provision applies to all equally, regardless of sex, and any disproportionate impact to men is considered proportionate for the legitimate aim of reducing public cost, maintaining public order, and reducing the negative health impacts on those using temporary asylum accommodation on a long-term basis.

Changes to **treat specified sexual offences as particularly serious** when determining exclusion from Refugee Convention may be indirectly more likely to impact men. In 2024, 59% of people claiming asylum in the UK were adult males (compared to 22% adult females). Data from the Ministry of Justice for the year ending June 2024 showed that the majority of convicted for sexual offences are men, (96.7% are men compared to 1.5% of women). There is no evidence to suggest the sex of asylum seekers/refugees who are convicted of sexual offending will differ to the sex profile of general convicted sex offenders. It is considered that if there is any indirect discrimination in relation to sex, this is justified as proportionate for the legitimate aim of protecting the public from harm, including by reducing violence against women and girls.

In respect of the **new offence for the online promotion of unlawful immigration services**, there may be disproportionate impact to women, on the basis that in certain countries women may be more likely to experience increased vulnerability, including discrimination, violence, persecution and exploitation, and therefore maybe more likely to seek unlawful immigration services. However, no data has been available to confirm or quantify this risk of disproportionate impact. Commissioning someone to create or publish online material that intentionally promotes unlawful immigration services – and knowing or suspecting it will appear online – falls within the scope of this offence. Where coercion is used to make this happen, the person applying the coercion is likely to be prosecuted. Any disproportionate impact is justified as proportionate for the legitimate aim of preventing organised immigration crime and operating and enforcing a fair immigration system.

⁴⁷ [Prison population 31 March 2025](#) Table 1.Q.11 (Ministry of Justice, 2025)

⁴⁸ [Asylum claims and initial decisions detailed datasets, year ending March 2025](#) Asy_D01 (Home Office, 2025)

Sexual Orientation

Direct Discrimination

No direct discrimination has been identified.

Indirect Discrimination

In respect of the **new offence for the online promotion of unlawful immigration services**, there may be an impact on the basis of sexual orientation, as people of some sexual orientations may be more likely to experience increased vulnerability, including discrimination, violence, persecution and exploitation in certain countries, and therefore may be more likely to seek unlawful immigration services. Data on the sexual orientation of those arriving illegally (as a proxy for those who may engage in this online content) is not collected and therefore not available to confirm or quantify this risk of disproportionate impact. Commissioning someone to create or publish online material that intentionally promotes unlawful immigration services – and knowing or suspecting it will appear online – falls within the scope of this offence. Where coercion is used to make this happen, the person applying the coercion is likely to be prosecuted. Any disproportionate impact is justified as proportionate for the legitimate aim of preventing organised immigration crime and operating and enforcing a fair immigration system.

3b. Consideration of limb 2: Advance equality of opportunity between people who share a protected characteristic and people who do not share it.

Age

Measures relating to the **collection of biometric information** include steps to ensure safeguards for children, such as requiring a responsible adult to be present, or temporarily waiving biometric capture, and facilitation of the needs of older individuals.

Disability

Provision to confirm that **all EU citizens and their family members with status under the EUSS are beneficiaries of the Withdrawal Agreement** while they have that status may advance equality of opportunity as it will confirm equal rights of those with such status, irrespective of whether they were lawfully resident in the UK as a matter of EU law immediately before the end of the transition period. Those with disabilities may have been more likely to be unable to meet the current 'right to reside' requirements under the test administered by DWP in accessing benefits and not to have been exercising relevant qualifying activity immediately before the end of the transition period. This group would therefore benefit from this change.

Gender Reassignment

None identified.

Maternity and Pregnancy

None identified.

Race

Services relevant to measures to provide **validation of fees charged in relation to qualifications** have positive impacts on advancing equality of opportunity for those of different nationalities, given that the services facilitate eligibility for opportunities to live, study and be employed in the UK and overseas. However, these positive impacts are unaffected by this measure, given that it does not alter the operation of these services, or the level of fees charged.

Nationals of other EEA states (Iceland, Liechtenstein and Norway) and Switzerland, and their family members, are in scope of the change to **confirm that those with status under the EUSS are beneficiaries of the Citizens' Rights Agreements while they have that status**. However, they are outside the scope of the *AT* judgment⁴⁹ (as the EU Charter of Fundamental Rights cannot apply to them) and therefore there will be no impacts on their ability to claim benefits. This means that EEA EFTA and Swiss nationals with pre-settled status (PSS) cannot gain the same benefits as those PSS holders covered by the EU Charter. However, this is because of the different agreements in place with these countries and is therefore justified.

Religion or Belief

None identified.

Sex

Provision to confirm that **all EU citizens and their family members with status under the EUSS are beneficiaries of the Withdrawal Agreement** while they have that status may advance equality of opportunity as it will confirm equal rights of those with such status, irrespective of whether they were lawfully resident in the UK as a matter of EU law immediately before the end of the transition period. Women are potentially more likely to be unable to meet the current 'right to reside' requirements and not to have been exercising relevant qualifying activity immediately before the end of the transition period. DWP's 'right to reside' test checks a person was exercising treaty rights before the end of the transition period as a condition for accessing benefits. Women are also more likely than men to be a victim of domestic abuse, which could make them more likely to be unable to undertake relevant qualifying activity (e.g. genuine

⁴⁹ <https://www.bailii.org/ew/cases/EWCA/Civ/2023/1307.html>

and effective work) to meet the right to reside requirements. This group would therefore benefit from this change.

Sexual Orientation

None identified.

3c. Consideration of limb 3: Foster good relations between people who share a protected characteristic and persons who do not share it.

All law-abiding citizens within a community should benefit from the higher number of interventions, and the reduction in crime that the proposals designed to disrupt and prevent serious crime and OIC are expected to deliver. However, it is not anticipated that these measures will have a significant impact on community relations between people who share a protected characteristic and those that do not, apart from those set out below.

Age

None identified.

Disability

None identified.

Gender Reassignment

None identified.

Maternity and Pregnancy

None identified.

Race

Whilst proposals related to serious and organised crime are focused on improving the law enforcement response and preventing harm, there is a risk that the disproportionate number of black people within the impacted population (see the relevant assessment provided in section 3a) may have a negative impact on relations between those who belong to those ethnic and national groups and those who do not. These proposals are considered to be a proportionate means of achieving the legitimate aim of preventing serious and organised crime. Furthermore, the proposals will help to aid community cohesion by strengthening powers to disrupt serious criminals who cause serious harm to communities in England and Wales.

Introduction of a **statutory timeframe for the FTT IAC to determine appeals for non-detained FNOs** may be perceived as favouring those of certain races/nationalities (Albanian, Polish, Romanian, Irish and Jamaican

ethnicity⁵⁰) on the basis that FNOs are more likely to include them and the effect of the provision is their appeal would be considered quicker. However, this applies equally to all FNOs regardless of nationality or race. Any such impact is considered proportionate to the aims of the provision.

Introduction of a **statutory timeframe for the FTT IAC to determine appeals for asylum appellants receiving accommodation support** may be perceived as favouring those of certain races/nationalities (Afghan, Pakistani, Iranian, and Vietnamese ethnicity) on the basis a significant proportion of asylum claims are by individuals of these nationalities. However, this applies equally to all, regardless of nationality. Any such impact is considered proportionate to the aims of the provision.

Religion or Belief

Introduction of a **statutory timeframe for the FTT IAC to determine appeals for non-detained FNOs** may be perceived as favouring those of certain religions (Christian, no religion or Muslim⁵¹) on the basis that FNOs are more likely to include them and the effect of the provision is their appeal would be considered quicker. However, this applies equally to all FNOs regardless of religion. Any such impact is considered proportionate to the aims of the provision.

Sex

Introduction of a **statutory timeframe for the FTT IAC to determine appeals for non-detained FNOs and asylum appellants receiving accommodation support** may be perceived as favouring men on the basis that asylum applicants and FNOs are both more likely to be male^{52 53} and the effect of the provision is their appeal would be considered quicker. However, this applies equally to all regardless of sex. Any such impact is considered proportionate to the aims of the provision.

Sexual Orientation

None identified.

In light of the overall policy objective, are there any ways to avoid or mitigate any of the negative impacts that you have identified above?

No further mitigations – please see the assessments of each limb, which include identified mitigations.

⁵⁰ [Prison population 31 March 2025](#) Table 1.Q.12 (Ministry of Justice, 2025)

⁵¹ [Prison population 31 March 2025](#) Table 1.Q.8 (Ministry of Justice, 2025)

⁵² [Asylum claims and initial decisions detailed datasets, year ending March 2025](#) Asy_D01 (Home Office, 2025)

⁵³ [Prison population 31 March 2025](#) Table 1.Q.11 (Ministry of Justice, 2025)

4. Review date:

The Home Office will keep the measures under review in terms of their potential equalities impacts, including as part of preparations to implement the measures, subject to Parliament's approval of the legislation.

5. Declaration

I have read the available evidence and I am satisfied that this demonstrates compliance, where relevant, with Section 149 of the Equality Act and that due regard has been made to the need to: eliminate unlawful discrimination; advance equality of opportunity; and foster good relations.

SCS sign off:

Name/Title: Rebecca Nugent, Deputy Director, SRO Border Security, Asylum and Immigration Act

Directorate/Unit: Border Security Command

Lead contact: Fiona Cameron

Date: 10 February 2025 (Updated December 2025)