



Home Office

Advertising unlawful immigration services online

Version 1.0

Contents

Contents.....	2
About this guidance	3
Contacts	3
Publication.....	3
Changes from last version of this guidance	3
Border Security, Asylum and Immigration Act 2025.....	4
Background	4
Relevant legislation	4
Border Security, Asylum and Immigration Act 2025	4
Identity Documents Act 2010.....	4
Offence	5
Definitions	5
Unlawful immigration service	5
Publish	5
Available to the public	5
Internet service.....	5
Liability for internet service providers.....	6
Liability for offence committed by a body	6
Defences	6
Scope of the offence	7
Penalty	7
Summary conviction.....	7
Conviction on indictment.....	7
Offences committed overseas.....	8
Application.....	8
Wales, Scotland and Northern Ireland	8
Territorial Waters.....	8

About this guidance

This guidance provides law enforcement with information on the offences of creating or publishing (or causing the creation or publication) of unlawful immigration services on an internet service in accordance with the [Border Security, Asylum and Immigration Act 2025](#).

There is [Crown Prosecution Service guidance](#) relating to this offence.

Contacts

If you have any questions about the guidance and your line manager cannot help you or you think that the guidance has factual errors, then email the OIC Enablers Team in the Policy and Powers Unit.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email the Guidance, Rules and Forms team.

Publication

Below is information on when this version of the guidance was published:

- version **1.0**
- published for Home Office staff on **02 February 2026**

Changes from last version of this guidance

This is the first version of this guidance.

Related content

[Contents](#)

Related external links

[Criminal Procedure \(Scotland\) Act 1995](#)

[Territorial Waters Jurisdiction Act 1878](#)

[Border Security, Asylum and Immigration Act 2025](#)

Border Security, Asylum and Immigration Act 2025

Background

The [Border Security, Asylum and Immigration Act 2025](#) has been introduced to strengthen border security. It introduces new, transformative measures to provide law enforcement agencies working across the border security system with stronger powers to pursue, disrupt and deter all modes of organised immigration crime.

Section 17 of the act introduces a new offence which criminalises the creation or publication (or causing the creation or publication) of material whose purpose or effect is or will be to promote unlawful immigration services on an internet service. This will provide UK law enforcement with an additional tool to tackle facilitation of unlawful immigration services online.

Relevant legislation

This section sets out all legislation related and relevant to this offence.

Border Security, Asylum and Immigration Act 2025

The offence detailed in this guidance is provided for in the [Border Security, Asylum and Immigration Act 2025](#).

The offence relates to the immigration offences set out in the [Immigration Acts and other breaches of immigration law](#). For the purposes of this offence, “immigration law” has the meaning set out in [section 25\(2\) of the Immigration Act 1971](#).

Identity Documents Act 2010

[The Identity Documents Act 2010](#) makes it a criminal offence to possess false identity documents either with intent to use them fraudulently (Section 4) or without a reasonable excuse (Section 5), and to possess equipment or materials for producing such documents (Section 6). For the purposes of this offence, an identity document means an immigration document, a United Kingdom passport or a passport issued outside of the United Kingdom (Section 7(1) (a) to (c)). These provisions aim to combat identity fraud in the context of immigration and to protect the integrity of official identification systems across the UK.

Related content

[Contents](#)

Offence

This section provides detail on the offence introduced by [section 17 of the Border Security, Asylum and Immigration Act 2025](#). The offence criminalises the creation or publication (or causing the creation or publication) of material that promotes unlawful immigration services on an internet service.

A person commits an offence if:

- the person creates or publishes, or causes the creation or publication of, material whose purpose is, or effect will be to promote an unlawful immigration service

The person must either **know** or **have reason to suspect** that the material will be published (or that they are causing its publication) on an internet service, the purpose of the material is, or the effect of the material will be, to promote an unlawful immigration service. What constitutes “material” for the purposes of this offence is set out in the legislation.

Definitions

Unlawful immigration service

“Unlawful immigration service” means any service that is intended to help a person commit an offence under the Immigration Acts, breach immigration law, or commit offences under the Identity Documents Act 2010 involving specific types of identity documents (such as a fraudulent passport), whether the service involves providing goods, services, or anything else.

Publish

“Publish” means making something available to the public or any group of people, whether or not someone receives payment for it or receives anything in return for doing so.

Available to the public

Determining whether information is available to the public should be considered within the context of the specific circumstances and the manner in which the information was circulated.

Internet service

“Internet service” means any service that is provided through the internet, provides access to the internet, or through a combination of the internet and an electronic communications service as defined by [section 32\(2\) of the Communications Act 2003](#). This definition is subject to [section 18 of the Border Security, Asylum and Immigration Act 2025](#).

Liability for internet service providers

Section 18 of the Border Security, Asylum and Immigration Act 2025 provides liability protections for internet service providers (ISPs). They will not be impacted by offences related to user-generated material that promotes unlawful immigration services online when they only perform technical processes in relation to the material.

ISPs include user-to-user services such as social media and messaging platforms, search engines, websites and services that provide internet access. ISPs acting as conduits do not commit an offence by transmitting or storing information automatically and temporarily for the sole purpose of enabling transmission, provided they do not alter the content, initiate the transmission or choose the recipient.

Similarly, ISPs offering content delivery or caching services are protected if storage is automatic, temporary, and solely for onward transmission of information to other users, and they comply with access conditions and remove or disable content when required. ISPs are also exempt when storing user-provided information if they were unaware of its unlawful purpose and act promptly to remove or block it once aware. They are also exempt in relation to information posted by users on a social media platform where the ISP is not aware of it or its unlawful purpose.

Liability for offence committed by a body

If this offence is committed by a body, and the offence is committed with the consent or permission, either explicitly or implicitly, of a relevant person, or someone acting as a relevant person for that body, then both the body and that person are considered to have committed the offence and can be prosecuted and punished.

In this context, a “body” means a company, partnership, or unincorporated association, and a “relevant person” refers to directors, managers, secretaries, or similar officers for companies, members managing limited liability partnerships, general partners for limited partnerships, partners for other partnerships, and managers for unincorporated associations.

Defences

It is a defence for a person charged with this offence to show that their action was for the purposes of carrying out, or facilitating the carrying out of, work as a journalist, which for example would include (but is not limited to) content published or broadcast by recognised news publishers as defined in [section 56 of the Online Safety Act 2023](#), or for the publication of academic research, including (but not limited to) research, discussion or analytical papers, reviews, articles, case studies teaching materials, blogs or other publications that academics routinely publish or share.

This type of discussion and material subsequently generated is clearly not of concern for this offence. Law enforcement agencies should not prioritise investigation of this type of discussion and material unless there is serious concern

that this would not be covered by the relevant defence. The focus is on those who are creating and publishing (or causing the creation or publication of) content whose purpose or effect is or will be to promote unlawful immigration services on an internet service. Where there is evidence of a credible defence of carrying out, or facilitating the carrying out of, work as a journalist or the publication of academic research, the case should not be investigated further.

Other defences are available that are not explicitly contained in the act but are contained in other legislation and under common law. For example, there is a defence that a person aged 18 or over was compelled to carry out an act attributable to slavery or exploitation under [section 45 of the Modern Slavery Act 2015](#) (further guidance on this can be found here: [Modern slavery and human trafficking identifying and reporting perpetrators](#)) and there is a common law defence of duress.

Scope of the offence

Material created or published (or caused to be created or published) which meets the criteria of the offence on or after the commencement of the offence will be in scope. Material created or published (or caused to be created or published) prior to commencement that promotes unlawful immigration services but remains on the internet post commencement should be considered on a case-by-case basis and in consultation with the relevant force / agency legal services, and the Crown Prosecution Service.

Penalty

A person found guilty of this offence may face the penalties described below.

Summary conviction

In England and Wales, a person is liable to imprisonment for a term not exceeding the general limit set by magistrates' courts, a fine, or both. In the case of an offence triable either way, that term is 12 months.

In Scotland, a person is liable to imprisonment for a term not exceeding 12 months, a fine up to the statutory maximum, or both.

In Northern Ireland, a person is liable to imprisonment for a term not exceeding 6 months, a fine up to the statutory maximum, or both.

Conviction on indictment

In England, Wales, Scotland and Northern Ireland, a person is liable to imprisonment for a term not exceeding 5 years, a fine, or both.

Related content

[Contents](#)

Offences committed overseas

This is a UK-wide offence with the ability to apply jurisdiction outside of the UK which allows for the prosecution of anyone who has created or published (or caused the creation or publication) of material that promotes unlawful immigration services on an internet service, whether their activity took place in the UK or overseas.

Application

This will allow for law enforcement to arrest any person suspected of creating or publishing (or causing the creation or publication) of material that promotes unlawful immigration services on an internet service on their arrival to the UK. In some circumstances, UK prosecutors may seek extradition in order to affect a prosecution.

Wales, Scotland and Northern Ireland

Immigration is a reserved matter in relation to Scotland and Wales and excepted for Northern Ireland. The creating or publishing (or causing the creation or publication) of material that promotes unlawful immigration services on an internet service offence extends UK wide as does its ability to apply jurisdiction outside of the UK.

Where an offence is committed outside the UK, proceedings for the offence may be taken at any place in the UK and the offence may for all incidental purposes be treated as having been committed at any such place.

Application in Scotland must be made in accordance with the relevant process and bodies of the devolved government. Any such proceedings against a person may be taken in any sheriff court district in which the person is apprehended or is in custody, or in such sheriff court district as the Lord Advocate may determine. Sheriff court district is to be read in accordance with section 307(1) of the [Criminal Procedure \(Scotland\) Act 1995](#).

Territorial Waters

[Section 3 of the Territorial Waters Jurisdiction Act 1878](#) generally requires consent from the Secretary of State for certain prosecutions of non-UK nationals on territorial waters.

Law enforcement can pursue those suspected of creating or publishing (or causing the creation or publication) of unlawful immigration services on an internet service even where the offence was committed on territorial waters without requiring consent from the Secretary of State.

Related content

[Contents](#)

Related external links

[Criminal Procedure \(Scotland\) Act 1995](#)
[Territorial Waters Jurisdiction Act 1878](#)
[Border Security, Asylum and Immigration Act 2025](#)