

## Impact Assessment

Title: Border Security, Asylum and Immigration Act 2025

Type of measure: Primary Legislation

Department or agency: Home Office

IA number: HO IA 1019

Type of Impact Assessment: Enactment

RPC reference number: RPC-HO-24010-OA(1) - New offences to criminalise the possession, importing, making, adaptation, supply, and offering to supply of articles for use in serious crime.  
RPC-OA-24023-OA(1) - New sanctions (including financial and compensation) for the Immigration Services Commissioner for the regulation and enforcement of immigration advice and services.

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# 1. Summary of proposal

1. Parliament has passed the Border Security, Asylum and Immigration Act 2025 (“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 impact assessment (IA) reflects changes to the legislation that occurred over the course of the passage of the legislation through Parliament, or where new evidence is now available to inform measures introduced at bill introduction. The analysis considers changes made due to this legislation in isolation and does not explore wider policy changes being made in tandem.
2. 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.
3. By putting the Border Security Commander’s responsibilities on to a statutory footing, the Act provides the framework which enables the Border Security Commander to fulfil their role as an effective border security system leader, cohering and driving improvements to the collective response to current and future threats, starting with organised immigration crime (OIC).
4. 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 will:
  - Expand data-sharing capabilities to assist in developing the intelligence picture of OIC.
  - Enable smarter, faster and more effective interventions to protect UK border security and to bring those involved in OIC to justice.
  - Improve understanding of how and why OIC happens.
5. The Act introduces new and enhanced tools which will allow for faster interventions against those suspected of being involved in serious and organised crime and enables restrictions to be placed on them. The expansion of Serious Crime Prevention Orders (SCPOs) will mean offenders will be more closely managed in UK communities, breaking known links to Organised Crime Groups (OCGs).
6. The Act enables action to be taken against individuals who, whilst travelling to the UK by sea (without the requisite entry clearances, immigration permission or other necessary authorisations contrary to existing immigration offences set out in the Immigration Act 1971<sup>1</sup> (IA 1971)), act in a way which risks serious injury or death to others.
7. Finally, the Act repeals the Safety of Rwanda (Asylum and Immigration) Act 2024<sup>2</sup>, repeals parts of the Illegal Migration Act 2023,<sup>3</sup> and improves the UK’s immigration and asylum system through increased efficiencies, savings and powers of enforcement.
8. The measures in the legislation fall under four pillars:

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

<sup>2</sup> Safety of Rwanda (Asylum and Immigration) Act 2024: <https://www.legislation.gov.uk/ukpga/2024/8>

<sup>3</sup> Illegal Migration Act 2023: <https://www.legislation.gov.uk/ukpga/2023/37/contents>

## **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 the existing regulatory regime 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)<sup>4</sup> 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-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").

## 2. Strategic case for proposed regulation

### Border Security Command

- 9. The border is a vital strategic asset, protecting the UK from international threats, enforcing UK domestic laws and underpinning legitimate systems to enable British citizens to go about their lives freely and confidently. Border security is fundamental to both national and economic security.
- 10. Threats to the UK from serious and organised crime, including OIC, terrorism and hostile state actors are rapidly evolving alongside the techniques used to penetrate the UK

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<sup>4</sup> 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.

border, bringing social and economic disruption to the UK and undermining public confidence. The first duty of government is to protect its citizens, and it must keep up with and stay ahead of these threats.

11. The Border Security Command (BSC), headed by the Border Security Commander, is leading the required step change in the UK's approach to border security. In addition to overseeing the UK's operational response to small boat crossings in the Channel, the Command provides a clear and long-term vision for border security, bringing together and providing leadership to all parts of the system that work to maintain the integrity of the border and immigration systems, domestically and internationally.

### **Organised Immigration Crime**

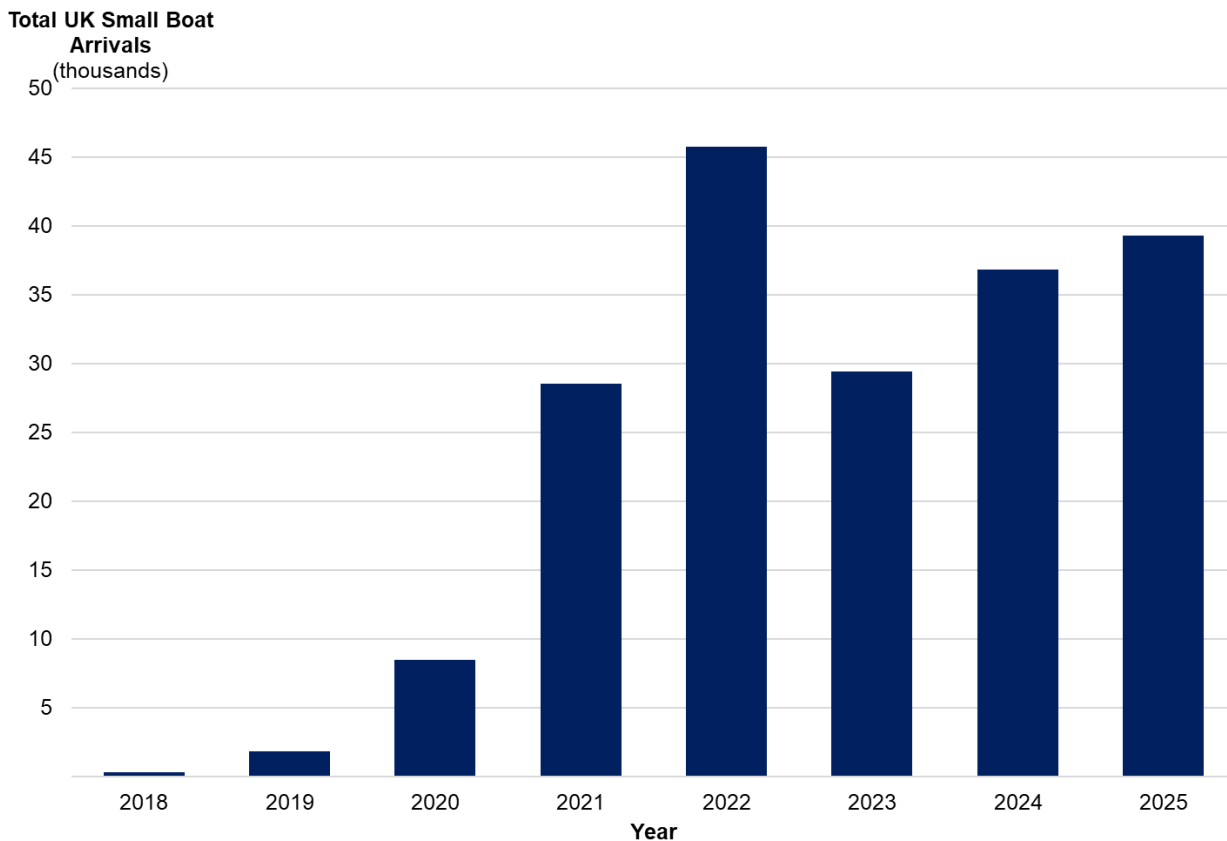
12. The BSC's current priority is preventing OIC and reducing illegal migration to the UK. The threat from OIC is increasing in scale and complexity, spanning multiple countries, nationalities, and criminal methodologies. While the techniques used by OCGs to facilitate illegal migration are growing increasingly sophisticated, the demand for their services also continues to rise as a result of global instabilities, ranging from conflict to climate and economic factors.
13. The UK's border security continues to be undermined, particularly by OCGs facilitating dangerous small boat crossings. Previous approaches to preventing OIC have led to OCGs adapting their methodology to circumvent controls, and despite enforcement action including arrests and convictions for people smuggling in the UK, dangerous small boat crossings have continued with the loss of life.
14. Online platforms are also being exploited at scale to promote or offer unlawful immigration services such as small boat crossings and provision of fraudulent travel documents. 80 per cent of migrants arriving via small boats debriefed by the Home Office stated that they have used social media at a point in their irregular migration journey<sup>5</sup>, including to locate or communicate with an agent associated with an OCG.
15. Small boats have been the predominant recorded method of entry for irregular arrivals since 2020. In the year ending September 2025, of the 51,249 detected irregular arrivals, 89 per cent arrived by small boat.<sup>6</sup>
16. The largest annual total of small boat arrivals occurred in 2022, with 45,755 migrants arriving by small boats. Latest figures for the year ending September 2025 show 45,659 small boat arrivals, an increase from 29,851 in the year ending September 2024. These figures are illustrated in Figure 1, below.

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<sup>5</sup> Internal Home Office Estimate

<sup>6</sup> Irregular arrivals – GOV.UK: <https://www.gov.uk/government/statistics/immigration-system-statistics-year-ending-september-2025/how-many-people-come-to-the-uk-irregularly?>

**Figure 1: Total Number of Small Boat Arrivals, 2018 to 2025<sup>7</sup>**



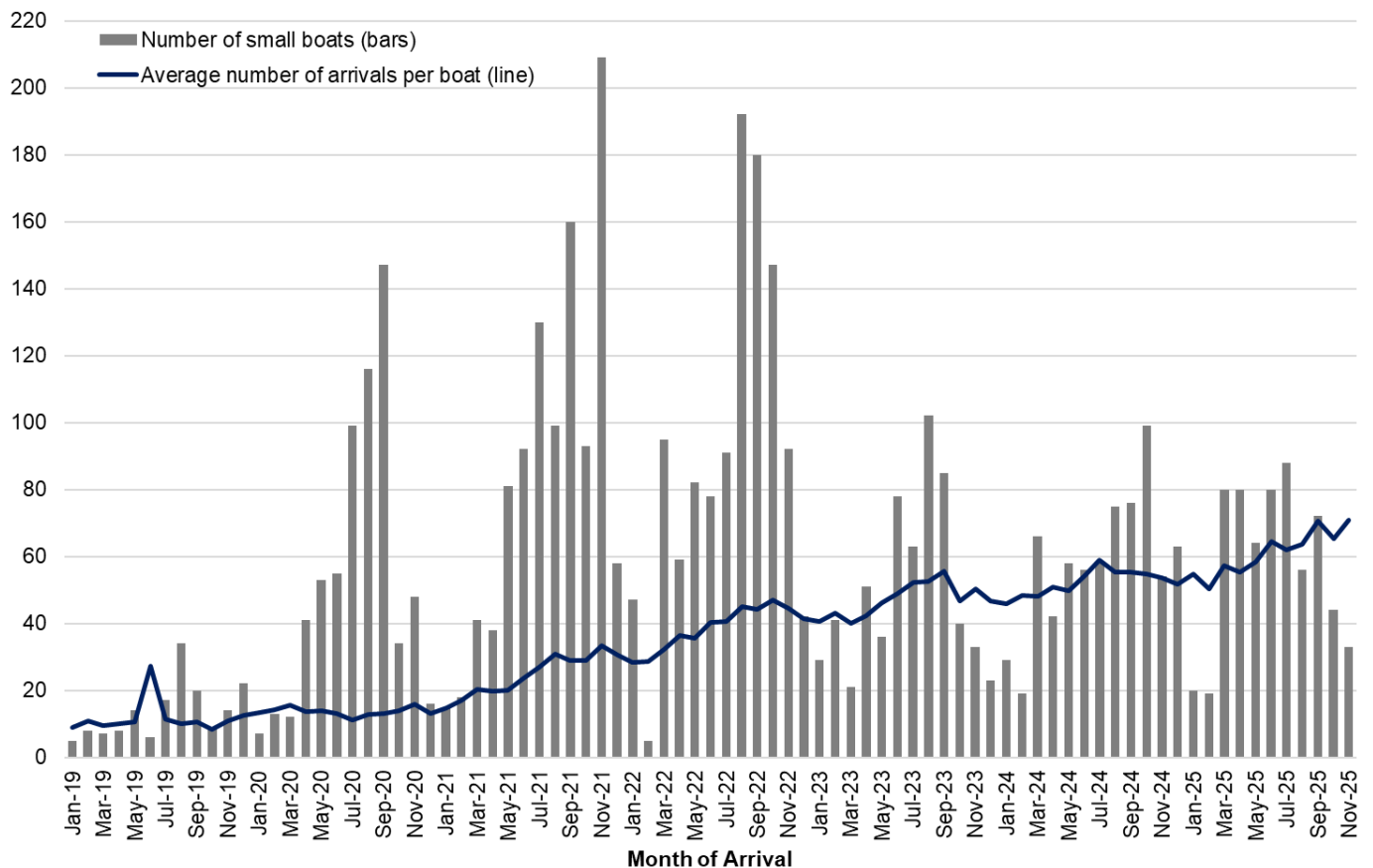
Source: Published HO Statistics

17. In the year ending September 2025, 45,659 migrants arrived in the UK on 775 small boats. This increased from 29,851 migrants on 575 boats in the year ending September 2024. The average number of people per boat has increased, from an average of 41 people per boat in 2022 to 59 in the year ending September 2025.<sup>8</sup> The high number of people per boat only serves to increase the danger of these crossings. These figures are illustrated in Figure 2, below.

<sup>7</sup> Small boat activity in the English Channel - GOV.UK: <https://www.gov.uk/government/publications/migrants-detected-crossing-the-english-channel-in-small-boats>. November 2025 includes arrivals up to and including 20<sup>th</sup> November 2025

<sup>8</sup> Small boat activity in the English Channel - GOV.UK: <https://www.gov.uk/government/publications/migrants-detected-crossing-the-english-channel-in-small-boats>.

**Figure 2: Number of small boats arriving and average number of people per boat, January 2019 to November 2025<sup>9</sup>**



Source: Published HO Statistics

18. Migrant fatalities continue to take place whilst trying to cross the Channel. The danger of crossings is highlighted by several reports which suggest that fatalities associated with small boat crossings were particularly high in 2024. The International Organisation for Migration (IOM), a UN agency, that tracks the number of people who die crossing the Channel, estimated that at least 82 migrants died whilst attempting to cross the Channel in 2024.<sup>10,11</sup>
19. There have been several cases of individuals using other methods of entry which are equally as dangerous. These include via concealment in freight vehicles, which led to the tragedy at Purfleet in October 2019 when 39 people died in a refrigerated trailer.<sup>12</sup>
20. To disrupt organised crime networks, deter illegal migration to the UK, and reduce the loss of life caused by OIC, the government must degrade the enablers that allow networks to operate and profit from conducting OIC in the UK and overseas. New legislation is required to create enhanced powers and ways of working to enable:

<sup>9</sup> Ibid. November 2025 includes arrivals up to and including 20th November 2025.

<sup>10</sup> Europe | Missing Migrants Project: <https://missingmigrants.iom.int/region/europe>; Data Accurate as of November-25.

<sup>11</sup> Missing Migrants Project data include the deaths of migrants who die in transportation accidents, shipwrecks, violent attacks, or due to medical complications during their journeys. It also includes bodies found at border crossings that are categorised as the bodies of migrants, on the basis of belongings and/or the characteristics of the death. Full details on methodology can be found here – Methodology | Missing Migrants Project: <https://missingmigrants.iom.int/methodology>

<sup>12</sup> Essex lorry deaths - Men jailed for killing 39 migrants in trailer - BBC News: <https://www.bbc.co.uk/news/uk-england-essex-55765213>

- a) Better systems leadership and joined up working to strengthen border security.
- b) Increased capability and powers to prevent OIC from taking place.
- c) Better information and data sharing to enable disruption of people smuggling networks and supply chains.
- d) Prevention of harm or loss of life at sea.

## **Immigration and asylum**

21. The UK continues to see increased numbers of individuals presenting themselves at the border through a variety of illegal routes. Since 2018, 95 per cent of the people arriving on a small boat have had an asylum claim recorded, with small boat arrivals accounting for around two-fifths of the total number of people claiming asylum in the UK in the year ending September 2025.<sup>13</sup>
22. This has added pressure on to the UK asylum system, which has seen the number of overall cases in the system increase from 55,814 at the end of June 2014 to 224,742 at the end of June 2024, an increase of over fourfold in the last decade.<sup>14</sup>
23. The Home Office has made significant efforts to reduce the number of asylum claims waiting for an initial decision. After a peak at the end of 2023, high volumes of initial decisions (including refusals) have been sustained for the last four quarters. This led to large volumes of refused asylum applications entering the appeals system, with unresolved cases before the Tribunal rising from 7,000 in early 2023 to 51,000 at the end of March 2025. There are currently long delays in the appeals system with an average wait time of 54 weeks at the First Tier Tribunal. This is hindering efforts to clear the system.
24. It is a government priority to secure the UK's borders from immigration abuse, whilst simultaneously building a modern and effective immigration and asylum system which will protect those fleeing from danger alongside processing and returning those with no right to remain. This government has already taken steps to do this, recording over 36,000 enforced and voluntary returns in the year ending 31 October 2025, a 10 per cent increase from the year ending 31 October 2024, and there has been a 63 per cent increase in illegal working arrests (8,000) and 51 per cent increase in raids (11,000) in the last year (31 October 2024 to 1 September 2025), with over 1,050 migrants encountered on raids returned after a visit. In support of this government's plan for change to restore order to immigration system and ensure tougher enforcement of the rules, the Act includes interventions to help address the challenges the system faces, including the bringing the asylum backlog down and clamping down on illegal working.

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<sup>13</sup> Asylum claims from small boat arrivals – GOV.UK: <https://www.gov.uk/government/statistics/immigration-system-statistics-year-ending-september-2025/how-many-people-come-to-the-uk-irregularly?>

<sup>14</sup> How many asylum cases are awaiting an initial decision? – GOV.UK: <https://www.gov.uk/government/statistics/immigration-system-statistics-year-ending-september-2024/how-many-cases-are-in-the-uk-asylum-system>

## **Serious and Organised Crime**

25. The UK border is both a potential vulnerability and a critical intervention point against organised criminals. Many OCGs who engage in smuggling people across the border also see opportunities in using these activities to maximise profits by importing dangerous goods for use in organised crime in the UK. OCGs often engage in more than one form of criminality to mitigate risks, reduce operational costs, and increase profit margins.
26. Serious and organised crime can lead to local-level criminal activity, as the distribution of illegal drugs and firearms contributes significantly to violence and disorder within communities. Disrupting the groups who carry out these illegal activities and those that enable them will help address the societal harm that occurs in communities. New interventions are required to strengthen civil orders to prevent and disrupt the activities of the highest harm offenders, including those who seek to carry out immigration offences.

## **3. SMART objectives for intervention**

27. The Act:
  - a) Through the provision of new powers and data-sharing arrangements, enables law enforcement agencies to investigate, detect and disrupt OIC and serious and organised crime, in turn deterring illegal migration to the UK and reducing small boat crossings and loss of life in the Channel.
  - b) Establishes the framework for the Border Security Command to provide systems leadership for border security to respond to current and future threats.
  - c) Strengthens the UK's wider immigration and asylum system, including protecting it against abuse, in turn rebuilding public confidence in the UK migration and borders system.

## **4. Description of proposed intervention options and explanation of the logical change process whereby this achieves SMART objectives**

28. To meet the objectives set out in Section 3 above, the preferred intervention option is reflected in the Act.
29. The intended Theory of Change (ToC) outcomes of this option are:
  1. The UK border is an effective intervention point for OIC and other threats.
  2. OCGs' ability to operate is disrupted, both at the border and upstream.
  3. Improved public safety.
  4. Improvements to the immigration and asylum system through increased: a) Efficiencies, b) Savings, c) Powers of enforcement.
30. The four pillars are as follows:

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

31. In support of objective b), the confirmed intervention within Pillar 1 is set out in '1. Summary of proposal' above.

32. The Border Security Commander is made a statutory office holder, exercising statutory functions directly conferred on them by this legislation. This legislative change will meet the objective of making the role of the Commander an enduring one, giving them the authority to be an effective system leader, cohering and driving cross-government systems to improve the collective response to cross-border threats.
33. This legislation enables the BSC to provide enhanced leadership and coordination across the border security system, ensuring that the UK border is an effective intervention point (ToC outcome 1). This measure, in itself, is an enabler function for other measures contained within the Act.

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

34. In support of objective a), the confirmed interventions within Pillar 2 are set out in '1. Summary of proposal' above.
35. The expansion of data sharing capabilities between government departments and agencies will assist in developing the intelligence picture for OIC and other threats to UK border security. The improved sharing of data will enhance abilities to identify risks, whether for policing, customs, immigration, or wider law enforcement (OIC and/or serious and organised crime) purposes, as well as to prevent the loss of human life. This will support the effectiveness of the UK border as an intervention point (ToC outcome 1) as well as enabling disruption of OCG's (ToC outcome 2).

### **Pillar 3: New and enhanced powers to strengthen border security**

36. In support of objective a), the confirmed interventions within Pillar 3 are set out in '1. Summary of proposal' above.
37. The confirmed interventions create an array of new, stronger powers for law enforcement agencies to prevent, investigate and bring prosecutions against OIC activity, and provide additional deterrents and penalties for criminals involved in OIC. The interventions will strengthen the UK's border security beyond OIC, with additional powers for law enforcement and the justice system to disrupt and prevent other individuals and groups involved in serious and organised crime from harming the UK.
38. The confirmed interventions will enable:
  - Interceptions of members of OCGs.
  - Improved legal powers to disrupt and deter serious and organised crime facilitators.
  - Prosecution of individuals who promote or offer services that facilitate or enable breaches of immigration law.
  - Prosecution of individuals who place any other person at risk of death or serious personal injury whilst travelling to the UK on a small boat.
  - Disruption of equipment supply chains.
39. Collectively, the measures will disrupt OCGs who pose a threat to the UK border (ToC outcome 2), support the effectiveness of the UK border as an intervention point (ToC outcome 1), and improve public safety (ToC outcome 3).

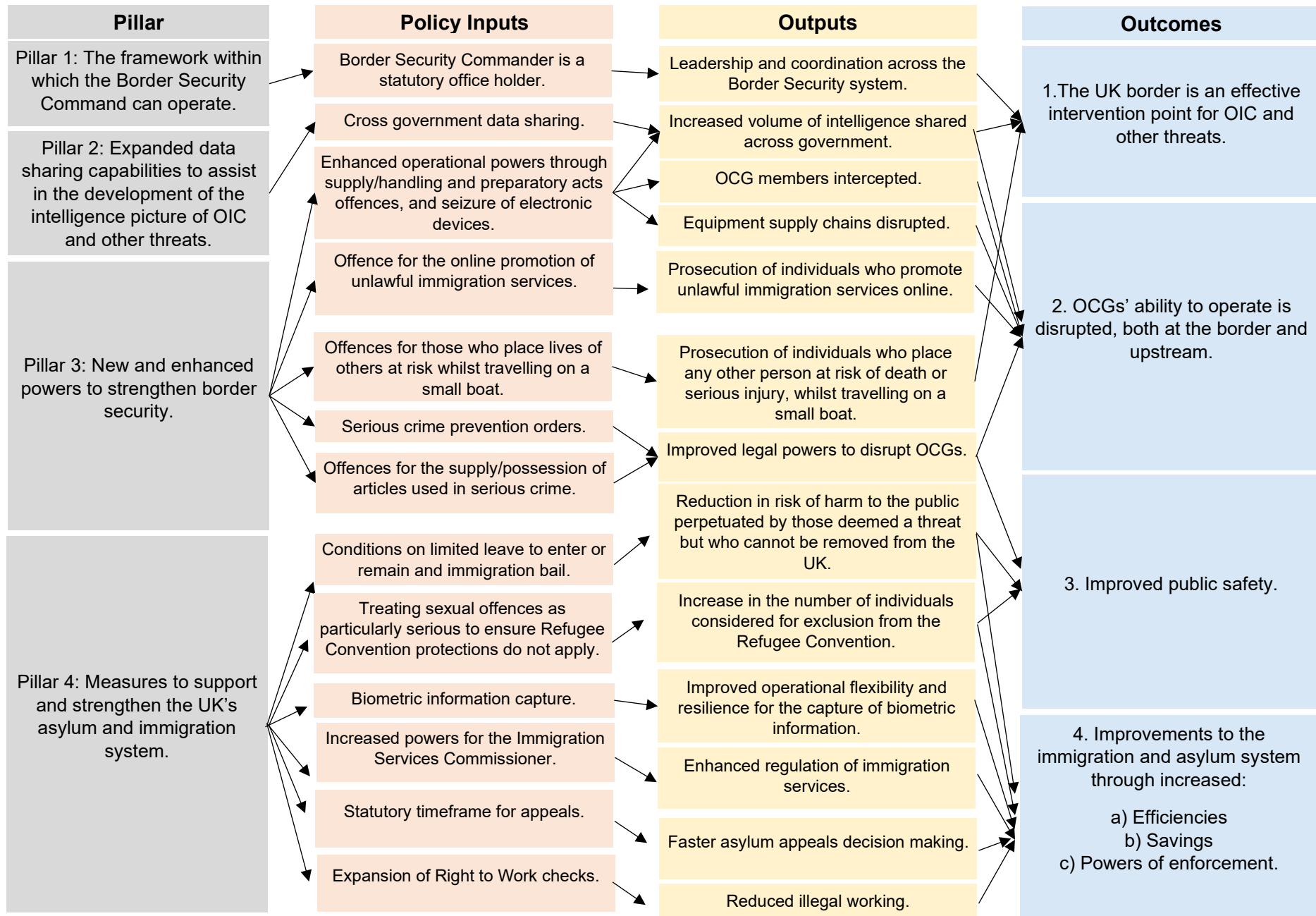
### **Pillar 4: Measures to support and strengthen the UK's asylum and immigration system**

40. In support of objective c), the proposed interventions for Pillar 4 are set out in '1. Summary of proposal' above. Pillar 4 includes a range of necessary interventions which will:
- Improve operational flexibility and resilience for the capture of biometric information.
  - Enhance powers to regulate immigration advice.
  - Increase powers for the Home Office regarding detention and bail.
  - Expand the requirement for right to work checks to reduce illegal working.
  - Prioritise the processing of supported asylum appeals to achieve value for money for the taxpayer.
  - Exclude individuals who pose a danger to the UK from being granted protection.
41. Collectively, the measures improve the UK immigration and asylum system through increased efficiencies, savings and powers of enforcement (ToC outcome 4) and improve public safety (ToC outcome 3).

### **Theory of Change**

42. A ToC sets out how policies have direct and indirect effects that contribute to achieving final intended outcomes and objectives. The ToC, outlined in Figure 3, covers the preferred package of policies using economic principles and evidence of the impact of policies.
43. A ToC sets out how the measures outlined in the Act will contribute towards the broader outcomes the Home Office is trying to achieve. This is demonstrated below through the flow from policy inputs (the measures), through to the outputs (the deliverables of the measures), and finally the outcomes which are a result of the collective impact.

**Figure 3: Theory of Change – Border Security, Asylum and Immigration Act 2025**



## 5. Summary of long-list and alternatives

44. The government's 2024 Manifesto set out several milestones for change that included delivery on the foundations of a stable economy, secure borders, and national security.
45. As this legislation forms part of a manifesto commitment to implement change linked to secure borders,<sup>15</sup> the government did not develop a long list of policy options for this impact assessment. Consideration was still given to non-regulatory options and the impacts to small and micro businesses.
46. In addition, alternatives to the legislation would not have been enough to achieve the government's objective of restoring the confidence needed to meet the commitments set out in the Manifesto and the government's Plan for Change,<sup>16</sup> as this required the creation of new offences and changes to existing legislation.

## 6. Description of shortlisted policy options carried forward

47. This impact assessment focuses on a limited number of options, given that the government's Manifesto sets out the government's objectives for border security. The Home Office has considered the preferred approach against a counterfactual 'Do nothing' option.
48. The government has taken forward two options:
  - **Option 0: 'Do nothing'**. Do not implement the proposals outlined in the Act. The 'do-nothing' option would not deliver the desired policy objective. Previous and existing legislative interventions have failed to deter crossings or prosecute the people smugglers responsible for OIC, and the UK's immigration and asylum system is under pressure.

**Option 1: Full Implementation of the Act** in which all measures outlined in this impact assessment are introduced. This includes establishing the framework in which the Border Security Commander can provide systems leadership for border security to respond to current and future threats, and enabling law enforcement agencies to investigate, detect, and disrupt OIC. The UK's immigration and asylum system is also improved through increased efficiencies, savings and powers of enforcement. **Option 1 is the government's preferred option** as it meets the strategic and policy objectives for border security.

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<sup>15</sup> Labour's Manifesto / Strong foundations – The Labour Party: <https://labour.org.uk/change/strong-foundations/>

<sup>16</sup> Strong Foundations - GOV.UK: <https://www.gov.uk/missions/strong-foundations>

## 7. Regulatory scorecard for preferred option

### Part A: Overall and stakeholder impacts

(1) Overall impacts on total welfare		Directional rating
<b>Description of overall expected impact</b>	<p>The overall rating of the measures within the Act is assessed to be <b>Positive</b>. This is based on the impact within each pillar being as follows:</p> <p>Pillar 1 – <b>Positive</b>, due to negligible costs of measures against its (non-monetised) benefits.</p> <p>Pillar 2 – <b>Positive</b>, also due to negligible costs of measures against non-monetised benefits.</p> <p>Pillar 3 – <b>Uncertain</b>, although there are expected to be positive impacts from the proposals in this pillar, their scale is uncertain making it unknown whether they would outweigh the quantified costs.</p> <p>Pillar 4 – <b>Positive</b>, benefits from measures in this pillar are positive or negligible. The scale of monetised benefits due to the Statutory Timeframes measure is significant meaning that overall, measures from this pillar will have a positive expected impact.</p>	<b>Positive</b>
<b>Monetised impacts</b>	<p>A total £5.2 billion to £8.0 billion Net Present Social Value (NPSV) is expected from the measures contained within the Act, with a central estimate of <b>£6.7 billion</b> over the 10-year appraisal period.</p> <p>These expected benefits mainly come from the Statutory Timeframes measure in Pillar 4, which requires the Tribunal to determine appeals from those in receipt of asylum support accommodation and from non-detained FNOs within 24 weeks. This reduces costs associated with extended appeal wait times, particularly asylum support costs.</p> <p>It has not been possible to monetise costs for some measures, including criminal justice impacts, so it is possible that the full impacts from the Act could be more/less than currently monetised.</p> <p>Similarly, some benefits have not been monetised due to methodological limitations and data constraints. Further detail is provided in the non-monetised benefits section.</p>	<b>Positive</b>

<p><b>Non-monetised impacts</b></p>	<p>The overall rating of the measures within the Act is assessed to be <b>Positive</b>. This is based on the impact within each pillar being as follows:</p> <p>Pillar 1 – <b>Positive</b>, due to improved efficiency and greater strategic direction with the introduction of the Border Security Commander.</p> <p>Pillar 2 – <b>Positive</b>, coming from increases in the level and quality of data capture to support border security outcomes.</p> <p>Pillar 3 – <b>Positive</b>. Increased disruption and detection of OIC and OCG facilitators of OIC through new legislation and increased powers that will improve prosecution outcomes for serious and organised crime facilitators, disrupt equipment supply chains and intercept key members of OCG groups.</p> <p>Pillar 4 – <b>Uncertain</b>. There are non-monetised benefits around the operational ability to capture biometrics, avoided liability to provide refunds for fees charged, and reduced illegal working. Costs and benefits of prioritising non-detained FNO cases are also unclear, given uncertainty around whether FNO returns can be accelerated. Potential unintended consequences include individuals being incentivised to claim destitution before lodging an appeal to influence prioritisation, with opposing behavioural responses possible.</p>	<p><b>Positive</b></p>
<p><b>Any significant or adverse distributional impacts?</b></p>	<p>Equalities considerations have been made in respect of the measures and are covered separately in the Equalities Impact Assessment (EIA) for the Act.</p>	<p><b>Neutral</b></p>
<p><b>(2) Expected impacts on businesses</b></p>		
<p><b>Description of overall business impact</b></p>	<p>The business impact of the measures within the Act is assessed to be <b>Uncertain</b>.</p> <p>The serious and organised crime measures listed within <b>Pillar 3</b> may see some negative impacts to businesses, where private sector legal firms may have to familiarise themselves with the new legislation.</p> <p>The Right to Work measure within <b>Pillar 4</b> has costs to business through more right to work checks being carried out and benefits due to increased profits for current legitimate businesses. Businesses providing immigration advice will also need to familiarise themselves with the new legislation. There are also</p>	<p><b>Uncertain</b></p>

	benefits to legitimate businesses which do not employ illegal workers through increased profits. The overall impact is uncertain.	
<b>Monetised impacts</b>	<p>Based on a likely business -£73.7 million Net Present Value (NPV) and -£8.6 million Equivalent Annual Net Direct Cost to Business (EANDCB).</p> <p>These expected costs come from additional right to work checks and measures where businesses must familiarise themselves with new legislation.</p>	<b>Negative</b>
<b>Non-monetised impacts</b>	<p>The SCPO measure in <b>Pillar 3</b> is expected to disrupt and deter serious criminal activity. This reduction in organised crime can improve the business environment in the UK, though it is not possible to monetise this impact.</p> <p>The Right to Work measure in <b>Pillar 4</b> shifts economic activity to legitimate firms who do not employ illegal workers, potentially increasing their profits. There are non-monetised familiarisation costs for businesses brought into scope of the Right to Work Scheme. The directional rating is positive as the main cost to business of the measure is additional right to work checks which has been monetised.</p>	<b>Positive</b>
<b>Any significant or adverse distributional impacts?</b>	The Right to Work measure in <b>Pillar 4</b> has disproportionate cost impact on sectors with higher prevalence of worker contacts. There will be existing businesses already in scope of the Right to Work scheme who will benefit from the parity in legal responsibilities.	<b>Neutral</b>

### 3) Expected impacts on households

<p><b>Description of overall household impact</b></p>	<p>The household impact of the measures within the Act is assessed to be <b>Positive</b>. It is expected that the positive impacts of SCPOs in Pillar 3 and Statutory Timeframes in Pillar 4 outweigh the negative impacts of Right to Work in Pillar 4.</p> <p>The serious and organised crime measures listed within <b>Pillar 3</b> may see positive impacts to households, where serious crime is reduced due to monitoring of criminal with SCPOs and interim SCPOs, as well as fewer serious and organised crime articles being available for criminals to commit serious offences linked to organised crime.</p> <p>The Right to Work measure in <b>Pillar 4</b> increases the number of right to work checks carried out, requiring time from individuals to supply information to enable this. In the case the measure leads to a reduction in irregular migration there will be benefits from reducing illegitimate public service use. The Statutory Timeframes measure may allow for easier removal of FNOs, which reduces the risk of re-offending and costs of crime to the UK public.</p>	<p style="background-color: green; color: black; text-align: center; padding: 10px;"><b>Positive</b></p>
<p><b>Monetised impacts</b></p>	<p>A monetised impact of -£11.2 million to households is estimated for the Right to Work measure, due to time requirements for supplying information to facilitate work eligibility checks.</p>	<p style="background-color: red; color: white; text-align: center; padding: 10px;"><b>Negative</b></p>
<p><b>Non-monetised impacts</b></p>	<p>It is expected that there will be non-monetised impacts to households from the Act, with potential impacts being stated within <b>Pillar 3</b>, where serious crime is reduced as a result of measures within this pillar, and <b>Pillar 4</b>, where Statutory Timeframes enables the faster removal of FNOs. It has not been possible to quantify these impacts.</p>	<p style="background-color: cyan; color: black; text-align: center; padding: 10px;"><b>Uncertain</b></p>
<p><b>Any significant or adverse distributional impacts?</b></p>	<p>It is not expected that the measures contained within the Act will cause any significant or adverse distributional impacts to households.</p> <p>In areas where illegal working is reduced or eliminated by additional checks, this creates more job opportunity for those with right to work in the UK. This is a positive impact as those with right to work, including UK citizens, are a group positively impacted from compliance with the new legislation.</p>	<p style="background-color: green; color: black; text-align: center; padding: 10px;"><b>Positive</b></p>



## Part B: Impacts on wider government priorities

Category	Description of impact	Directional rating
<b>Business environment:</b> <b>Does the measure impact on the ease of doing business in the UK?</b>	<p>Most measures are not expected to have an impact on the business environment of the UK.</p> <p>The Right to Work measure in <b>Pillar 4</b> has an uncertain impact. It could increase the cost of entry for new businesses now required to gain familiarity with the Right to Work Scheme and carry out ongoing right to work checks. Against this, further restricting opportunity for illegal working positively impacts on the attractiveness of the business environment among legitimate business.</p>	<b>Uncertain</b>
<b>International Considerations:</b> <b>Does the measure support international trade and investment?</b>	<p>The only measure expected to have a negligible impact on trade is SOC articles in Pillar 3. This is detailed in paragraphs 529 to 530 below.</p>	<b>Neutral</b>
<b>Natural capital and Decarbonisation:</b> <b>Does the measure support commitments to improve the environment and decarbonise?</b>	<p>It is not expected that the measures in the Act will have any impact on the state of UK natural capital<sup>17</sup> and decarbonisation of the economy. It is also not expected that the measures in the Act will have any effect on the environment or greenhouse gas emissions.<sup>18</sup></p>	<b>Neutral</b>

<sup>17</sup> The Green Book (2022) - GOV.UK: <https://www.gov.uk/government/publications/the-green-book-appraisal-and-evaluation-in-central-government/the-green-book-2020#a1-non-market-valuation-and-unmonetisable-values>

<sup>18</sup> Green Book supplementary guidance - valuation of energy use and greenhouse gas emissions for appraisal - GOV.UK: <https://www.gov.uk/government/publications/valuation-of-energy-use-and-greenhouse-gas-emissions-for-appraisal>

## 8. Monitoring and evaluation of preferred option

### Overall Approach

49. The Home Office will monitor and evaluate measures within the Act. The department is establishing appropriate monitoring and evaluation strategies with programme stakeholders, for specific measures.
50. Given the importance of evaluating the future impact of the novel measures in the Act, the BSC will monitor and evaluate activity once the measures contained in the Act have been implemented. This will be supported by a new performance monitoring function being established within the BSC, in addition to investment in the data improvements necessary to effectively monitor performance.
51. The approach taken for each measure within the Act may differ. The monitoring will involve collecting and analysing data from a range of indicators to monitor whether the measures introduced are meeting the objectives set.
52. Future evaluations will be conducted in line with HM Treasury Magenta Book<sup>19</sup> principles to provide detailed insight on the process, impact, and value for money of changes implemented. These will be integrated into the delivery of the Act and evaluation reports published to provide an assessment of impact.
53. The Home Office will, within three to five years after the legislation received Royal Assent, submit to the relevant House of Commons departmental select committee a memorandum reporting on elements of the Act's implementation and operation.

### Measure-specific monitoring: Making the Border Security Commander a statutory office holder

54. Following the placement of the Border Security Commander on a statutory footing, and as soon as reasonably practicable after the end of each financial year, the Border Security Commander will prepare an annual report. A copy of this report will be sent by the Border Security Commander to the Home Secretary who will lay it before Parliament ahead of publication.
55. The annual report will state how the Border Security Commander has carried out the functions of the Commander in the financial year, outlining the Commander's views on the performance of the border security system in the financial year, with reference to the strategic priorities identified by the Commander in that year.

### Measure-specific monitoring: Enhanced OIC powers – seizure of electronic devices

56. The Home Office will continue to monitor the number of devices that are being seized, as part of the rollout of these measures, including how they support wider operational activity both in the UK and overseas.

### Measure-specific monitoring: Serious Crime Prevention Orders & Interim Serious Crime Prevention Orders

57. Following implementation, the Home Office will work closely with relevant agencies to track the effectiveness of SCPOs/Interim SCPOs, including gathering data on application success rates, compliance, and enforcement actions. The Home Office will

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<sup>19</sup> The Magenta Book - GOV.UK: <https://www.gov.uk/government/publications/the-magenta-book>

continually review the SCPO regime and consider any necessary updates to ensure the measures remain robust and fitted to the evolving nature of serious crime.

Measure-specific monitoring: New offences to criminalise the making, adapting, importing, supplying, offering to supply and possession of articles for use in serious crime

58. Following implementation of this measure, the Home Office will engage with partners to monitor the implementation and effectiveness of the new measures, including taking steps to add to the list of specified articles under secondary legislation, to ensure that the measures can be updated and remain relevant as serious crime evolves.

Measure-specific monitoring: Increased Powers for the Immigration Services Commissioner

59. The Home Office will monitor and evaluate the measures in the Act in relation to the Immigration Services Commissioner. It will establish appropriate monitoring and evaluation strategies for each of the measures; the approach may differ for different measures.
60. The Commissioner routinely collects data on their activity, such as inspections and investigations completed, outcomes of these, and income raised through regulation applications. This data is regularly monitored by the Home Office and published annually in the annual report. The Home Office will continue to work collaboratively with the Commissioner to ensure that appropriate data is collected on the use of the new powers and levels of the charges and fines derived from these extended powers. It will also monitor data on the number of appeals submitted to the First-tier Tribunal in relation to relevant decisions by the Commissioner.
61. The Home Office will monitor implementation over an initial 24 months and will then undertake a review of the impact on the immigration advice sector of these powers, the effectiveness and appropriateness of their use as well as reviewing the levels of the charges and fines derived from these powers.
62. The Home Office will monitor the frequency of use of the new powers, including the number of times the Commissioner has imposed a financial sanction or ordered compensation, how many times they have compelled cooperation by a former adviser and instances of use of immediate suspension. This will be compared against numbers of complaints investigated with a measurable sanction on the adviser (both regulated and unregulated) as an outcome.

Measure-specific monitoring: Right to Work

63. The Home Office has an ongoing programme of monitoring and evaluation on Compliant Environment measures as part of enacting Recommendation 7 of the Windrush Lessons Learned Review.
64. Evaluation of the legislative changes to the Right to Work measure will be incorporated into ongoing monitoring and evaluation work to assess the impact of the change in policy through assessment of enforcement action related to casual and temporary work. Key metrics which will be monitored include the number of illegal working visits to businesses that contract or match casual and temporary workers to employers, the number of related detentions and returns, and number and value of civil penalties

related to these visits. Before and after analysis will be used to assess implementation of the changes.

65. The demographics of arrested workers in this sector will also be reviewed. The evaluation will also explore how compliance with the measure can best be assessed, including employer usage of digital checking services and the Home Office Employer Checking Service. Noting a recent survey with employers provides the department with a baseline around existing understanding among employers around Right to Work checks.
66. Evidence on broader impacts will also be sought, for example via existing Home Office stakeholder groups, including advisory groups and the Employer Consultative (ECHO) group, in addition to ongoing qualitative illegal working research. Findings will be reported through established internal governance to inform policy, and operational officials to aid their decision making on implementing the changes.

Measure-specific monitoring: Statutory timeframe for the First-tier Tribunal Immigration and Asylum Chamber Appeals

67. The Home Office will ensure, as part of the implementation process, that monitoring of specific data will be set up to allow for evaluation of the effectiveness of the statutory timeframe.
68. The Home Office will also regularly monitor the number of relevant cases that were not considered within the 24-week statutory timeframe and will take necessary steps to understand the findings and improve the effectiveness of these measures.

Measure-specific monitoring: Refugee Convention – particularly serious crime

69. Following implementation of the measure, the Home Office will engage with operational leads to monitor the effectiveness of the policy, including the number of individuals considered, and successfully excluded from the protections of the Refugee Convention as a result of a conviction for a Schedule 3 offence.

## **9. Minimising administrative and compliance costs for preferred option**

70. The assumed administrative and compliance costs are expected to be minimal. They are one-off familiarisation costs where familiarisation time is minimal.
71. There will be set-up familiarisation costs to government and law enforcement agencies, who will need to familiarise themselves with the new legislation. These groups and individuals will need guidance, policy instructions, and training aligned with operational delivery and implementation for operational teams to follow to perform their duties.
72. One-off familiarisation costs for legal professionals are expected as the change in legislation will mean that, solicitors, barristers and other legal professionals will have to familiarise themselves with how the new legislation affects decisions during charges, court proceedings, prosecutions, convictions, and sentencing. There are also familiarisation costs for additional businesses now required to carry out right to work checks on their workers. They will have to familiarise themselves with published guidance and the process of applying checks in practice. Finally, there are familiarisation costs to businesses providing immigration advice to understand the enhanced powers of the Immigration Services Commissioner.

73. Ongoing costs to the private sector are expected to be minimal across all measures with exception of Right to Work. The government will ensure that, where appropriate, guidance is published to ensure all stakeholders have the information required to make necessary adjustments. A consultation with business has been launched for the Right to Work measure to enable input into the development of updated guidance and statutory codes of practice and invite views on what additional resources may aid compliance.

## 10. Main assumptions / sensitivities and economic / analytical risks

74. Assumptions which apply to the appraisal of all measures in this impact assessment are as followed:
- The appraisal period for measuring the impacts of the proposed new legislation is 10 years.
  - The appraisal period starts in 2025/26, ending in 2034/35 and assumes measures begin to become operational from January 2026. The assumed operational start time varies by measure.
  - A 3.5 per cent annual social discount rate is used.<sup>20</sup>
  - Annual costs and benefits are in 2025/26 prices.
  - Present Values (PV) are in 2025/26 prices.
  - All costs and benefits are relative to the 'Do nothing' option.
75. This impact assessment has considered the relevant evidence base across OIC and illegal migration in developing its modelling and analysis. This includes official Home Office published statistics such as the Immigration System Statistics, year ending September 2025 publication,<sup>21</sup> as well as other internal sources of data and expertise. Detailed assumptions and methodologies for individual measures that have been costed can be found in the Annex.

### Risks

76. In appraising the preferred option, consideration has been made to the potential risks that may impact across the entire legislation. The inclusion of these risks in the impact assessment does not assign a likelihood to these risks materialising, as it is not possible to accurately quantify them.
77. The main analytical risk is a lack of monetised analysis. The level of current available data and evidence meant it was not possible to monetise all costs and benefits. There is a risk that costs and benefits would be higher than it has been possible to estimate, due to this limited evidence base, meaning overall impact may differ. This will be mitigated by the rigorous monitoring and evaluation programme outlined in Section 8.

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<sup>20</sup> The Green Book (2022) - GOV.UK: <https://www.gov.uk/government/publications/the-green-book-appraisal-and-evaluation-in-central-government/the-green-book-2020>

<sup>21</sup> How many people come to the UK irregularly? - GOV.UK: <https://www.gov.uk/government/statistics/immigration-system-statistics-year-ending-september-2025/how-many-people-come-to-the-uk-irregularly>

78. It has not been possible to obtain volume and unit cost estimates related to all individual measures. Where available evidence has allowed this, unit costs and volumes have been included. Else, these have been articulated in the supporting narrative.

## Declaration

Department:

Home Office

Contact details for enquiries:

BSCBillTeam@homeoffice.gov.uk

Minister responsible:

Minister for Border Security and Asylum

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed:

A handwritten signature in black ink, consisting of a long horizontal stroke with several smaller, curved strokes above it.

Date:

17/06/2026

## Summary: Analysis and evidence

Price base year: 2025/26

2025/26		PV base year:	
		0. 'Do-nothing' (Baseline)	1. Preferred Option (Full Implementation)
<b>Costs (£m)</b>	Low	-	59.2
	High	-	412.9
	<b>Best</b>	-	<b>171.4</b>
(Distinguish between set-up and ongoing costs, as well as private/public costs)		-	Of which: £5.0 million in set-up costs £166.5 million in ongoing costs £73.7 million in private costs £97.7 million in public costs
<b>Benefits (£m)</b>	Low	-	5,258.8
	High	-	8,433.5
	<b>Best</b>	-	<b>6,846.2</b>
(Distinguish between set-up and ongoing benefits, as well as private/public benefits)		-	Of which: £6,846.2 million in ongoing public benefits
<b>Net present social value (£m)</b>	Low	-	5,199.7
	High	-	8,020.6
	<b>Best</b>	-	<b>6,674.7</b>

	0. 'Do nothing' (Baseline)	1. Preferred Option (Full Implementation)
<p><b>Public sector financial benefits and costs</b> (with brief description, including ranges)</p>	<p>-</p>	<p>Quantified public sector benefits occur in pillar 4, with additional significant unquantified benefits expected across other pillars:</p> <p>Pillar 1 - Strengthened strategic direction and improved operational efficiency for Border Security.</p> <p>Pillar 2 - Enhanced law enforcement capability to mitigate public security threats.</p> <p>Pillar 3 - Greater information sharing and enforcement powers to improve public safety and reduce OIC.</p> <p>Pillar 4 - Statutory timeframes are expected to reduce the supported asylum population, generating accommodation-related savings, while enhanced information collection and stronger controls improve system integrity and deter illegal working.</p> <p>Public sector financial costs primarily arise in Pillar 3 and Pillar 4, with limited costs in other pillars:</p> <p>Pillar 1 - Familiarisation costs associated with establishing the Border Security Commander as a statutory office holder are assumed negligible.</p> <p>Pillar 2 - Costs related to departmental data sharing (Department for Transport, DVLA, NCA, HMRC) are not monetised but expected to be minimal.</p> <p>Pillar 3 - Familiarisation costs for new offences, alongside additional staffing, hardware, and Criminal Justice System expenditure, to enable enhanced law enforcement powers and support reductions in serious crime.</p> <p>Pillar 4 - Familiarisation costs for refugee convention changes, and set-up plus ongoing costs for the Ministry of Justice to implement statutory timeframes prioritising supported cases.</p>

		Quantified public sector financial costs arise in Pillar 3 and Pillar 4 only, unquantified costs are described below.
<b>Significant un-quantified benefits and costs</b> (description, with scale where possible)	-	<p>Un-quantified benefits and costs include:</p> <p>Pillar 1 - Improved efficiency and strategic direction from the introduction of the Border Security Commander, allowing for faster decision-making processes and operationalising of border security capability.</p> <p>Pillar 2 - Better data with which to investigate, detect and disrupt facilitators of OIC, as well as improved cross government relations, allowing Home Office to support border security outcomes related to OIC.</p> <p>Pillar 3 - Increased disruption and prosecution of OCGs that facilitate OIC with new legislation and increased powers for law enforcement, and potential reduction in serious crime.</p> <p>Pillar 4 - Avoidance of future costs, flexibility of governance and staff deployment at UK sites, potential increased profit for legitimate firms who do not currently utilise illegal workers, as well as integration and wellbeing benefits to prioritised, and costs to deprioritised, cohorts.</p> <p>Un-quantified costs across all pillars exist around the Criminal Justice System.</p>
<b>Key risks</b> (and risk costs, and optimism bias, where relevant)	-	Every effort has been made to ensure the analysis in this impact assessment presents the best possible estimate of the likely impact of the options. Several measures within the Act are novel in their approach to strengthening border security, so it has not been possible to accurately estimate the full impact of these measures. Specific risks are outlined within the evidence base, including the application of optimism bias where relevant.
<b>Results of sensitivity analysis</b>	No sensitivity tests undertaken.	Sensitivity analysis in section A.1.13 assesses the impact of varying the counterfactual asylum support cost used to calculate the benefits of the Statutory Timeframe measure. This analysis confirmed that NPSV results remain positive under alternative assumptions.

## Evidence base

79. This is a summary of the Home Office measures covered in the Act. The measures appraised are listed earlier in the impact assessment in Section 1.

## Strategic objective and policy overview

80. The Act:

- Through the provision of new powers and data-sharing arrangements, enables law enforcement agencies to investigate, detect and disrupt OIC and serious and organised crime, in turn deterring illegal migration to the UK and reducing small boat crossings and loss of life in the Channel.
- Establishes the framework for the Border Security Command to provide systems leadership for border security to respond to current and future threats.
- Strengthens the UK's wider immigration and asylum system, including protecting it against abuse, in turn rebuilding public confidence in the UK migration and borders system.

81. To do this, the Act contains 21 interventions (referred to below as "measures") within four pillars, outlined in the next section.

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

#### **Measure 1: Making the Border Security Commander a statutory office holder**

##### **Background**

82. The border is a vital strategic asset, protecting the UK from international threats, enforcing UK domestic laws and underpinning legitimate systems to enable citizens to go about their lives freely and confidently. Border security is fundamental to UK sovereignty and both UK national security and economic security.

##### **Problem under consideration and rationale for intervention**

83. Threats to the UK from serious and organised crime, including OIC, terrorism and hostile state actors are rapidly evolving alongside the techniques used to penetrate the UK border, bringing social and economic disruption to the UK, and undermining public confidence. The first duty of government is to protect its citizens and it must keep up with and stay ahead of these threats.

84. The provision of making the Border Security Commander a statutory office holder ensures that the BSC will lead the required step change in the UK's approach to border security. It will, for the first time, provide a clear and long-term vision for border security, bringing together and providing leadership to all parts of the system that work to maintain the integrity of the border and immigration system, domestically and internationally.

##### **Policy objective**

85. With the collective agreement of the Home Secretary and Prime Minister, the Border Security Commander, in collaboration with partners, will agree the government's strategic priorities for border security. The BSC will work closely with other government departments and agencies, including HMRC and FCDO, as well as the UK Intelligence

Community and operational partners, including Border Force, the NCA, Immigration Enforcement and policing, to achieve those priorities.

86. This will ensure that the government's full range of capabilities, including that of the UK intelligence community, are maximised and brought to bear on those exploiting the UK border. The policy intention maintains the operational independence of partners whilst ensuring the Border Security Commander can agree and share strategic priorities with partners to improve the government's collective response to cross-border threats.

#### **Indicators of success**

87. Indicators of success will include improved border security system outcomes, with the Border Security Commander established as the system leader, as well as a more efficient collective response to current and future threats to the UK's border security.
88. Linked ToC Outcome: 1. Making the UK border an effective intervention point for OIC and other threats.

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

#### **Measure 2: Sharing of customs information by HMRC**

##### **Background**

89. The Home Office, and partner agencies such as HMRC, the police, and the NCA, rely on information sharing to understand and to make evidence-based predictions (known as 'risking') about who and what is expected to cross the border, and who is enabling or causing people and commodities to cross. The main datasets are held by HMRC.
90. The Home Office and other partners need these data sets to be able to make fully informed decisions about risking and interventions. Without satisfactory data sharing, the Home Office is significantly less able to identify and thereby disrupt high risk crossings, which may be associated with serious organised criminality, including OIC, modern slavery, and human trafficking.

##### **Problem under consideration and rationale for intervention**

91. Existing statutory provisions to share HMRC data are complex, fragmented, and unhelpfully restrictive. There are a number of shared powers and duties, with different rules for different types of information. Where there are provisions in legislation allowing information to be shared, there are often complex caveats and a lack of clarity about how different provisions intersect.
92. This lack of clarity – coupled with the fact that it is a criminal offence for a person to share information unlawfully – means that information is not being shared and agencies are working in silos. Furthermore, existing gateways were not designed with modern big data analytic tools in mind, and their restrictions are incompatible with the Home Office's modern-day requirements.

##### **Policy objective**

93. The objective is to provide HMRC with a discretionary power to simplify the existing processes and remove legal barriers for HMRC to share any data it holds in connection with its customs functions with the Home Office, other government departments (within

the meaning of the Data Protection Act 2018)<sup>22</sup>, and other authorised persons (essentially the police).

94. The policy enables the Home Office to leverage advanced data analytics and secure data-sharing to strengthen border security, improve risking and targeting, and support evidence-based policy decisions. By integrating intelligence and operational datasets, including datasets from HMRC and partner agencies such as DVLA, which will be addressed in the following measure, the approach enhances efficiency and accelerates decision-making. The measures ensure compliance with legal and governance standards while maximising the value of shared data across Home Office functions. Data shared with the Home Office in line with this provision may be used for the full range of Home Office functions. Similarly, data shared with other government departments and other authorised persons may be used for the full range of their own functions.
95. Onward disclosure of data shared with government departments, such as the Home Office, would generally be restricted to disclosure to another government department or to another authorised person for use for a range of purposes (including immigration, customs, law enforcement, national security, or human welfare purposes).
96. The Home Office will also be able to onwardly disclose the information (including internationally) to any authorised person, but only for specified purposes (including purposes connected with a criminal investigation or criminal or legal proceedings relating to an immigration function or a customs function). The new legislation will not revoke any existing gateways to how data is currently shared.
97. The creation of a new, consolidated provision to share information will provide an opportunity to make it easier for public bodies to understand the law and to share information lawfully. This will in turn support law enforcement activity to disrupt and dismantle OCGs, to prosecute offenders, and to safeguard vulnerable people. Data sharing will improve border security and border flow, delivering a world class border.

### **Indicators of success**

98. Indicators of success would entail HMRC sharing large amounts of the data it holds for custom functions with the Home Office and other government departments, enabling the Home Office to analyse the data to identify suspicious patterns, activity, or other intelligence that would not be apparent if each dataset was considered in isolation.
99. Intelligence gathered because of this process will be of use for a wide range of purposes, including customs, law enforcement, national security, human welfare purposes, and immigration purposes, such as disrupting OIC groups and preventing the unlawful movement of people and goods into the country that fuels those groups.
100. The measure will support Border Force in their decision-making processes at the border to augment both border flow and national security, and provide stronger safeguarding for vulnerable people, particularly those who may otherwise become victims of modern slavery or human trafficking.
101. Linked ToC Outcome: 1. Making the UK border an effective intervention point for OIC and other threats.

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<sup>22</sup> Data Protection Act 2018: <https://www.legislation.gov.uk/ukpga/2018/12/contents>

### **Measure 3: Sharing of trailer registration information**

#### **Background**

102. The DVLA data sharing provision creates a power for the DVLA to share some or all of the trailer registration data held (collected under Part 2 of the Haulage Permits and Trailer Registration Act 2018)<sup>23</sup>, with the Home Office, HMRC, NCA, the police, and specified persons in the Crown Dependencies and Gibraltar (all with immigration, customs or law enforcement functions). It is intended to enhance 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.
103. The scope is designed to facilitate data sharing to enable operational co-operation between these bodies against threat actors abusing UK registered trailers, whether engaged in OIC, wider serious and organised crime concerned with goods, or both, and the onward sharing of information with other appropriate public bodies as required. For all organisations receiving the data, the intention is to enable the use of big data analytics.

#### **Problem under consideration and rational for intervention**

104. In October 2019 an unaccompanied refrigerated trailer unit set sail on a roll-on roll-off ferry journey from the Belgian port of Zeebrugge to the UK. When the trailer was opened shortly after arrival at Purfleet, 39 Vietnamese nationals were found dead. Improving the Home Office's ability to risk assess incoming (UK registered) trailers requires more permissive access to the DVLA's Trailer Registration Scheme<sup>24</sup> data for use for a wider range of processing purposes than legislation currently permits.
105. As with the HMRC data sharing provision, the Home Office and partner agencies such as HMRC, the police and the NCA, rely on information sharing to understand, and to risk assess, who and what is expected to cross the border, and who is enabling or causing people and commodities to cross.
106. This provision will establish an express power for the Secretary of State for Transport (DVLA acting on their behalf) to share some or all of the trailer registration data they hold with these bodies, further providing the Home Office and the police with a framework regulating the purposes for which they may process the data and to whom it may be further disclosed, while relying on existing governing statutes with respect to the NCA and HMRC for the same.
107. The overall effect will be to support the work of the Home Office, NCA, HMRC and the police to investigate and prosecute offenders and to safeguard vulnerable people. The measure will complement the HMRC measure, and other provisions in the Act by enabling access to a key reference dataset aimed at improving border security.

#### **Policy objective**

108. The objective is to enable the DVLA to share with the Home Office, NCA, HMRC and the police the information it holds under Part 2 of the Haulage Permits and Trailer

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<sup>23</sup> Haulage Permits and Trailer Registration Act 2018: <https://www.legislation.gov.uk/ukpga/2018/19>

<sup>24</sup> Check if you need to register a trailer before towing it abroad - GOV.UK: <https://www.gov.uk/guidance/trailer-registration>

Registration Act 2018, to be used in connection with the full range of those bodies' functions and specified purposes, including (for the Home Office) law enforcement<sup>25</sup> and human welfare purposes respectively.

109. Sharing and onward disclosure with law enforcement bodies is not provided for under the Haulage Permits and Trailer Registration Act 2018. This legislation will enable this sharing by granting the DVLA a discretionary power capable of meeting the Home Office, NCA, HMRC, and police requirements; inter-agency data sharing to facilitate operational co-operation, and onward disclosure to other public bodies for specified purposes.
110. When matched by the Home Office with HMRC's customs data such as Safety and Security Declarations,<sup>26</sup> alongside other information and any HMRC, NCA and police referrals following their own investigations, it will enable these bodies to better understand, and to make evidence and intelligence-based risk assessments regarding who and what is expected to cross the border, and who is enabling or causing people and commodities to cross.
111. As the Home Office moves into big data analytics, real business benefits will arise by combining disaggregated datasets to provide a more holistic picture of trailer movements, and assessing related risks, at pace. With respect to the Home Office and the police – where it is necessary to further prescribe the processing purposes,<sup>27</sup> those specified are expressly intended to meet the challenges of OIC/serious and organised crime threat actors operating across both people and goods smuggling.

### **Indicators of success**

112. Indicators of success will include trailer registration information being provided to, and operationalised by, each of the Home Office, the police, NCA and HMRC, use of the data in connection with the prevention, investigation, detection or prosecution of criminal offences associated with the abuse of trailer movements across the border and in the UK by those engaged in the smuggling of people and goods, and the detection of people being transported in UK-registered trailers wherever possible.
113. Linked ToC Outcome: 1. Making the UK border an effective intervention point for OIC and other threats.

### **Pillar 3: New and enhanced powers to strengthen border security**

#### **Measure 4: Enhanced OIC Powers**

##### **Background**

114. The Home Office has introduced new measures to disrupt OIC.
115. These measures create two new offences of supplying, offering to supply, being concerned in the supply of or handling, removing or disposing of articles that the individual knows or suspects are to be used in OIC, and a research offence that will make it an offence to collect, possess, view or access information where law enforcement has reasonable suspicion that this has been done for the purposes of OIC.

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<sup>25</sup> "Law enforcement purposes" within the meaning of section 31 of the Data Protection Act 2018.

<sup>26</sup> The submission of Safety & Security Declarations for goods imported from the EU into GB commenced on 31 January 2025.

<sup>27</sup> For NCA and HMRC, the department can rely on the Crime and Court Act 2013, and the Commissioners for Revenue and Customs Act 2005, to regulate their use of the data in-line with their prescribed statutory functions respectively.

116. These measures will criminalise the creation or publication (or causing the creation or publication) of material which promotes unlawful immigration services on an internet service. Internet services, including social media platforms, are an important enabler of OIC, providing a means for OCGs to promote and facilitate unlawful immigration services.
117. These measures will also enable law enforcement to search for, seize, retain and use information from electronic devices, without arrest, based on the reasonable grounds to suspect that the individual encountered is an illegal entry/arrival in possession of a relevant article that may contain information in relation to sections 25 and 25A of the IA 1971.
118. These measures are designed for law enforcement to be able to gather evidence on OIC gangs and enable the disruption of OIC gang activity earlier and faster.

### **Problem under consideration and rationale for intervention**

119. The absence of specific OIC powers undermines law enforcement's ability to secure an outcome, intervention, or disruption.

### **Policy objective**

120. The objective is to create new, stronger powers for law enforcement agencies to pursue, disrupt and deter OIC. Lower suspicion thresholds associated with the package of powers will allow law enforcement to act earlier and faster, leading to increased disruptions and prosecutions under measures 4a and 4b. Powers under 4c will disrupt the online element of OCG's business model, and an improved strategic and operational intelligence picture will be gained from measure 4d. The package will make it as difficult as possible for OIC to take place or be facilitated in the UK, deterring further OIC. The package of OIC powers is made up of the following:

#### **a) A new offence of:**

- 1) 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.**
- 2) 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.**

121. The Act creates a specific offence to supply, or offer to supply, or handle articles that the individual knows or suspects are to be used by any person for the purposes of an offence under section 24 (Illegal Entry and Similar Offences) or section 25 (Assisting Unlawful Immigration to the UK) of the IA 1971. This offence also captures individuals who are concerned in the supply or handling of articles, where the individual knows that this will be used in connection with an offence under section 24 or 25 of the IA 1971.
122. The offence will cover other acts carried out for, or to assist, other people. It will have elements similar to the offence under section 57 of the Terrorism Act 2000<sup>28</sup> (TACT 2000): possession of articles for use in terrorism. The penalty for the new offence will be up to 14 years imprisonment.

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<sup>28</sup> Terrorism Act 2000: <https://www.legislation.gov.uk/ukpga/2000/11/contents>

123. The objective is to strengthen UK law enforcement's ability to target supply chains of prerequisite equipment, items, or vessels to facilitate illegal entry to the UK. "Supply" does not require proof of payment or reward. A "knows or suspects" threshold (which is lower than intention or belief) will make it easier to catch those acting at too much distance from the people smuggling to be prosecuted under section 25 of the IA 1971 and where there is insufficient evidence of belief or intention to prosecute an individual under the Serious Crime Act 2007<sup>29</sup> (SCA 2007) or for conspiracy.

**b) A new offence measure of taking specified actions in circumstances giving rise to a reasonable suspicion of a connection with an offence under section 24 IA 1971.**

124. It will be an offence to collect, possess, view or access information where law enforcement has reasonable suspicion that it is for the purpose of OIC. For example, research into viable locations and departure points, dates and times, and transport for a journey to the UK where entry or arrival to the UK would be contrary to section 24 of the IA 1971. The offence includes a lower bar for prosecution of preparatory acts than in existing legislation.

125. The offence will cover other acts carried out for, or to assist, other people. It will have elements similar to the offence under section 58 of the TACT 2000: collection of information useful for terrorism. The penalty for this offence is up to five years imprisonment.

126. The objective is to provide a defence where the individual can demonstrate a reasonable excuse for researching this information, for example, use of the information for search and rescue purposes, to provide emergency or urgent care to those on the vessel, or where the information was for journalistic or academic research.

127. Current legislation doesn't enable law enforcement to act at this early, preparatory stage in relation to collecting, possessing, viewing or accessing information for the purposes of OIC. The lower bar will mobilise investigations sooner than is currently possible when targeting section 24 IA 1971 offences and provides the tactical option of prosecuting sooner and disrupting OIC, before an illegal arrival has been facilitated – removing financial gain for facilitators and OCGs.

**c) A new offence of online advertising of unlawful immigration services**

128. The legislation criminalises the creation or publication (or causing the creation or publication) of online material which promotes unlawful immigration services on an internet service, where it is known or suspected that the material will be published and have the purpose or effect of promotion. The objectives of this legislation are to:

- 1) Disrupt the online element of OCGs' business model by criminalising the creation or publication (or causing the creation or publication of) online material which promotes unlawful immigration services and make it more difficult for OCGs to exploit internet services, such as social media platforms to promote and facilitate their services.
- 2) Provide law enforcement with an additional power to prosecute the promotion of unlawful immigration services online that can be exercised without needing to link the online material to a specific instance of unlawful immigration, and,

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<sup>29</sup> Section 45 of Serious Crime Act 2015: <https://www.legislation.gov.uk/ukpga/2015/9/section/45>

consequently, improving the prospect of the Crown Prosecution Service (CPS) approving a charge and improve the likelihood of securing a prosecution where criminality is detected. Under existing legislation (section 25 of the IA 1971 (assisting unlawful migration)<sup>30</sup> and part 2 of the Serious Crime Act 2007 (SCA 2007) (encouraging or assisting crime)<sup>31</sup> an online post needs to be linked to a specific instance of unlawful immigration. Introducing an offence specifically for online promotion of unlawful immigration may lead to additional counts on the indictment and could lead to a longer sentence.

- 3) Discourage other people from engaging in this type of activity, potentially reducing the use of social media and other online platforms to promote unlawful immigration services, and subsequently the amount of unlawful immigration services content circulating online.

*For more information on this measure and expected impacts, see the Online advertising of unlawful immigration services offence: economic note (published 22/10/2025).<sup>32</sup>*

**d) New powers to search for, seize, retain and use information by Immigration Officers, NCA officers or police constables where there are reasonable grounds to suspect that a person has an electronic device that may contain information relevant to facilitation offences under section 25 or 25A of the IA 1971.**

129. The powers can be applied to a “relevant person”. This is someone who has arrived in or entered the UK without the required leave to enter or entry clearance, or in breach of a deportation order, or without a required electronic travel authorisation. This means the application of the powers will be based on a narrow cohort, predominantly consisting of illegal arrivals by small boat or lorry drop, for example.
130. This measure enhances law enforcement’s ability to prevent OIC by providing stronger powers to search for, seize, retain, and use information from electronic devices based on reasonable grounds of suspicion that the individual is in possession of a “relevant article” (for example, an electronic device) containing information relating to a facilitation offence. Information from electronic devices can be retained for evidence as part of court proceedings.
131. The objective is to enable law enforcement to seize electronic devices based on reasonable grounds of suspicion without arrest, compared to current powers via the Police and Criminal Evidence Act 1984,<sup>33</sup> where the individual would need to be arrested, and the officer must believe there is information on the electronic device. The information secured will improve law enforcement’s understanding of OCG activity and inform the strategic approach to preventing illegal means of travel. The power’s use and extraction of information from a device is solely for recovering information about facilitation offences.
132. Furthermore, the power provides a new and important capability for law enforcement to use where there are currently no other powers in legislation other than voluntary disclosure by illegal migrants.

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<sup>30</sup> Immigration Act 1971: Section 25: <https://www.legislation.gov.uk/ukpga/1971/77/section/25>

<sup>31</sup> Serious Crime Act 2007: Part 2: <https://www.legislation.gov.uk/ukpga/2007/27/part/2>

<sup>32</sup> Online advertising of unlawful immigration services offence: economic note - (GOV.UK): <https://assets.publishing.service.gov.uk/media/68f8d5ddec6267c615ed8f9a/Online+Advertising+of+Unlawful+Immigration+Services+Offence+-+Final+Economic+Note.pdf>

<sup>33</sup> Police and Criminal Evidence Act 1984: <https://www.legislation.gov.uk/ukpga/1984/60/contents>

## **Indicators of success**

133. Key indicators of success will be:
- a. Increased disruptions and prosecutions of OIC.
  - b. Reduced prevalence of online material that promotes unlawful immigration services.
  - c. Increased operational ability to use the information obtained to improve the intelligence picture regarding OCG networks.
134. Linked ToC Outcome: 2. OCGs' ability to operate is disrupted, both at the border and upstream.

## **Measure 5: Endangerment offence**

### **Background**

135. Under the existing legislative framework, individuals who enter or arrive in the UK in a small boat or through any other irregular means (i.e. without appropriate permission) are potentially within scope of section 24 of IA 1971 (illegal entry and similar offences). Individuals who knowingly facilitate illegal entry or arrival into the UK may be prosecuted under the separate, more serious offence of section 25 IA 1971 (facilitating the commission of a breach of immigration law). In practice, the public interest test in prosecuting individuals contrary to section 24 IA 1971 is subject to close scrutiny in line with guidance published by the Crown Prosecution Service (CPS).

### **Problem under consideration and rationale for intervention**

136. Individuals are put at risk of serious injury, including of death, during sea crossings in the Channel which are inherently dangerous journeys. In the context of small boats specifically, due to the poor construction of these make-shift vessels, there are an increasing number of fatalities occurring in the waters. There is an urgent need to deter people from taking these journeys and reduce the risk to life posed at sea.
137. There are a number of specific endangering actions which take place at sea which need to be discouraged and addressed – for example; physical aggression towards other persons (both migrants on the boat or third parties such as rescue authorities), overcrowding of small boats where the vulnerable are placed in the middle and are more susceptible to being trampled, and continuing to travel to UK shores without accepting assistance from rescue authorities where there has been a fatality or serious harm done to a passenger on board.

### **Policy objective**

138. As above, the policy objective is, to deter people from (i) making extremely dangerous sea journeys to the UK and entering/arriving in the UK illegally, and (ii) acting in a way which causes a risk of serious injury or death during those journeys. Illegal entry/arrival offences exist under section 24 of the IA 1971, the emphasis of this new offence is on criminalising acts which have placed another person at risk of serious injury or death.
139. There does not need to be a fatality or actual harm caused for the offence to take effect. The measure takes the form of an aggravated offence section 24 of the IA 1971, meaning that there will be an increased sentence for those who are successfully prosecuted. The offence aims to offer a tangible measure to address dangerous acts that risk serious injury or death, reduce the risk of such serious injuries and fatalities,

and in turn contribute to wider work seeking to reduce the number of people attempting to cross the Channel.

### **Indicators of success**

140. The primary measure of success against this objective would be fewer fatalities at sea due to a reduction in dangerous behaviour as a result, possibly also fewer people taking these journeys.
141. Linked ToC Outcome: 1. Making the UK border an effective intervention point for OIC and other threats.

### **Measure 6: Serious Crime Prevention Orders**

#### **Background**

142. SCPOs are provided for under Part 1 of the SCA 2007. SCPOs are civil preventative orders which impose tailored prohibitions, restrictions and requirements on a person for a period of up to five years to prevent or disrupt their involvement in serious crime.
143. The terms of an SCPO might relate to business and financial dealings, use of premises or items, provision of goods or services, employment of staff, association with individuals, means of communication, or travel. Breach of an SCPO is a criminal offence carrying a maximum penalty of five years' imprisonment.
144. An SCPO can be made either by the Crown Court following a conviction or by the High Court in the absence of a conviction. Either court may only make an SCPO if it has reasonable grounds to believe that an order would protect the public by preventing, restricting or disrupting the individual's involvement in serious crime. In England and Wales, an application for an SCPO can only be made by the CPS, the Serious Fraud Office (SFO) or, in terrorism-related cases only, the police.
145. The harm caused by serious and organised crime, including through drugs and firearms trafficking, child sexual abuse and exploitation, modern slavery, OIC, cyber-crime, money laundering and fraud is significant and ongoing. The NCA data on ancillary orders indicates that individuals managed under SCPOs offend over the entire range of serious and organised crime types, with greatest concentration of offences occurring in drug crime, money laundering, fraud, and firearms offences.<sup>34</sup>
146. Improvements to the SCPO regime may help to disrupt a wide range of threat types and harms, which will positively affect the organisations, businesses, communities and individuals currently impacted by serious and organised crime and may help to reduce the economic and social costs of serious and organised crime.
147. The main stakeholders affected by the proposed measures are the agencies responsible for applying for, monitoring, and enforcing SCPOs. Any improvements to the processes for obtaining an SCPO, and the monitoring and enforcement of SCPOs once they are in place, will help to ensure that these agencies have the right tools to effectively manage the risk to the public posed by dangerous individuals involved in serious crime.

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<sup>34</sup> Offenders with SCPOs reflect the priorities of law enforcement when they were obtained. The concentration of SCPOs in these areas may be owing to the fact that the legacy of past priorities is a large concentration of SCPOs granted against offenders with a history of drug crime and associated, fraud, money laundering, and firearms offences.

## **Problem under consideration and rationale for intervention**

148. SCPOs are a powerful tool for disrupting the activities of the highest-harm serious and organised criminals, but SCPOs are not currently being used to maximum effect.
149. Applications to the High Court for SCPOs have been significantly lower than Parliament anticipated when it passed the SCA 2007. Between 2011 and 2021, only two applications were made to the High Court for an SCPO in the absence of a conviction, of which only one was successful. In the same period, a total of 1,057 SCPOs were made by the Crown Court on conviction.<sup>35</sup>
150. Monitoring and enforcement of SCPOs is currently inconsistent across different police forces in England and Wales. For example, the 2016 HM Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) PEEL Police Effectiveness report found that only 13 of the 43 police forces had clear arrangements in place for monitoring SCPOs.<sup>36</sup>
151. Government intervention will result in an improvement to the monitoring and enforcement of SCPOs by standardising the personal information which law enforcement agencies (LEAs) record in relation to individuals subject to an SCPO, leading to improved consistency of case management and information sharing between LEAs. The measures will also enhance LEAs' ability to closely monitor and disrupt the activities of persons subject to an SCPO, which will help to prevent serious crime from taking place.
152. Without government intervention to amend the current legal regime for SCPOs, the volume of High Court SCPOs may continue to be lower than Parliament anticipated when it passed the SCA 2007 and SCPOs may continue to be inconsistently monitored and enforced across LEAs, meaning that the public may be left inadequately protected from the threat of serious crime.

## **Policy objective**

153. The strategic objective is to disrupt those involved in serious and organised crime and reduce serious crime. Policy objectives are to improve: 1) the application process for SCPOs and thereby ensure more SCPOs are made in the full range of appropriate circumstances and 2) the ongoing monitoring and enforcement of SCPOs to enable closer management of those involved in serious crime.
154. This policy objective includes making it easier for frontline agencies (for example, those leading the investigation into the conduct which gave rise to the need for an SCPO, but not to any criminal proceedings) to apply to the High Court for an SCPO. A measure of success against this objective would be an increase in the number of applications made to the High Court for an SCPO.
155. This policy objective also includes allowing the Crown Court to make an SCPO following an acquittal for a serious offence, so that SCPOs are more easily available to frontline practitioners in these circumstances as appropriate. This would be based on evidence to satisfy the Crown Court that the offender was involved in serious crime, despite the acquittal (or successful appeal) in that specific case and that imposing the SCPO would

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<sup>35</sup> Proposals to strengthen and improve the functioning of Serious Crime Prevention Orders (SCPOs): <https://www.gov.uk/government/consultations/strengthening-the-law-enforcement-response-to-serious-and-organised-crime/impact-assessment-accessible#fn:15>. These figures are experimental, based on HMCTS management information and are not equivalent to official statistics published by the Ministry of Justice.

<sup>36</sup> PEEL - police effectiveness 2016 - His Majesty's Inspectorate of Constabulary and Fire & Rescue Services: <https://hmicfrs.justiceinspectors.gov.uk/publications/peel-police-effectiveness-2016/>

protect the public and prevent further serious criminality. A measure of success against this objective would be an increase in the number of applications made for an SCPO following acquittal or successful appeal for a serious offence.

156. Improving the application process for SCPOs should lead to a reduction in serious crime as it will lead to greater use of SCPOs. The greater number of SCPOs should prevent future serious crime by placing restrictions on those likely to commit serious offences. An indicator of success for this policy measure would be an increase in the number of SCPOs successfully applied for and enforced.
157. This policy objective includes increasing LEAs ability to closely and proactively monitor the activities of the highest-harm serious and organised criminals through electronic monitoring, and to provide well-informed evidence to the court in the event that the conditions of the SCPO are breached. A measure of success against this objective would be an increase in the use of electronic monitoring as a condition of an SCPO, and a subsequent increase in the number of detected breaches of an SCPO which are responded to by LEAs, as well as an increase in the number of prosecutions taken forward for breach of an SCPO.
158. This policy objective also includes ensuring greater consistency in the way individuals subject to an SCPO are managed and risk assessed by LEAs by standardising the information which they record in relation to the subject of an SCPO.

#### **Indicators of success**

159. A measure of success is that all LEAs with ownership of monitoring and enforcing SCPOs record the same information in relation to the subject of an SCPO. A further indicator of success would be a higher rate of compliance by individuals subject to these orders and a measurable reduction in serious criminal activities among those targeted.
160. Improving the ongoing monitoring and enforcement of SCPOs should lead to a reduction in serious crime as it will have a deterrent effect on individuals subject to an SCPO from breaching their order and will also lead to increased detection of breaches and prosecutions for breach.
161. Linked ToC Outcome: 2. OCGs' ability to operate is disrupted, both at the border and upstream / 3. Improved public safety.

#### **Measure 7: Interim Serious Crime Prevention Orders**

##### **Problem under consideration and rationale for intervention**

162. SCPOs issued by the High Court are not currently being used to maximum effect. Operational partners have emphasised that one reason for this underuse is the current time it takes to impose a High Court SCPO can be too slow in circumstances that require an urgent response, allowing offenders the opportunity to reorganise their criminal undertakings and destroy evidence. There is a gap in the current legislative framework in instances that require fast-paced action to prevent and disrupt serious and organised crime.

##### **Policy objective**

163. The policy objective of introducing an interim SCPO (ISCPO) is to provide immediate mitigation of potential risks and prevent harm to the public before criminal activities take place.

164. By imposing immediate restrictions on an individual, law enforcement agencies have additional time to gather further evidence for an application for a “full” order, or to continue their investigations in pursuit of a prosecution, whilst mitigating the threat posed by that individual and enable the disruption and/ or prevention of serious crime.

### **Indicators of success**

165. Indicators of success include ISCPOs being successfully applied for and enforced, a higher rate of compliance by individuals subject to these orders, and a measurable reduction in serious crime activities among those targeted. These improvements should contribute to a decrease in serious crime, enhancing public safety, and reducing associated economic and social harms.

166. Linked ToC Outcome: 2. OCGs’ ability to operate is disrupted, both at the border and upstream / 3. Improved public safety.

### **Measure 8: New offences to criminalise the making, adapting, importing, supplying, offering to supply and possession of articles for use in serious crime**

#### **Background**

167. The harm caused by serious and organised crime, including through drugs and firearms trafficking, child sexual abuse and exploitation, modern slavery, OIC, cyber-crime, money laundering and fraud is significant and ongoing. This measure improves the ability of law enforcement agencies to target those who facilitate serious criminality, leading to a reduction in offending, and ultimately a reduction in the economic and social costs of serious crime.

#### **Problem under consideration and rationale for intervention**

168. Law enforcement agencies are increasingly encountering individuals possessing tools or “articles” where there is a strong suspicion that they are being used for the purpose of serious crime.

169. It is not always possible to pursue individuals who make, modify, supply, offer to supply or possess such articles for use in serious crime under existing legislation, due to the difficulties in proving that the individual has the relevant state of mind to commit an offence. For instance, Part 2 of the SCA 2007 created a number of offences targeting acts that encourage or assist crime, however these offences require that it is proven that the accused believed or intended that an offence be committed – this can be difficult to do where suppliers keep a deliberate distance from the crimes they are facilitating.

170. Examples of such articles include vehicle concealments used to conceal and transport illicit goods, templates for 3D-printing firearms components and pill presses used in the supply of illegal drugs.

171. The manufacture and use of sophisticated vehicle concealments is a growing threat. These vehicle concealments are being used to transport illicit commodities such as drugs and firearms. In the three-year period from 2020 to 2023, the NCA seized 438 vehicles, about 150 of those were at the border. For those not at the border, the NCA had to demonstrate that there was criminal activity (drugs or guns found in them)<sup>37</sup>.

172. It has been reported that it is highly likely that hybrid firearm designs, where 3D printed components are combined with easily accessible metal non-firearms parts, represent

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<sup>37</sup> Figures provided by the NCA.

the most significant threat from 3D printing technologies in criminal firearms manufacture.<sup>38</sup> The number of UK law enforcement cases involving 3D printed firearms including metal parts increased from six in 2021 to 17 in 2022 and 25 in 2023.<sup>39</sup> As the quality of 3D printed weapons improves, it is highly likely that viable hybrid firearms will increasingly feature in UK criminality.<sup>40</sup>

173. It has also been identified that OCGs are using pill presses to manufacture illicit benzodiazepines. Reports of benzodiazepine availability and related harm in England have been increasing in recent years, notably in the Northeast, Northwest, and Southwest. The NCA seized 40 million illicit pills in a single raid in 2020, and the Metropolitan Police seized 150,000 pills of fentanyl in late 2023.<sup>41</sup> Such crimes are harmful and costly. The total cost of drugs to society is estimated to be £20 billion a year in England alone.<sup>42</sup>
174. Without intervention law enforcement agencies would continue to be limited in their ability to disrupt individuals who exploit technology, such as templates for 3D printed firearms, vehicle concealments, or pill presses, to facilitate serious crime.

### **Policy objective**

175. The offences seek to improve law enforcement's ability to target those who facilitate serious criminality by exploiting evolving technologies to support and profit from serious crime.
176. These offences are designed to strengthen how law enforcement agencies confront rapidly evolving tools and technologies which have few legitimate purposes and are being exploited by serious criminals. This offence would include a power under secondary legislation to amend and add to the list of specified articles to ensure that the list can be updated as serious crime evolves.
177. The offences will deter individuals from being involved in these activities, provide law enforcement with improved legal powers to disrupt individuals facilitating serious crime and reduce the associated societal damage caused by serious crime.

### **Indicators of success**

178. Indicators of success would include an increase in convictions of individuals who are involved in the possession or supply of the specific articles for use (or intended use) in serious crime, leading to a reduction in serious criminal offences being committed, and ultimately a reduction in the economic and social costs of serious crime.
179. Linked ToC Outcome: 2. OCGs' ability to operate is disrupted, both at the border and upstream / 3. Improved public safety.

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<sup>38</sup> Criminal Justice Bill, Public Bill Committee First Sitting, 12/12/23: [https://publications.parliament.uk/pa/bills/cbill/58-04/0010/PBC010\\_Criminal\\_1st-th\\_Compilation\\_14\\_12\\_2023.pdf](https://publications.parliament.uk/pa/bills/cbill/58-04/0010/PBC010_Criminal_1st-th_Compilation_14_12_2023.pdf)

<sup>39</sup> Figures provided by the NCA.

<sup>40</sup> This is an operational assessment provided by law enforcement partners.

<sup>41</sup> Criminal Justice Bill, Public Bill Committee First Sitting, 12/12/23.

<sup>42</sup> The total cost of harms related to illicit drug use in England was estimated at £19.3 billion in 2017 to 2018 - Dame Carol Black review of drugs (2020): [https://assets.publishing.service.gov.uk/media/5eafffed3bf7f65363e4fda/Review\\_of\\_Drugs\\_Evidence\\_Pack.pdf](https://assets.publishing.service.gov.uk/media/5eafffed3bf7f65363e4fda/Review_of_Drugs_Evidence_Pack.pdf). The updated figure only accounts for changes in inflation since 2017/18 and does not take into account any other changes, such as changes in prevalence.

## **Measure 9: Amending CT port powers to allow the police to take biometrics at a port in Scotland**

### **Background**

180. Schedule 7 to TACT 2000 and Schedule 3 of the Counter-Terrorism and Border Security Act 2019<sup>43</sup> provide counter-terrorism police officers with powers to detect, disrupt and deter terrorism and hostile activity at the border. An officer can stop, question, search and detain a person at a port or the border area in Northern Ireland for the purpose of determining whether the person appears to be a person who is, or has been, engaged in terrorism and hostile activity respectively. An officer can stop and question a person whether or not there are grounds for suspecting that person is, or has been, involved in terrorism or hostile activity.
181. Schedules 7 and 3 allow counter-terrorism police officers to take biometrics (non-intimate samples and fingerprints) to help confirm the identity of the individual stopped. Currently, the legislation restricts officers to taking biometrics at a police station in Scotland, a restriction that does not apply in England, Wales, and Northern Ireland where biometrics can be taken at port where a person is detained under these powers.

### **Problem under consideration and rationale for intervention**

182. Currently, biometrics can only be taken at a police station in Scotland and not at port, where a person will be detained under the powers. The requirement means that examination time (restricted to six hours) can be spent transporting an individual from port to the nearest custody suite, which can be a significant distance away and may not have available space. This can reduce the time available for questioning to determine the individual's involvement in terrorism or hostile activity. It also can mean individuals are detained for longer than necessary.
183. Following this change, counter-terrorism police in Scotland are likely to take more biometrics from those detained under the powers. These biometrics can be run against other biometrics holdings which could benefit wider criminal investigations. The Independent Reviewer of Terrorism Legislation (IRTL) made a recommendation to amend the powers to allow the taking of biometrics at port in a 2020 report.<sup>44</sup>

### **Policy objective**

184. Amend the legislation to remove any discrepancy between Scotland and the rest of the UK so that examining officers in Scotland can take biometrics at ports during Schedule 7 or Schedule 3 examinations.

### **Indicators of success**

185. The primary indicator of success will be biometrics being taken at ports rather than at police stations as part of Schedule 7 and 3 examinations.
186. A secondary indicator will be counter-terrorism police in Scotland taking more biometrics from those detained as a result of the removal of the requirement to take biometrics at police stations.

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<sup>43</sup> Counter-Terrorism and Border Security Act 2019: <https://www.legislation.gov.uk/ukpga/2019/3/contents>

<sup>44</sup> Independent Reviewer of Terrorism Legislation - The Terrorism Acts in 2020: <https://terrorismlegislationreviewer.independent.gov.uk/wp-content/uploads/2022/04/Terrorism-Acts-in-2020.pdf>

187. Linked ToC Outcome 1. Making the UK border an effective intervention point for OIC and other threats.

## **Pillar 4: Introducing measures to support and strengthen the UK's Asylum and Immigration System**

### **Measure 10: Repeal of the Safety of Rwanda (Asylum and Immigration) Act 2024**

#### **Background**

188. The Safety of Rwanda (Asylum and Immigration) Act 2024 was introduced following the Supreme Court judgment in *AAA and others* on 15 November 2023.<sup>45</sup> That judgment concluded that the Migration and Economic Development Partnership (MEDP) into which the previous government had entered with Rwanda, and under which individuals who entered the UK via dangerous, irregular, or unnecessary means would be relocated to Rwanda for asylum processing, was unlawful.

189. In response to this judgement, the previous government agreed the UK-Rwanda Treaty, which replaced the commitments agreed under the previous Memorandum of Understanding that had been considered by the Courts. The Act relied upon the protections agreed under the Treaty, which were intended to address the findings of the Supreme Court judgment and to advance the evidential position from that considered by the Court.

190. Ending the Treaty will formally bring to an end to the MEDP with Rwanda, delivering on the government's manifesto commitment.

#### **Problem under consideration and rationale for intervention**

191. The Safety of Rwanda (Asylum and Immigration) Act 2024, which this Act repeals, was passed based on the assurances set out in the UK-Rwanda Treaty, which featured as a key part of the rationale for departing from the Supreme Court's assessment in *AAA and others*. The government is not proceeding with removals to Rwanda, noting the exorbitant cost of the scheme as well as its significant operational challenges, as such the Safety of Rwanda Act is no longer needed, and it is proper that it should be repealed.

#### **Policy objective**

192. Repeal the Safety of Rwanda Act in its entirety, with the intention of formally terminating the UK-Rwanda Treaty and ending the MEDP.

#### **Indicators of success**

193. Repeal of previous legislation, in line with current Home Office objectives.

194. Linked ToC Outcome: 4. Improvements to the immigration and asylum system through increased: a) Efficiencies, b) Savings c) Powers of enforcement.

### **Measure 11: Repeal of parts of the Illegal Migration Act 2023**

#### **Background**

195. The previous government introduced the Illegal Migration Act, which received Royal Assent in July 2023. Its key provisions can be found on GOV.UK.<sup>46</sup>

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<sup>45</sup> R (on the application of AAA (Syria) and others) v Secretary of State for the Home Department (2023): <https://caselaw.nationalarchives.gov.uk/uksc/2023/42>

<sup>46</sup> Illegal Migration Act 2023 – Collection: <https://www.gov.uk/government/collections/illegal-migration-bill>

## **Problem under consideration and rationale for intervention**

196. The Illegal Migration Act 2023 included provisions which prevented asylum decision-making, increased the backlog of asylum cases awaiting an outcome and put impossible pressure on asylum accommodation with significant costs to taxpayers. The Act had largely not been commenced.
197. The clauses which have been retained enable the Home Secretary to determine how long to detain an individual for, disapply certain modern slavery provisions, provide flexibility for the deployment of First-Tier Tribunal and Upper Tribunal judges to meet demand, make certain asylum and human rights claims inadmissible for those from safe countries, provide for the ability to create a legislative cap on number of entrants using safe and legal routes, and clarify the additional behaviours that should be considered damaging to the credibility of an asylum or human rights claimant.

## **Policy objective**

198. The objective is to amend the legislation to repeal the duty to remove and associated provisions whilst retaining, including with amendment, measures which have operational benefit in support of a robust immigration and asylum system.

## **Indicators of success**

199. The indicator of success is a statute book that reflects government policy and supports a robust immigration and asylum system.
200. Linked ToC Outcome: 4. Improvements to the immigration and asylum system through increased: a) Efficiencies, b) Savings c) Powers of enforcement.

## **Measure 12: Detention and exercise of functions pending deportation**

### **Background**

201. Specific powers to detain a person who is subject to deportation action are set out in paragraph 2 of Schedule 3 to the IA 1971, and section 36 of the UK Borders Act 2007 (Automatic Deportation)<sup>47</sup>. The power to capture their biometrics is set out in section 7(c)(ii) of the Immigration Act 1999 and Regulation 2 of The Immigration (Collection, Use and Retention of Biometric Information and Related Amendments) Regulations 2021.<sup>48</sup> The power to search a person for nationality documents is set out in section 51 of the Immigration Act 2016.<sup>49</sup>
202. Deportation decision making is split into two parts: stage 1 and stage 2. A stage 1 deportation decision to make a deportation order notifies the individual that the Home Office has decided to make a deportation order against them and sets out the reasons why deportation is conducive to the public good. The stage 1 decision invites the person to raise any representations against deportation with the Home Office.
203. The power to detain a person who has been given notice of a decision to make a deportation order against them, pending the making of a deportation order, is under paragraph 2(2) of Schedule 3 to the IA 1971. This is provided that the Home Office has

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<sup>47</sup> UK Borders Act 2007: <https://www.legislation.gov.uk/ukpga/2007/30/contents>

<sup>48</sup> The Immigration (Collection, Use and Retention of Biometric Information and Related Amendments) Regulations 2021: <https://www.legislation.gov.uk/uksi/2021/772/contents/made>

<sup>49</sup> Immigration Act 2016: <https://www.legislation.gov.uk/ukpga/2016/19/contents>

served written notice of that decision in accordance with regulations made under section 105 of the Nationality, Immigration and Asylum Act 2002<sup>50</sup> (NIAA 2002).

204. Following the service of a stage 1 decision to make a deportation order and the consideration of any representations received in response, the Home Office will, where it is appropriate, serve a stage 2 deportation decision which will notify the person of the Home Office's conclusions on any representations made, including refusal of any Human Rights or Asylum claims and advising on any appeal rights.
205. A deportation order will be made following the Stage 2 decision (albeit in certain circumstances the deportation order may be served simultaneous with a stage 2 decision). The power to detain a person who has a deportation order made against them is under paragraph 2(3) of Schedule 3 to the IA 1971.
206. The requirement to take biometrics is necessary to effect removal. The amendments in this provision are aligned with the power to detain so that biometrics can be taken at the earliest opportunity.
207. The power to search a person for nationality documents is being amended so that the reference to the written notice which triggers it, where the Secretary of State is considering deportation action, is aligned with the power to detain.

#### **Problem under consideration and rationale for intervention**

208. Prior to the commencement of the Immigration Act 2014<sup>51</sup> (IA 2014), regulations made under section 105 of the NIAA 2002 required the giving of notice of an "immigration decision" to trigger the power to detain under paragraph 2(2) of Schedule 3 to the IA 1971. Following changes brought in under the IA 2014, those regulations required the giving of notice of an "appealable" decision.
209. This does not accord with the current practice in deportation case-working, where an initial decision to deport is made ('stage 1') and following any human rights or protection claim thereafter, a final decision to make a deportation order provided ('stage 2'). It is the stage 2 decision that carries a right of appeal. This clause clarifies that the trigger for the power to detain is at the earlier stage in the deportation process and is not tied to the appeals framework.
210. The clause provides retrospective statutory authority to the power to detain and to capture biometrics pending deportation. This is to preserve the consistency of decision making for historic and contemporary uses of the powers.

#### **Policy objective**

211. The Home Office considers it is operationally necessary in the interests of effective immigration control and public protection to retain and clarify the power to detain people liable to deportation on conducive grounds and capture their biometrics from the point the Home Office is considering making a deportation order against them. The previous drafting of the detention and biometric capture power did not clearly reflect the two-stage process when making a deportation order.
212. The legislative amendment provides comprehensive cover to permit use of the deportation detention power, subject to the Home Office giving written notice, from the

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<sup>50</sup> Nationality, Immigration and Asylum Act 2002: <https://www.legislation.gov.uk/ukpga/2002/41/contents>

<sup>51</sup> Immigration Act 2014: <https://www.legislation.gov.uk/ukpga/2014/22/contents>

point of considering making a deportation order, to having decided to make the order. As before, however, any such use of the power will be case specific.

### **Indicators of success**

- 213. Amendment of existing power, in line with Home Office objectives.
- 214. Linked ToC Outcome: 4. Improvements to the immigration and asylum system through increased: a) Efficiencies, b) Savings c) Powers of enforcement.

### **Measure 13: Increased Powers for the Immigration Services Commissioner**

#### **Background**

- 215. The Immigration Services Commissioner is a non-departmental arms' length body of the Home Office, established by the Immigration and Asylum Act 1999<sup>52</sup> (IAA 1999) to regulate the provision of immigration advice and services. The IAA 1999 specifies that no one can provide immigration advice and services unless they are a qualified person.
- 216. Qualified persons are those registered with the Commissioner or those who are authorised to provide immigration advice and services by other regulators or professional bodies such as the Solicitors Regulation Authority (SRA), the Law Society of Scotland, the Law Society of Northern Ireland, the Bar Standards Board (or Scottish and Northern Ireland equivalents), or the Chartered Institute of Legal Executives. A qualified person is also someone acting under the supervision of a person registered or regulated as above.
- 217. The Commissioner assesses those who provide immigration advice to ensure they are fit and competent to provide immigration advice and services, by inspecting the organisations, and investigating complaints. They also enforce the regulatory regime by investigating and, where appropriate, prosecuting those providing immigration advice illegally. The Commissioner protects the vulnerable from the risks and dangers of illegal advice or poor service and works to improve the quality of advice.
- 218. The Commissioner plays a vital role to help safeguard the integrity of the immigration system, protect advice seekers from poor advice and ensure good standards of advice which in turn improves the quality of applications received by the Home Office.

#### **Problem under consideration and rationale for intervention**

- 219. The current range of sanctions available to the Commissioner for registered advisers is restricted to cancel or suspend advisers in limited circumstances, with further limited ability to take further action against registered advisers to act as a deterrent on poor behaviour, or to improve standards of behaviour. This means that the Commissioner is not in the same position as other regulators, particularly the SRA, in using sanctions against its registered advisers.
- 220. In relation to the governance structure for the Immigration Services Commissioner, the IAA 1999 provides that the Commissioner and Deputy Commissioner term of office is for five years. There is currently no power to extend any existing term of office on a short-term basis, should the need arise, or to appoint for a term of less than five years. This limits opportunities to respond to changing events, by way of any interim appointment. The whole regime is based upon there being an Immigration Services

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<sup>52</sup> Immigration and Asylum Act 1999: <https://www.legislation.gov.uk/ukpga/1999/33/contents>

Commissioner and Deputy in post, and should both the roles be vacant simultaneously, the majority of regulatory activities would have to cease.

221. The measures seek to extend existing powers to ensure the Commissioner is a modern, efficient and flexible regulator equipped to meet the challenges of effective regulation and enforcement of immigration advice and services. The intention is that improved regulation of the advice sector will safeguard the integrity of the immigration system, protect advice seekers and improve the quality of applications received by the Home Office. The approach in amending primary legislation does not seek to impose further sanctions on businesses that operate within the current regulations, only to increase the Commissioner's powers to act against those who breach current regulations.

### **Policy objective**

222. The measures will:

- a) Address a lack of flexibility within primary legislation by which different types of immigration advice can be brought in and out of regulatory oversight.
- b) Increase the power to disrupt by creating a power for the Commissioner to impose immediate suspension of regulated advisers when high harm activity is suspected.
- c) Ensure that individuals with specific sanctions (and who have been disqualified or had their registration cancelled) cannot provide immigration advice under the supervision of a regulated individual to avoid the requirement to be registered and still practice.
- d) Introduce the power to impose civil monetary penalties on unregulated advisers (in addition to existing powers to prosecute) and on those providing legal advice who are regulated by the Commissioner should they breach legislative requirements or the standards set out in the code.
- e) Ensure the Commissioner has a more flexible governance structure, enabling the organisation to continue to effectively regulate immigration advice.
- f) Create greater flexibility in the charging regime, to facilitate cost recovery of regulation and enable greater operational flexibility.
- g) Create a mechanism to compel cooperation with investigations and require compensation and/or fee refunds for advice seekers from advisers, both regulated and unregulated, who harm their clients.
- h) Reduce the gap in regulatory oversight if the Commissioner becomes unable to fulfil their duties by making amendments to the governance structure.

223. The measures for monetary penalties, compensation and immediate suspension will come with a right of appeal to the First-tier Tribunal, in line with current processes for sanctions from the Commissioner.

224. Measures in the Act are necessary to achieve the above.

### **Indicators of Success**

225. The intended outcomes include:

- a) Deterring those who seek to operate outside of regulation due to the Commissioner's extended range of powers;

- b) Swifter action to prevent those who pose a real threat to advice seekers from operating due to no longer being solely reliant on prosecution;
- c) A reduction in instances of repeat offences by low level and mid-level offenders where prosecution is not viable or is disproportionate;
- d) The possibility of redress by virtue of fee refunds or compensation, meaning an increased number of complaints made by advice seekers who have received poor immigration advice;
- e) Better identification of breaches which lead to faster disruption action, reducing the number of advice seekers harmed by poor advice;
- f) Earlier disruption meaning less resources spent intensive costs to the Commissioner and government in terms of later stage investigations;
- g) More parity with other regulators to allow the Commissioner to respond in a comparable way and deal with those who seek to abuse existing gaps;
- h) An improvement in standards of advice due to an increased range of sanctions which act to ensure greater compliance with the regulatory regime by registered advisers;
- i) Increased vigilance on the regulated sector, with a reduction in breaches of 'fitness' codes following inspections and complaint investigations, and significant reduction in repeat findings of such breaches;
- j) A focus on ensuring good standards of advice coupled with appropriate measures to deal with those who seek to abuse the immigration system leading to greater awareness among the general public of the importance of seeking good, regulated immigration advice and improving public confidence in the immigration advice sector;
- k) Removal of the incentive of financial gains made by those providing poor or unregulated advice;
- l) The continued function of the regulatory regime in the event there is a gap in recruitment of a permanent Commissioner or Deputy Commissioner.

226. Linked ToC Outcome: 4. Improvements to the immigration and asylum system through increased: a) Efficiencies, b) Savings c) Powers of enforcement.

*For more information on this measure and its expected impacts, please see the 'Increased powers for the Immigration Services Commissioner: impact assessment' (published 07/05/2025).<sup>53</sup>*

## **Measure 14: Extension of personnel who can take biometric information**

### **Background**

227. Section 141(5) of the IAA 1999 sets out who is authorised to enrol the biometrics of certain foreign nationals in the UK. This is currently limited to police officers, immigration officers, prison officers, an officer of the Home Secretary authorised for the purpose, or a person who is employed by a contractor in connection with the discharge of the

<sup>53</sup> Increased powers for the Immigration Services Commissioner: impact assessment - GOV.UK: [https://assets.publishing.service.gov.uk/media/681b869e9ef97b58cce3e55d/IA-ISC\\_Measures\\_Report\\_Stage-signed.pdf](https://assets.publishing.service.gov.uk/media/681b869e9ef97b58cce3e55d/IA-ISC_Measures_Report_Stage-signed.pdf)

contractor's duties under a removal centre contract. This restricts who is authorised to take biometric information in the form of facial images and fingerprints.

### **Problem under consideration and rationale for intervention**

228. There have been situations where the Home Office has needed to enrol the biometrics of many foreign nationals, over a short period of time. For example, enrolling biometrics of foreign nationals arriving in the UK on small boats. The department has been unable to use contractually employed staff at Short-Term Holding Facilities (STHFs) to assist in enrolling the biometrics of foreign nationals arriving in the UK on small boats because the current legislation only allows those on the list of authorised persons to do so.
229. Those arriving via irregular means are often taken to STHFs to enable the department to process them before deciding whether to bail or detain them. Similarly, during the evacuation from Afghanistan in August 2021, the current limits on who could enrol biometrics created delays at arrival ports when processing new arrivals.

### **Policy objective**

230. To ensure Detention Custody Officers (DCO) at STHFs take biometric information and to provide greater flexibility on who can be asked to enrol biometrics in times of crises or where circumstances require new cohorts to be covered.

### **Indicators of success**

231. Indicators of success would include improved management of future demand surges and a measurable reduction in the time migrants spend in Immigration Removal Centres or STHFs. It would also enable the government to better prepare for future situations where there is a need to capture biometrics from large numbers of people in a short timeframe.
232. Linked ToC Outcome: 4. Improvements to the immigration and asylum system through increased: a) Efficiencies, b) Savings c) Powers of enforcement.

## **Measure 15: Collection of biometrics outside of a visa application process**

### **Background**

233. The IA 1971 subjects certain foreign nationals to a permission-based regime for entering and remaining in the UK. Current legislation requires a person to apply for an immigration permission before the collection of biometric information (for example, fingerprints and facial features) becomes engaged.

### **Problem under consideration and rationale for intervention**

234. In considering whether to facilitate a person's exit from a country, the government currently faces three options: refusing unless they complete a visa application form and submit biometrics at a visa application centre (which may not be available in that location), proceeding without conducting those checks, or providing no support at all. This limitation creates border security risks if individuals are supported to exit without biometric checks being undertaken in advance.
235. There are also operational challenges with the current framework where timelines and infrastructure in a crisis situation do not support individuals completing online visa application forms, particularly when timely identification of individuals is essential to mitigate risks to national security or border security, and diplomatic relationships.

236. Under the current framework, biometric data collection is tied to an application for entry clearance, which needs to be completed online. This process is not usually practical during evacuations, or other critical situations where decisions need to be made at pace on the risk to individuals and the government. It also does not account for those who, whilst wishing to be supported to exit a country, have no intention to travel on to the UK. It can also hinder the government's ability to make informed decisions about providing support or facilitating movement. The requirement to link biometric enrolment to a visa application could result in:
- a) Insufficient time to capture and check biometrics;
  - b) Increased risks to UK personnel and operations;
  - c) A person who presents a known risk to the UK, or UK interests being supported to exit a country, or travel to the UK;
  - d) Potential reputational damage if individuals of concern are inadvertently supported; and
  - e) Challenges in preventing the exploitation of evacuation operations for irregular migration.

### **Policy Objective**

237. The measure will establish a legislative power that decouples biometric collection from the need for an immigration application. This will allow the UK government to gather and analyse biometric data during evacuations or other crisis situations, irrespective of the individual's intention to travel to the UK. The objective is to enhance risk management by identifying individuals of concern early and ensuring informed decisions are made about facilitating their movement.
238. This measure directly supports the UK's broader immigration and national security goals, particularly in safeguarding evacuation operations and protecting diplomatic relationships. The introduction of this measure would have significant operational and strategic benefits, including:
- a) **Strengthened Border Security:** Enabling real-time biometric checks against UK and international databases, providing a robust mechanism to identify individuals with adverse histories or risks, even if they are not applying for entry to the UK. By enabling biometrics collection outside the visa process, the UK can proactively identify individuals who may pose security or immigration risks. This will reduce the likelihood of high-risk individuals exploiting evacuation operations or other government support.
  - b) **Operational Efficiency:** Decoupling biometrics from immigration applications will streamline processes, reduce delays, and ensure timely identification of individuals, improving the UK's response capabilities during crises.
  - c) **Diplomatic Safeguards:** Early identification of individuals of concern will mitigate risks of reputational damage and ensure the UK maintains strong diplomatic relationships during sensitive operations.

### **Indicators of success**

239. Success would be measured through the increased collection of biometrics during an evacuation or other appropriate event where government needs to facilitate the

movement of foreign nationals. The ambition would be the collection of the biometrics of 100 per cent of those physically able to do so in these circumstances, subject to operational capacity on the ground. This will include the identification of anyone with adverse biometric results.

240. Linked ToC Outcome: 4. Improvements to the immigration and asylum system through increased: a) Efficiencies, b) Savings c) Powers of enforcement.

## **Measure 16: Conditions on limited leave to enter or remain and immigration bail**

### **Background**

241. Where a foreign national poses a threat to the public but cannot be removed from the UK because of obligations under domestic and international law, they are granted permission to stay. This may be due to concerns over safety of individuals upon return to their home country. Currently the Home Office does not have the ability to impose the same conditions which can be imposed on a person on immigration bail, irrespective of the threat posed by the person.

### **Problem under consideration and rationale for intervention**

242. Existing legislation allows for conditions such as electronic monitoring, curfews, inclusion zones and exclusion zones to be imposed when setting conditions of immigration bail. Such conditions cannot currently be imposed on those granted permission to enter or stay. This means those tools are unavailable to protect the public from those foreign nationals deemed to be a threat to the public and who cannot be removed.

243. The rationale for intervention is a potential threat posed by high-risk foreign nationals, whose actions could result in harm to individuals or broader societal costs. This measure aims to mitigate that risk by providing for individuals to be subject to conditions such as electronic monitoring if deemed appropriate on a case-by-case basis.

### **Policy objective**

244. The measure aligns the conditions that can be imposed on a grant of permission to enter or stay with those available when setting conditions of immigration bail. The objective is to increase the number of foreign nationals who could have these conditions imposed when necessary to reduce threat to national security or public safety.

### **Indicators of success**

245. Success would be a reduction in risk of harm to the public perpetuated by those deemed a threat but who cannot be removed from the UK.

246. Linked ToC Outcome: 3. Improved public safety / 4. Improvements to the immigration and asylum system through increased: a) Efficiencies, b) Savings c) Powers of enforcement.

## **Measure 17: EU Settlement Scheme (EUSS) – rights of entry and residence**

### **Background**

247. Article 10 of the Withdrawal Agreement (WA) provides that an EU citizen is within its personal scope, and able to rely directly on the rights in Title 2 of Part 2 once they have obtained EUSS status, where they were residing in the UK in accordance with EU law immediately before the end of the transition period at 11pm on 31 December 2020.

Broadly speaking, this means that they were then a worker, a student or a self-sufficient or self-employed person in the UK in accordance with the Citizens' Rights Directive 2004/38/EC (CRD) or they had acquired a right of permanent residence in the UK under the CRD, generally after five years of such qualifying activity. A relevant family member of an EU citizen is in scope of Article 10 of the WA where the EU citizen is.

248. To simplify its operation for applicants and caseworkers and to ensure that all EU citizens who had made the UK their home could remain here, the EUSS is more generous than is required by the WA and generally does not test whether an applicant was residing here in accordance with EU law immediately before the end of the transition period.

### **Problem under consideration and rationale for intervention**

249. This means that two cohorts of EU citizens (and their family members) have status under the EUSS:<sup>54</sup>

- a) those who are in scope of the WA as they were, for example, economically active or self-sufficient in the UK immediately before the end of the transition period or previously had been for at least five years (the 'true' cohort); and
- b) others granted EUSS status because they were continuously resident in the UK immediately before the end of the transition period (the 'extra' cohort, sometimes referred to as 'technical non-exercisers').

### **Policy objective**

250. The Act will confirm that the 'true' and 'extra' cohorts have equal rights in the UK. It will mean that all EU citizens, and their family members, with status under the EUSS will be treated as being a beneficiary of the WA, meaning that, by virtue of section 7A of the EU (Withdrawal) Act 2018, they will benefit as a matter of UK law from the rights in Part 2, Titles I, II and IV of the WA and will be able to rely directly on those rights, for as long as they hold EUSS status. This will be irrespective of whether the EU citizen was residing in the UK in accordance with EU law immediately before the end of the transition period.

### **Indicators of success**

251. As the EUSS does not differentiate between the 'true' and 'extra' cohorts, it is not possible to quantify the impacts of the change. It will confirm in UK law the approach which the UK has already taken as a matter of policy since the end of the transition period.

252. In effect, any distinction between the 'true' and 'extra' cohorts that may exist in UK law will be removed, meaning that both are to be treated equally as, in UK law, a beneficiary of the WA.

253. It does not widen the scope of the EUSS, change the EUSS application process or make it easier to obtain settlement in the UK. Nor does it amend the habitual or ordinary residence test applied by spending departments in respect of eligibility for benefits and services. It will mean that an EU citizen or their family member with EUSS status can

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<sup>54</sup> There is a further cohort of people granted status under the EUSS, who are not EU citizens or family members of EU citizens. Their rights relate to a relationship with a British citizen and do not derive from the WA or their relationship with an EU citizen. They are not within the scope of this measure.

rely on the direct effect of the EU Charter even if they are outside the scope of Article 10 of the WA.

254. Linked ToC Outcome: 4. Improvements to the immigration and asylum system through increased: a) Efficiencies, b) Savings c) Powers of enforcement.

## **Measure 18: Right to Work**

### **Background**

255. Employers have been required to carry out prescribed right to work checks prior to employing someone (the Right to Work Scheme) since 2008.<sup>55</sup> These checks are carried out on all employees regardless of a person's nationality, for example including British citizens.

### **Problem under consideration and rationale for intervention**

256. The Right to Work Scheme applies only to individuals classified as an 'employee'. This means employers of 'workers' and 'self-employed' individuals have no responsibility to ensure work is carried out by individuals with a right to work in the UK. This long-standing, narrow scope has been brought into sharp focus by developments in the modern labour market, such as agency workers and casual contract arrangements in the gig economy.

### **Policy objective**

257. To strengthen right to work checks by extending the scope of employers and businesses required to carry out checks to prevent illegal working. This will include a requirement for organisations to carry out 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 clients or customers for remuneration.

258. To create parity in the labour market in relation to the legal requirement on businesses to prevent illegal working by confirming a person's right to work.

### **Indicators of success**

259. An indicator of success is increased business compliance and understanding of the rules of the Right to Work Scheme.

260. Linked ToC Outcome: 4. Improvements to the immigration and asylum system through increased: a) Efficiencies, b) Savings c) Powers of enforcement.

*For more information on this measure and its expected impacts, please see the Extension of prohibition on employment to other working arrangements: impact assessment (published 07/05/2025)<sup>56</sup>.*

## **Measure 19: Statutory timeframe for the First-tier Tribunal Immigration & Asylum Chamber Appeals**

### **Background**

261. The current process for immigration and asylum appeals takes a significant amount of time. There are large numbers of cases already in the system waiting for a hearing and

<sup>55</sup> Sections 15 to 25 Immigration, Asylum and Nationality Act 2006 - GOV.UK: <https://www.legislation.gov.uk/ukpga/2006/13/section/15>

<sup>56</sup> Extension of prohibition on employment to other working arrangements: impact assessment - GOV.UK: [https://assets.publishing.service.gov.uk/media/681b86c93f1c73824ee3e561/Illegal\\_Working\\_-\\_Regulatory\\_Impact\\_Assessment\\_07052025.pdf](https://assets.publishing.service.gov.uk/media/681b86c93f1c73824ee3e561/Illegal_Working_-_Regulatory_Impact_Assessment_07052025.pdf)

an outcome, whilst significant additional cases continue to enter the system. The average length of an appeal in the First Tier-Tribunal of the Immigration & Asylum Chamber (FTT-IAC) from receipt to disposal during the pre-pandemic period (November 2018 to November 2019) ranged from 28 weeks to 40 weeks. However, figures from June 2025 show a significant increase with the average length of an appeal in the FTT-IAC from receipt to disposal increasing to an average of 54 weeks.

### **Problem under consideration and rationale for intervention**

262. The number of asylum seekers requiring accommodation is also at record levels. As a result, the Home Office is reliant upon the growing use of temporary accommodation for asylum seekers to address the immediate need to fulfil its statutory duties whilst necessary longer-term accommodation is secured. This is not only costly for the taxpayer, but it is also detrimental for the individuals concerned, who can face unique health and wellbeing impacts from being housed in temporary asylum accommodation on a long-term basis.
263. Lengthy appeal times also mean that FNOs who are currently in the community, but are liable to deportation, can wait for a significant amount of time for their appeal to be resolved due to this caseload, but, a decision made by the Secretary of State to make a deportation order in respect of a person is a decision that removal from the UK is conducive to the public good and in the public interest.
264. It is also in the public interest to achieve deportation of relevant individuals as quickly as possible. This includes enabling the statutory functions around deportation to be fulfilled as quickly as possible. It is a central part of the government's policy on immigration to speed up removals and deportations.

### **Policy objective**

265. The Act seeks to address the above problems by setting a statutory timeframe requiring the Tribunal to determine appeals from those in receipt of asylum support accommodation and from non-detained FNOs within 24 weeks from the day after the appeal is lodged, unless not reasonably practicable.
266. It is anticipated that both measures will increase the number of supported and non-detained FNO appeals disposed of by the Tribunal annually. In turn, the department expects this to lead to a higher rate of exits from hotels, an easing of pressure on the public purse, and reassurance to the public that deportation of FNOs in the community will be achieved as quickly as possible.

### **Indicators of success**

267. Success would be an increase in the number of supported and non-detained FNO appeals disposed of annually.
268. Linked ToC Outcome: 4. Improvements to the immigration and asylum system through increased: a) Efficiencies, b) Savings c) Powers of enforcement.

## **Measure 20: Refugee Convention – particularly serious crime**

### **Background**

269. Article 33(2) of the Refugee Convention allows for refugees to be excluded from the protection against refoulement where there are reasonable grounds for regarding them as a danger to the security of the UK. A refugee may also be excluded if, having been

convicted by a final judgment of a 'particularly serious crime', they constitute a danger to the community in the UK. The test for the second part of Article 33(2) is implemented by section 72 of the NIAA 2002.

270. Currently a 'particularly serious crime' for these purposes is interpreted as being when a person is convicted by a final judgment and sentence to a period of imprisonment of at least 12 months. There is a presumption that such a person constitutes a danger to the community of the UK (but this presumption is rebuttable).

### **Problem under consideration and rationale for intervention**

271. The Government has set out an unprecedented mission to halve violence against women and girls (VAWG) in a decade. To achieve this, work is ongoing across government to ensure every department is playing its part. For the Home Office, this includes ensuring there are effective measures in place to protect the public from VAWG and those who pose a risk, and that the UK's border and immigration system is as robust as it can be in this regard.
272. The Act strengthens the current provisions by creating a new presumption that 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.
273. While all sexual offences are serious, the offences as set out in Schedule 3 are focused on the most serious sexual offenders. Parliament has already debated that the offences contained within Schedule 3 are serious enough to warrant the imposition of the notification requirements. Parliament has debated these issues and considered that these offences sit in a unique category, not least given the effect they have on victims and communities.

### **Policy objective**

274. At present, individuals who commit a sexual offence and receive a sentence of under 12 months are not considered to be 'particularly serious under section 72. This includes individuals who have caused harm and committed abhorrent offences against women and girls but fall below the current threshold for exclusion (for example given a suspended sentence or a sentence of imprisonment under 12 months).
275. The measure strengthens current provisions by bringing convictions for Schedule 3 sexual offences into scope for consideration of exclusion from the protections of the Refugee Convention.
276. By their very nature, sexual offences, and especially particularly serious sexual offences (those which give rise to the notification requirements), can have very serious impacts on victims, as well as having a negative impact on the overall fabric of society. Where such offences are committed by asylum seekers or refugees, they can also have a corrosive effect on social cohesion and public perceptions of the asylum system and of asylum seekers, including the overwhelming majority who do not commit such offences.
277. The Home Office recognises the devastating impact of sexual violence on victims and our communities and are absolutely committed to tackling sexual offences and halving VAWG in a decade.

## Indicators of success

278. Indicators of success would be an increase in the number of individuals considered for exclusion from the Refugee Convention.
279. Linked ToC Outcome: 3. Improved public safety / 4. Improvements to the immigration and asylum system through increased: a) Efficiencies, b) Savings c) Powers of enforcement.

## Measure 21: Retrospective authority for fees relating to English language and UK and overseas qualifications

### Background

280. The Home Office V&N service assesses the comparability of overseas qualifications with those obtained in the UK and assesses whether a qualification obtained overseas meets English language requirements for certain work and study visa routes and citizenship applications. The requirement to use these services has been set out in the Immigration Rules and certain nationality legislation for a number of years. The Home Office Immigration Rules require an applicant applying for a visa to demonstrate proficiency in English Language at a specified level.
281. This can be demonstrated in a number of ways, one of which is to use an academic qualification taught in English awarded by a university or an educational establishment outside of the UK. Certain individuals making applications under Appendix Skilled Worker or Appendix High Potential Individual are required by the Immigration Rules to obtain verification that their qualification meets the required standard, using a service operated by a third-party supplier on behalf of the Home Office.
282. The third-party supplier also provides the following two services on behalf of the DfE:
- a) **The DfE UK ENIC Services (“The DfE UK ENIC services”)**: The UK is required under international law to provide: a national information centre that facilitates access to information about higher education and qualifications, and a recognition service that evidences the comparability of overseas qualifications with those of the UK. The UK ENIC service fulfils these functions. A range of sectors in the UK economy recruit qualified staff from overseas and require a means of understanding and verifying applicants’ overseas qualifications. The UK ENIC service also provides information about, and the recognition of, UK qualifications.
  - b) **The non-UK Early Years Qualifications Recognition Service (“The DfE EY Service”)**: The DfE EY service assesses early years (EY) qualifications obtained outside of the UK against qualifications criteria applicable to EY providers in England. This service is mandatory for those seeking to rely on non-UK qualifications to work within staff:child ratios in EY settings in England.
283. Note: Both individuals and organisations (such as universities, professional bodies and Early Years providers) access these three services.

### Problem under consideration and rationale for intervention

284. During a re-procurement exercise, it was identified that there was a lack of statutory authority for the fees charged for the HO V&N service and the DfE EY service. DfE considers the UK ENIC services to be ‘commercial’ (as defined in ‘Managing Public

Money')<sup>57</sup> and not requiring statutory authority, but DfE has concluded that there is a legitimate alternative analysis.

285. As such, it has been decided to make statutory provision for charging for relevant services, and to include them within this measure. In the absence of any intervention to ensure the validity of these fees, the government may be liable to refund the cost of fees charged to date.

### **Policy objective**

286. The legislation will mitigate the risk that service users who have been charged fees - for which there was no statutory authority - would bring restitution claims against the government, which could result in those historic costs being transferred to the taxpayer. The proposal is justified on the basis that the service users have received the benefit of the services for which they have been charged, and which have been evaluated as being of a high standard. Service users will incur no additional burden from this measure but will be unable to recover fees paid for the services in the past.

287. This is justified as a proportionate means of achieving the legitimate aims of ensuring that the legislative position is clear and certain. This ensures that taxpayer funding is not diverted from government priorities to repay these fees (the levels of which were agreed by the government and are in line with future charges) and protects the taxpayer from the risk of successful restitution claims for fees paid for services that users have received. Specifically given the practical difficulties and significant financial impacts associated with the alternative of establishing a repayment scheme.

288. Any repayment scheme would require each request to be assessed and verified before any payment can be processed which, given the volume of applications, would require substantial resource over a prolonged period to manage effectively. The proposal is also consistent with guidance on 'Managing Public Money', which makes clear that government should, where possible, recover the costs of the services it provides.

289. In respect of the Home Office V&N service, there is a risk that without this legislation, resources and substantial taxpayer funding would need to be diverted from priorities to strengthen the UK's wider immigration and asylum system, including measures to protect it against abuse, to operate and fund a repayment scheme.

### **Indicators of success**

290. An indicator of success would be that no taxpayer funding is diverted from government priorities to repay the fees charged for the Home Office V&N service, the DfE UK ENIC Services and the DfE EY service.

291. Linked ToC Outcome: 4. Improvements to the immigration and asylum system through increased: a) Efficiencies, b) Savings c) Powers of enforcement.

### **Groups affected**

292. The Act will impact a variety of groups, including:

#### **Individuals**

- Illegal migrants.
- Advice seekers and their families.

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<sup>57</sup> Managing public money: <https://www.gov.uk/government/publications/managing-public-money>

- Past service users of the Home Office Visas and Nationality Service, the DfE UK ENIC Services and the non-UK Early Years Qualifications Recognition Service.
- Members of the public involved in serious crime.
- Individuals subject to a Serious Crime Prevention Order.

### **Businesses**

- Suppliers of articles with links to serious and organised crime, including OIC.
- Organisations, businesses and communities impacted by serious and organised crime.
- Providers of immigration advice.
- Businesses and individuals who legitimately make, modify, supply, possess, or are otherwise involved in the use of articles which may be captured by the serious and organised crime article offence.
- Social media companies.
- Businesses, educational institutions, and professional bodies that have used the Home Office Visas and Nationality Service, the DfE UK ENIC Services or the non-UK Early Years Qualifications Recognition Service in the past.
- Businesses impacted by the new requirement to conduct right to work checks on individuals they employ under a worker's contract or as individual sub-contractors and online matching services that provide details of service providers to potential clients or customers for remuneration.

### **Public Sector**

- Home Office
  - Immigration Enforcement.
  - UK Border Force.
- National Crime Agency.
- Ministry of Justice (MoJ)
  - HM Courts & Tribunals Service.
  - Crown Prosecution Service.
  - His Majesty's Prisons and Probation Service.
  - All other organisations within the Criminal Justice System.
- Serious Fraud Office
- Law Enforcement Agencies (LEAs) across the UK and members of these agencies.
- UK intelligence agencies and members of the UK intelligence agencies.
- Devolved governments.
- HM Revenue & Customs.
- Foreign Commonwealth and Development Office.

- Department for Work and Pensions.
- Department for Education.
- Department for Digital, Culture, Media and Sport.
- Department for Transport (DfT).
- Driver and Vehicle Licensing Agency.
- Ministry of Defence.
- Department for Environment, Food and Rural Affairs.
- Department for Health and Social Care.
- The Cabinet Office.
- Legal Aid Agency.

### Measure-specific public consultation

293. Public consultation was undertaken for the following measures:

294. **Sharing of trailer registration information:** In 2021, DfT undertook a formal public consultation on the collection of an additional data field on ‘trailer types’ as part of the trailer registration scheme. Their consultation document<sup>58</sup> made explicit mention of trailer registration data providing an improved link between the registration and the trailer, making clear that it will also help when trailer registration information is used for the purposes of ‘detecting crimes such as goods or people smuggling’.
295. Analysis of the responses to that consultation suggested support for the measure. In their Explanatory Memorandum<sup>59</sup> to the Statutory Instrument<sup>60</sup> implementing the changes in 2021, DfT reiterated the point about trailer information being used for the purposes of ‘detecting crimes such as goods or people smuggling’.
296. The Home Office followed that with informal engagement with a targeted group of trailer-user representative organisations (with members drawn from across the UK) who were either contacted by, and/or were respondents to, the DfT’s consultation. It ran for five weeks, 6 Sept to 11 Oct 2021. A document was shared with the latter group setting out the proposition. Responses were encouraging, raising no issues of concern or opposition to the measure.
297. In parallel, the Home Office consulted with the Information Commissioner's Office (ICO) in accordance with Article 36(4) UK General Data Protection Regulation (GDPR) to take their advice on data protection regulatory matters arising out of the creation of a new data sharing gateway. The ICO advised in writing (Spring 2022) that they were comfortable that the risks associated with the data processing activity proposed had been sufficiently managed and that no further consultation with the ICO was required unless there was a high-risk change to the proposal.

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<sup>58</sup> Amending the UK trailer registration scheme - GOV.UK: <https://www.gov.uk/government/consultations/amending-the-uk-trailer-registration-scheme-altering-inspector-location-removing-further-inspection-fee-and-addition-of-trailer-type-information/amending-the-uk-trailer-registration-scheme>

<sup>59</sup> The Trailer Registration (Amendment) Regulations 2021: [https://www.legislation.gov.uk/uksi/2021/1043/pdfs/ukxiem\\_20211043\\_en.pdf](https://www.legislation.gov.uk/uksi/2021/1043/pdfs/ukxiem_20211043_en.pdf)

<sup>60</sup> The Trailer Registration (Amendment) Regulations 2021: <https://www.legislation.gov.uk/uksi/2021/1043/made>

298. As regards to the bodies that would be proposed for the disclosure and use of the trailer data, the Home Office has regularly and positively consulted with the DVLA and lead policy officials in the DfT since 2020. The Home Office has also engaged with the National Police Chiefs' Council, HMRC, NCA, the sponsor departments for (and with) the Civil Nuclear Constabulary (BEIS/DESNZ), Ministry of Defence Police and the Service Police (MOD), British Transport Police (DfT), and ports police (DfT). Since 2021 engagement has been undertaken with Police Scotland and Scottish Government officials, Police Service of Northern Ireland and the Department of Justice (NI) officials, the Crown Dependencies and Gibraltar.
299. **SCPOs and serious and organised crime articles offence:** At the beginning of 2023, the previous government launched a public consultation to seek views on the serious and organised crime-related proposals.<sup>61</sup> During the eight-week public consultation, the government heard from those who may be impacted by these proposals should they become law, including law enforcement agencies, businesses, legal professionals and members of the general public, as well as non-governmental organisations with a focus on civil liberties and human rights. The previous government published its response to this consultation in November 2023.<sup>62</sup>
300. **Right to Work:** A six-week public consultation on extending the Right to Work Scheme to other working arrangements ran from 29 October 2025 to 10 December 2025, which provided businesses with the opportunity to help shape the guidance and the statutory codes of practice.<sup>63</sup> The consultation sought views on how this change should be operationalised and enforced, and how processes can be simplified to make it easier for employers to fulfil their responsibilities. The government response to the consultation is expected to be published in due course.

## Description of options considered

301. The government has two options:
302. **Option 0:** 'Do nothing': Do not implement the proposals outlined in the Border Security, Asylum and Immigration Act.
303. In the 'Do nothing' option the Act is not implemented and the existing Home Office plans to manage illegal migration will be continued. There would be no additional costs for either setting up or running the proposed Act processes.
304. **Option 1:** Full implementation of the Act in which all measures outlined in this impact assessment are introduced. **This is the government's preferred option**, as it meets the strategic and policy objectives to disrupt OIC groups and strengthen the Home Office response to border security. A full set of options is set out in Section 1 of the impact assessment.

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<sup>61</sup> Consultation document (accessible) - GOV.UK: <https://www.gov.uk/government/consultations/strengthening-the-law-enforcement-response-to-serious-and-organised-crime/consultation-document-accessible>

<sup>62</sup> Summary of consultation responses and conclusion (accessible) - GOV.UK: <https://www.gov.uk/government/consultations/strengthening-the-law-enforcement-response-to-serious-and-organised-crime/outcome/summary-of-consultation-responses-and-conclusion-accessible>

<sup>63</sup> Open consultation: Extending the Right to Work Scheme – GOV.UK: <https://www.gov.uk/government/consultations/extending-the-right-to-work-scheme>

## Preferred option and implementation date

305. The government's preferred option is **Option 1**: full implementation of the Act, as appraised in this impact assessment. The NPSV Section sets out the approach to appraisal. This appraisal considers the impact of the Act measures within the existing operating system.
306. Subject to Parliamentary approval, the measures contained within the Act will be implemented following Royal Assent.

## NPSV: monetised and non-monetised costs and benefits of each shortlist option (including administrative burden)

### Costs

#### Set-Up Costs

**Table 1: Outline of the set-up costs (£ millions, 2025/26 prices)**

	Low	Central	Upper
<b>Pillar 1 Total</b>	-	-	-
Statutory Footing	-	-	-
<b>Pillar 2 Total</b>	-	-	-
Sharing of customs information by HMRC	-	-	-
Sharing of trailer registration information	-	-	-
<b>Pillar 3 Total</b>	<b>0.2</b>	<b>0.3</b>	<b>0.9</b>
Enhanced OIC powers – supplying/handling & preparatory offences	0.02	0.02	0.03
Enhanced OIC powers – offence of promotion or offering of services that facilitate or enable breaches of immigration law	0.02	0.02	0.03
Enhanced OIC powers – seizure of electronic devices	-	-	-
Endangerment offence	-	-	-
Serious Crime Prevention Orders	0.01	0.1	0.2
Interim Serious Crime Prevention Orders	0.0	0.03	0.1
New offences to criminalise the making, adapting, importing, supplying, offering to supply and possession of articles for use in serious crime	0.01	0.1	0.2
Amending CT port powers to allow the police to take biometrics at a port in Scotland	0.1	0.1	0.4
<b>Pillar 4 Total</b>	<b>4.6</b>	<b>4.6</b>	<b>4.7</b>
Repeal of the Safety of Rwanda (Asylum and Immigration) Act 2024	-	-	-
Repeal of parts of the Illegal Migration Act 2023	-	-	-

Detention and exercise of functions pending deportation	-	-	-
Increased Powers for the Immigration Services Commissioner	0.0	0.02	0.05
Extension of personnel who can take biometric information	-	-	-
Collection of biometrics outside of a visa application process	-	-	-
Conditions on limited leave to enter or remain and immigration bail	-	-	-
EU Settlement Scheme - rights of entry and residence	-	-	-
Right to Work	-	-	-
Statutory timeframe for the First-tier Tribunal Immigration & Asylum Chamber Appeals	4.6	4.6	4.6
Refugee Convention – particularly serious crime	0.01	0.01	0.01
Retrospective authority for fees relating to English language and UK and overseas qualifications	-	-	-
<b>Total</b>	<b>4.8</b>	<b>5.0</b>	<b>5.6</b>

Source: Home Office Internal Calculations

307. The total monetised set-up costs for the entire Act is £5.0 million in the central scenario. These costs will cover the measures set out below.

### **Enhanced OIC Powers – supplying/handling & preparatory offences**

308. The introduction of enhanced OIC powers includes the creation of new offences relating to Preparatory Acts and the Supply Offence. For the purposes of appraisal, these two offences have been grouped together, whilst the Seizure of Electronic Devices and a standalone Online Offence have been considered separately.

309. There are no monetisable set-up costs resulting from the seizure of electronic devices. This is due to the uncertainty regarding the number of police forces and operational partners that will be affected by this policy.

310. The creation of the new offences is estimated to have £24,053 in familiarisation costs to the NCA. Approximately 350 officers will need to spend 90 minutes each familiarising themselves with the new legislation through training sessions. Wages have been uplifted by 22 per cent to account for non-wage costs such as National Insurance (NI) contributions and pension contributions by the employer. There are also estimates for the lower and upper bounds, where familiarisation time is 60 minutes or 120 minutes respectively. For the lower bound, familiarisation costs to the NCA are estimated to be £16,036 and for the upper bound, £32,071 (2025/26 prices, PV).

**Table 2: NCA Familiarisation Costs (£, 2025/26 prices)**

	<b>Low</b>	<b>Central</b>	<b>High</b>
Familiarisation Costs	16,036	24,053	32,071

Source: Home Office Internal Calculations

## Enhanced OIC powers – offence of promotion or offering of services that facilitate or enable breaches of immigration law

311. The familiarisation costs of this measure follow the same methodology applied above.
312. The creation of the new offence is estimated to have £24,053 in familiarisation costs to the NCA. Approximately 350 officers will need to spend 90 minutes each familiarising themselves with the new legislation through training sessions. Wages have been uplifted by 22 per cent to account for non-wage costs such as National Insurance (NI) contributions and pension contributions by the employer. Lower and upper bounds have also been estimated, where familiarisation time is 60 minutes or 120 minutes respectively. For the lower bound, familiarisation costs to the NCA are estimated to be £16,036 and for the upper bound, £32,071 (2025/26 prices, PV).

### Serious Crime Prevention Orders

313. For details on the assumptions and methodology used to estimate the below figures, please see Annex: Section A.1.1, A.1.2, and A.1.6.
314. There will be private sector familiarisation costs associated with solicitors and barristers reading guidance on the new legislation. There will also be public sector familiarisation costs associated with Law Enforcement Agencies (LEAs) reading guidance on the new legislation.

**Table 3: Total Familiarisation Costs (£ millions, 2025/26 prices)**

	Private Sector	Public Sector	Total Cost
<b>Low</b>	0.01	0.00	0.01
<b>Central</b>	0.05	0.01	0.06
<b>High</b>	0.19	0.03	0.22

Source: Home Office Internal Calculations

315. Total familiarisation costs (private and public sector) are estimated to be between £0.01 million and £0.22 million, with a central estimate of £0.06 million (2025/26 prices).

### Interim Serious Crime Prevention Orders

316. For details on the assumptions and methodology used to estimate the below figures, please see Annex: Section A.1.1, A.1.3, and A.1.7.
317. There will be private sector familiarisation costs associated with solicitors and barristers reading guidance on the new legislation. There will also be public sector familiarisation costs associated with Law Enforcement Agencies (LEAs) reading guidance on the new legislation.

**Table 4: Total Familiarisation Costs (£ millions, 2025/26 prices)**

	Private Sector	Public Sector	Total Cost
Low	0.00	0.00	0.00
Central	0.03	0.00	0.03
High	0.10	0.02	0.12

Source: Home Office Internal Calculations

318. Total familiarisation costs (private and public sector) are estimated to be between £0 and £0.12 million, with a central estimate of £0.03 million (2025/26 prices).

## **New offences to criminalise the making, adapting, importing, supplying, offering to supply and possession of articles for use in serious crime**

319. For details on the assumptions and methodology used to estimate the below figures, please see Annex: Section A.1.1, A.1.4, and A.1.8.

320. There are expected to be private sector familiarisation costs associated with legal professionals having to familiarise themselves with the new legislation. There are also expected to be public sector familiarisation costs associated with law enforcement agencies (LEAs) reading guidance on the new legislation.

**Table 5: Total Familiarisation Costs (£ millions, 2025/26 prices)**

	<b>Private Sector</b>	<b>Public Sector</b>	<b>Total Cost</b>
Low	0.01	0.00	0.01
Central	0.05	0.01	0.06
High	0.15	0.02	0.17

Source: Home Office Internal Calculations

321. Total familiarisation costs (private and public sector) are estimated to be between £0.01 million and £0.17 million, with a central estimate of £0.06 million (2025/26 prices).

## **Amending CT port powers to allow the police to take biometrics at a port in Scotland**

322. The total set-up costs of installing biometric machines at port are between £0.12 million and £0.37 million, with a central estimate of £0.14 million (2025/26 prices, PV).

## **Increased Powers for the Immigration Services Commissioner**

323. There will be familiarisation costs associated with private sector firms operating in the immigration advice industry, with legal professionals and advisers having to familiarise themselves with the new powers of the IAA under this legislation.

**Table 6: Total Familiarisation Costs (£ millions, 2025/26 prices)**

	<b>Private Sector</b>	<b>Public Sector</b>	<b>Total Cost</b>
Low	0.00	-	0.00
Central	0.02	-	0.02
High	0.05	-	0.05

Source: Home Office Internal Calculations

324. Total familiarisation costs are estimated to be between £0.00 million and £0.05 million, with a central estimate of £0.02 million (2025/26 prices, PV).

## **Statutory timeframe for the First-tier Tribunal Immigration & Asylum Chamber Appeals**

325. The implementation costs to HMCTS include approved operational staff recruitment.

326. Implementation of this policy is expected to be split over 2025/26 and 2026/27 (project and service teams are expected to be required to Jan 2027).

**Table 7: Total Implementation Costs (£ millions, 2025/26 prices, PV)**

	<b>FY 25/26</b>	<b>FY 26/27</b>	<b>Total</b>
Implementation Costs	3.2	1.4	4.6

Source: Ministry of Justice Internal Calculations

327. Total implementation costs are estimated to be £4.6 million (2025/26 prices, PV).

328. No range is provided for implementation cost estimates as implementation costs are expected to be fixed. Minor or unforeseen changes in costs are covered in optimism bias which is applied in line with Green Book guidance.

### **Refugee Convention – particularly serious crime**

329. There will be public sector familiarisation costs associated with FNO Returns Command caseworkers reading guidance on applying these new exclusion rules.

**Table 8: Total Familiarisation Costs (£ millions, 2025/26 prices)**

	<b>Private Sector</b>	<b>Public Sector</b>	<b>Total Cost</b>
Low	-	0.01	0.01
Central	-	0.01	0.01
High	-	0.01	0.01

Source: Home Office Internal Calculations

330. Total familiarisation costs are estimated to be between £0.01 million and £0.01 million, with a central estimate of £0.01 million (2025/26 prices, PV).

## Ongoing Costs

**Table 9: Outline of the Ongoing Costs (£ millions, 2025/26 prices)**

	Low	Central	Upper
<b>Pillar 1 Total</b>	-	-	-
Statutory Footing	-	-	-
<b>Pillar 2 Total</b>	-	-	-
Sharing of customs information by HMRC	-	-	-
Sharing of trailer registration information	-	-	-
<b>Pillar 3 Total</b>	<b>12.6</b>	<b>52.3</b>	<b>68.0</b>
Enhanced OIC powers – supplying/handling & preparatory offences	-	-	-
Enhanced OIC powers – offence of promotion or offering of services that facilitate or enable breaches of immigration law	-	-	-
Enhanced OIC powers – seizure of electronic devices	2.6	2.6	2.6
Endangerment Offence	5.0	43.5	57.1
Serious Crime Prevention Orders	0.2	0.5	1.4
Interim Serious Crime Prevention Orders	-	0.2	0.8
New offences to criminalise the making, adapting, importing, supplying, offering to supply and possession of articles for use in serious crime	4.7	5.4	6.0
Amending CT port powers to allow the police to take biometrics at a port in Scotland	0.2	0.2	0.2
<b>Pillar 4 Total</b>	<b>41.7</b>	<b>114.2</b>	<b>339.4</b>
Repeal of the Safety of Rwanda (Asylum and Immigration) Act 2024	-	-	-
Repeal of parts of the Illegal Migration Act 2023	-	-	-
Detention and exercise of functions pending deportation	-	-	-
Increased Powers for the Immigration Services Commissioner	-	-	-
Extension of personnel who can take biometric information	-	-	-
Collection of biometrics outside of a visa application process	-	-	-
Conditions on limited leave to enter or remain and immigration bail	-	-	-
EU Settlement Scheme - rights of entry and residence	-	-	-
Right to Work	12.3	84.8	309.9
Statutory timeframe for the First-tier Tribunal Immigration & Asylum Chamber Appeals	29.4	29.4	29.4
Refugee Convention – particularly serious crime	-	-	-
Retrospective authority for fees relating to English language and UK and overseas qualifications	-	-	-
<b>Total</b>	<b>54.4</b>	<b>166.5</b>	<b>407.3</b>

Source: Home Office Internal Calculations

331. The total monetised ongoing cost for this legislation is £166.5 million in the central scenario. This breakdown of this cost is detailed below. Further non-monetised costs from this legislation are covered in the next section.

### **Enhanced OIC powers – seizure of electronic devices**

332. Immigration Officers will exercise discretion in determining the devices which will be seized from migrants from each event. Once seized the devices will be connected to a kiosk to download relevant data to be used to develop a better understanding of irregular migration and facilitation offenders. There will be a cost to the public sector of providing the staff to resource the kiosks.

333. Under the assumptions used for the purposes of this analysis (Annex A.1.5), this is estimated to cost £2.6 million annually, including 10 per cent optimism bias (2025/26 prices, PV). As it is assumed that this level of FTE is a fixed cost regardless of how many phones have been seized, no upper or lower bounds have been estimated for this cost, and the costs remain constant across all three scenarios.

334. The costs also reflect the resource that has already been recruited for these powers, and without the data to inform how the resource requirement might respond to a change in volumes of device seizures, it has not been possible to estimate these at this stage. As the policy will be scaled beyond the powers dedicated to Immigration Officers, to wider Law Enforcement Agencies including police constables, there is a high possibility that kiosk capability and further resources may be required to cope with additional demand. Without a clear understanding of the operational implications of this amendment, it has not been possible to monetise the impact beyond current kiosk capability.

335. Optimism bias has been applied to costs to reflect the uncertainty around potential costs which may be realised over the appraisal period. Whilst the costs of FTE are understood, the potential requirement of resource is uncertain given that costs have only been estimated for Immigration Enforcement staff and not the police, who will also be able to use the powers. In line with Green Book Guidance<sup>64</sup>, 10 per cent has been applied to all monetised costs.

336. Over the appraisal period, the total ongoing costs for this measure are estimated to be £2.6 million, including 10 per cent optimism bias (2025/26 Prices, PV). There may be additional costs involved in operationalising the policy, however, due to limited available data on the volumes of devices which might be seized, these costs have not been monetised.

### **Endangerment offence**

337. The introduction of this offence is expected to lead to an increase in arrests, charges and convictions associated with dangerous behaviour on small boats. The tables below outline the estimated costs to the criminal justice system due to increased offenders.

338. For details on the assumptions and methodology used to estimate the below figures, please see Annex: A.1.11.

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<sup>64</sup> The Green Book (2022) - GOV.UK - <https://www.gov.uk/government/publications/the-green-book-appraisal-and-evaluation-in-central-government/the-green-book-2020>

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

	Low Scenario	Central Scenario	High Scenario
<b>Total</b>	5.0	43.5	57.1

Source: Home Office Internal Calculations

339. It is estimated that between 3 and 89 prison places, with a central estimate of 67 prison places will be required per year once the steady state is reached.

340. Total ongoing costs for this measure are estimated to be between £5.0 million and £57.0 million, with a central estimate of £43.5 million (2025/26 prices, PV).

### **Serious Crime Prevention Orders**

#### Criminal Justice System Costs

341. For details on the assumptions and methodology used to estimate the below figures, please see Annex: A.1.1, A.1.2, and A.1.6.

342. The table below covers the costs incurred by the Criminal Justice System due to the increase in offenders.

**Table 11: Criminal Justice System Costs by area (£ million, 2025/26 Prices PV)**

	Low	Central	High
<b>Police OOCs</b>	0.00	0.00	0.00
<b>CPS</b>	0.01	0.02	0.03
<b>HMCTS</b>	0.08	0.16	0.24
<b>Legal Aid</b>	0.03	0.06	0.09
<b>HM Prison and Probation Service (HMPPS)</b>	0.05	0.27	1.00
<b>Total CJS Costs</b>	<b>0.16</b>	<b>0.51</b>	<b>1.37</b>

Source: Home Office Internal Calculations

343. It is estimated that between zero and two prison places, with a central estimate of zero prison places will be required per year once the steady state is reached.

#### Notification Requirements

344. Measure 4 is likely to incur resource costs from police for managing the notification requirements. The total cost of this is estimated to be between £900 and £8,100 with a central estimate of £3,900 (2025/26 prices, PV).

#### Total Ongoing Costs

345. Total ongoing costs are estimated to be between £0.16 million and £1.37 million, with a central estimate of £0.51 million (2025/26 prices, PV).

### **Interim Serious Crime Prevention Orders**

#### Criminal Justice System Costs

346. For details on the assumptions and methodology used to estimate the below figures, please see Annex: Section A.1.1, A.1.3 and A1.7.

347. The table below covers the costs incurred by the Criminal Justice System due to the increase in offenders.

**Table 12: Criminal Justice System Costs by area (£ million, 2025/26 Prices PV)**

	Low	Central	High
<b>Police OOCs</b>	-	0.00	0.00
<b>CPS</b>	-	0.01	0.02
<b>HMCTS</b>	-	0.07	0.18
<b>Legal Aid</b>	-	0.02	0.06
<b>HMPPS</b>	-	0.07	0.50
<b>Total CJS Costs</b>	-	<b>0.16</b>	<b>0.75</b>

Source: Home Office Internal Calculations

348. It is estimated that between zero and one prison places, with a central estimate of zero prison places will be required per year once the steady state is reached.

#### Notification Requirements

349. Measure 4 of the standard SCPO proposals is likely to incur resource costs from police for managing the notification requirements of any interim SCPOs as well. The total cost of this is estimated to be between £0 and £100 with a central estimate of £30 (2025/26 prices, PV).

#### Total Ongoing Costs

350. Total ongoing costs are estimated to be between £0 and £0.75 million, with a central estimate of £0.16 million (2025/26 prices, PV).

### **New offences to criminalise the making, adapting, importing, supplying, offering to supply and possession of articles for use in serious crime**

#### Criminal Justice System Costs

351. For details on the assumptions and methodology used to estimate the below figures, please see Annex: Section A.1.1, A.1.4, and A.1.8.

352. The table below covers the costs incurred by the Criminal Justice System due to the increase in offenders.

**Table 13: Criminal Justice System Costs by area (£ million, 2025/26 Prices PV)**

	Low	Central	High
<b>Police</b>	0.05	0.06	0.07
<b>CPS</b>	0.24	0.28	0.32
<b>HMCTS</b>	0.84	0.99	1.13
<b>Legal Aid</b>	1.14	1.33	1.53
<b>HMPPS</b>	2.48	2.71	2.95
<b>Total CJS Costs</b>	<b>4.74</b>	<b>5.36</b>	<b>6.01</b>

Source: Home Office Internal Calculations

353. It is estimated that between four and five prison places, with a central estimate of four prison places will be required per year once the steady state is reached.

#### Total Ongoing Costs

354. Total ongoing costs are estimated to be between £4.74 million and £6.01 million, with a central estimate of £5.36 million (2025/26 prices, PV).

## **Amending CT port powers to allow the police to take biometrics at a port in Scotland**

355. Based on estimates made by Counter Terrorism Policing, total ongoing costs are estimated to be £0.02 million per year. This is the cost of maintaining the devices. As the only change is the location of where the biometrics are being obtained, there are no additional costs relating to the obtaining of biometrics. Over the ten-year appraisal period, discounted cost is £0.2 million (2025/26 prices, PV).

### **Right to Work**

356. The measure leads to more checks to verify right to work in the UK before individuals start work. There are three ways a business can complete such checks: a manual check of original documents from a prescribed list of acceptable documentation; a check using a Digital Verification Service (DVS) (for UK and Irish citizens only); or a Home Office online check (for non-UK and non-Irish citizens only). Home Office has published a separate impact assessment for this measure, detailing the assumptions and methodology used to determine the cost estimates below.<sup>65</sup>

#### Cost to Businesses

357. The total ongoing costs to business to conduct checks are estimated between £10.2 million and £283.6 million, with a central estimate of £73.6 million (2025/26 prices, PV).

358. There is uncertainty on the number of working arrangements which will come into scope of right to work checks due to the measure and in the frequency of job turnover in these arrangements. This contributes to the wide reported cost range along with variation in how long it might take a business to carry out a check and, in the case of using a DVS, differences in the prices they may be charged.

#### Cost to Households

359. Prospective workers will typically be required to give up time to facilitate a right to work check. A manual check requires documents to be handed over in person at their prospective place of work. To use a DVS requires an individual to complete a form online or via an app.

360. The total ongoing costs to households are estimated between £2.1 million and £26.3 million, with a central estimate of £11.2 million (2025/26 prices, PV).

#### Total Ongoing Costs

361. Total ongoing costs are estimated between £12.3 million and £309.9 million, with a central estimate of £84.8 million (2025/26 prices, PV).

## **Statutory timeframe for the First-tier Tribunal Immigration & Asylum Chamber Appeals**

### Justice System Costs

362. The table below outlines the costs incurred by HMCTS as a result of the increase in appeals heard from supported asylum cases and non-detained FNO cases. It is

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<sup>65</sup> The estimates below differ from the separately published impact assessment. The estimates below assume 10 months of impact in 2026/27 under an indicative assumption the measure may become operational in June 2026. In addition, the appraisal base year and price year is 2025/26. The separately published impact assessment was in 2026/27 prices, with a 2026/27 base year, and extended costs over a full 10 year period. Extension of prohibition on employment to other working arrangements: impact assessment - GOV.UK: <https://www.gov.uk/government/publications/border-security-asylum-and-immigration-bill-2025-impact-assessment/extension-of-prohibition-on-employment-to-other-working-arrangements-impact-assessment-accessible>

assumed that any ongoing service team FTE requirement would be absorbed in these costs.

**Table 14: Justice System Costs by area (£ million, 2025/26 Prices PV)**

	<b>Total Ongoing Costs</b>
<b>Additional Staff and Legal Officers</b>	21.9
<b>AI Transcription Solution</b>	7.5
<b>Total Justice Costs</b>	<b>29.4</b>

Source: Ministry of Justice Internal Calculations

363. No range is provided for justice cost estimates as ongoing costs are expected to be fixed. Minor or unforeseen changes in costs are covered in optimism bias which is applied in line with Green Book guidance.

#### Failed Asylum Seeker Costs

364. Increasing the number of supported appeals processed each year brings forward unsuccessful outcomes for some individuals in the supported accommodation cohort. This results in a temporary rise in costs for failed asylum seekers who may continue to require accommodation.

365. These costs are captured within the monetised benefits, which reflect the total net change in the supported population under this measure compared to the baseline, including any potential increase in failed asylum seekers.

#### **Non-Monetised Costs**

366. Many of the measures incur costs that have not been monetised due to uncertainty and an absence of data on the quantifiable impact of the policies.

367. Expected costs in Pillars 1 and 2 are expected to be negligible, with the only costs attributed to measures in these pillars being around familiarisation costs for relevant bodies.

368. Measures in Pillar 3 are expected to incur costs around familiarisation with new policies, as well as anticipated criminal justice system costs where measures will lead to increased arrests and convictions. Costs around resource increases and staff training also need to be considered for measures in these pillars. A description of these non-monetised costs is outlined below.

369. Measures in Pillar 4 are expected to incur costs to Local Authorities and the Home Office associated with faster processing of supported asylum appeals and non-detained FNOs due to the Statutory Timeframe.

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

#### **Making the Border Security Commander a statutory office holder**

370. Familiarisation costs are assumed to be negligible as a result of making the Border Security Commander a statutory office holder. There will be a time commitment for BSC and Home Office Legal Advisors (HOLA) staff to familiarise themselves with these changes, but this does not amount to a significant additional number of words to read and interpret. As such familiarisation costs have not been included in the NPSV for this policy.

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

### **Sharing of customs information by HMRC**

371. HMRC may incur costs to supply data to the Home Office if new data, that is currently not shared, is required. In the absence of more specific detail on data sets that fall within this scope, no monetised costs to HMRC or the Home Office have been estimated.

### **Sharing of trailer registration information**

372. Incorporation of the data into the Home Office Intelligence data analytics platform has been identified for the schedule of work planned for 2025. DVLA are not charging the Home Office to connect to the trailer data from DVLA systems.

373. No monetised costs have been estimated to policing, NCA or HMRC to acquire and operationalise the data sharing.

## **Pillar 3: New and enhanced powers to strengthen border security**

### **Enhanced OIC powers – supplying/handling & preparatory offences**

374. There may be familiarisation costs to other agencies beyond the NCA. It has not been possible to estimate costs associated for other agencies in scope, and how many staff within these agencies may require familiarisation as the details of full operationalisation have not yet been confirmed.

375. The potential impact of the new Enhanced OIC powers on the Criminal Justice System, including the arrest volumes, is uncertain. Due to these unknowns, this Impact Assessment does not estimate the total costs of the new OIC offences and therefore does not provide a Net Present Social Value (NPSV) figure. Instead, subject matter experts have informed the development of scenarios to illustrate possible arrest volumes and CJS impacts.

376. These scenarios have been outlined below:

#### A new offence of supplying, offering to supply or handling items where the supplier knows or suspects the item will be used in a section 24 or section 25 IA 1971 offence

377. The NCA has provided the following possible scenarios based on professional judgement as to the number of arrests for the new offences<sup>66</sup>, and have presented "low", "medium", and "high" scenarios. These estimates suggest that between 42 and 63 arrests may be made annually under the new offence, with six to eight of these being convicted and receiving a custodial sentence. This is outlined in the table below:

**Table 15: Steady state arrests, charges and conviction**

	<b>Low Scenario</b>	<b>Central Scenario</b>	<b>High Scenario</b>
Arrests	42	53	63
Charges	7	8	10
Convictions	6	7	8

Source: Home Office Internal Calculations

**Table 16: Justice impact costs £ million (2025/26 prices, discounted, aggregated over a 10-year appraisal period)**

<sup>66</sup> NCA Scenarios

	Low Scenario	Central Scenario	High Scenario
Total	6.8	8.5	10.2

Source: Home Office Internal Calculations

A new offence measure of taking specified actions in circumstances giving rise to a reasonable suspicion of a connection with an offence under section 24 IA 1971

378. The NCA has provided the following possible scenarios based on professional judgement as to the number of arrests for the new offences<sup>67</sup>, and have presented "low", "medium", and "high" scenarios. These estimates suggest that between 18 and 27 arrests may be made annually under the new offence, with two to four of these being convicted and receiving a custodial sentence. This is outlined in the table below:

**Table 17: Steady state arrests, charges and conviction**

	Low Scenario	Central Scenario	High Scenario
Arrests	18	23	27
Charges	3	4	4
Convictions	2	3	4

Source: NCA

**Table 18: Justice impact costs £ million (2025/26 prices, discounted, aggregated over a 10-year appraisal period)**

	Low Scenario	Central Scenario	High Scenario
Total	1.2	1.5	1.7

Source: Home Office Internal Calculations

**Enhanced OIC powers – offence of promotion or offering of services that facilitate or enable breaches of immigration law**

379. The following costs to the justice system, whilst having a monetary value, are categorised as non-monetised, as they do not feed into NPSV. The NCA has provided the following possible scenarios based on professional judgement as to the number of arrests for the new offences<sup>68</sup>, and have presented "low", "medium", and "high" scenarios.

380. These estimates suggest that between three and six arrests may be made annually under the new offence, where existing legislation would not enable the pursuit of criminal charges, with two to five of these being convicted and receiving a custodial sentence. This is outlined in the table below:

**Table 19: Steady state arrests, charges and conviction**

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

Source: NCA Estimates

381. These scenarios would lead to the following annual costs with the assumption that the policy is only 6.25 per cent effective in year 1, 50 per cent effective in year 2, and 100

<sup>67</sup> NCA Scenarios

<sup>68</sup> NCA scenarios

per cent effective thereafter. This assumption exists as it is expected it may take time for law enforcement agencies to begin to fully use the new power operationally. This approach is also consistent with other measures within the Act.

382. A summary of the associated justice impact costs is outlined in the table below, applying the low, central and high estimates used in Table 20. Due to a change in date of implementation, whilst these costs are unchanged to the nearest hundred thousand, the costs are marginally different from those that were published in the Economic Note for this offence. The overall change is expected to be negligible.

**Table 20: Justice impact costs £ million (2025/26 prices, discounted, aggregated over a 10-year appraisal period)**

	Low Scenario	Central Scenario	High Scenario
Total	1.4	2.3	2.8

Source: Home Office Internal Calculations

## **Enhanced OIC powers – seizure of electronic devices**

### Familiarisation Costs

383. There will be a time commitment for Immigration Enforcement staff, NCA officers and the police to familiarise themselves with these changes, but the guidance documents which will be shared are uncertain at this stage. As such familiarisation costs have not been included in the NPSV for this policy.

### Home Office Intelligence Resource

384. The data that is processed from the seized devices will be shared with Home Office partners who will analyse it to develop improved understanding of threats related to irregular migration and/or illegal entrants on OIC methodologies and activities. It has not been possible to monetise the cost of Home Office Intelligence resource at this stage, as there is not enough evidence about how many devices will be seized under these powers. It is anticipated that dependent on requirements, there will be a cost for the Home Office to review and analyse the extracted data and information retrieved from the devices.

### Criminal Justice Costs

385. The aim of the policy is to collect intelligence from seized devices. The seizure of electronic devices does not create a new offence that would have direct costs to the criminal justice system. There is potential for this power to lead to additional arrests and convictions. If this impact does materialise there will be a financial burden on the public sector, in terms of legal costs or providing prison places. It is not possible to monetise this, given the lack of data to construct scenarios on possible arrests and convictions resulting from this policy.
386. Any resulting convictions may also result in custodial sentences, which would have an impact on prison places. Whilst a second order impact of the legislation, there would be a cost to HMPPS of facilitating these sentences. There is not enough data about the impacts of this policy on arrests to be able to estimate this cost.

### Electronic Device Data Storage and Analysis System Costs

387. Data which has been downloaded from the seized devices will be stored in a cloud storage capability ahead of analysis by Home Office Intelligence. Each terabyte (TB) of

storage costs the public sector £12 (see Annex A.1.5), and the storage required depends on the size of the device seized, the number of access points and how long the data is retained for. Due to a lack of data around requirements, it has not been possible to monetise this cost.

#### Costs associated with Expansion of Powers to NCA and Police

388. Expanding these powers to officers from the NCA and the Police is likely to incur a cost to operationalise. The volumes of seizures are likely to be very small as interactions between migrants and authorities happen when migrants are first detected, which predominantly occurs at the border. As a result, it is unlikely this impact will be large. This cost has not been monetised due to significant uncertainty around how much resource will be required to operationalise this power or be in scope of the new measure.

#### **Endangerment offence**

##### Familiarisation Costs

389. There will be familiarisation costs associated the introduction of this legislation with a need for all related agencies to understand how this offence will be enforced – this includes Border Force, Immigration Enforcement, Criminal and Financial Investigation (CFI) and the CPS.

##### Resource Costs

390. There are likely to be some additional costs associated with meeting the evidential requirement for prosecution of offences, through evidence gathering and related administrative costs which also includes working with French authorities.

#### **Serious Crime Prevention Orders**

##### Training Costs

391. There are likely to be training costs for the NCA, HMRC, British Transport Police (BTP) and the police, as they will need to know that they can apply to the High Court for an SCPO and that they must consult the CPS regarding their application. There are also likely to be training costs for the CPS as they will need to know that they must be consulted by these agencies before making an application to the High Court for an SCPO.

392. There are also likely to be training costs for His Majesty's Courts and Tribunal Services (HMCTS) operational staff involved in running the High Court proceedings to hear the applications for SCPOs. These costs are likely to be negligible as only a subset of NCA, HMRC, police, BTP, CPS and HMCTS staff would be involved in using SCPOs.

##### Resource Costs

393. Allowing HMRC, the NCA, BTP and the police (in all cases, not just cases which are terrorism-related) to apply for a High Court SCPO themselves rather than the CPS making the application on their behalf may lead to an increased resource burden for these organisations. It has been assumed that this increase in resource burden is similar to the current resource burden on the CPS in relation to applying for SCPOs. As there have been so few High Court SCPO applications to date, it is possible that this burden on HMRC, the NCA, BTP and the police might increase if these changes encourage greater use of High Court SCPOs by these agencies.

#### **Interim Serious Crime Prevention Orders**

394. The same non-monetised costs covered in the standard SCPO proposal also apply for Interim SCPOs.

### **New offences to criminalise the making, adapting, importing, supplying, offering to supply and possession of articles for use in serious crime**

#### Civil Seizure/Forfeiture Costs

395. There are expected to be costs associated with the availability to law enforcement of civil seizure and forfeiture powers alongside the proposed criminal offences. These costs are likely to impact police/NCA/law enforcement and the courts.

#### Costs to business

396. The consultation IA<sup>69</sup> references the potential impact on legitimate firms who produce and sell the specific articles covered in the new offences that, as a result of the proposal, may be deterred from doing so. This impact could extend to individuals who legitimately purchase these items that may be deterred from purchasing them.

397. Responses from the consultation have not returned any suggestions as to the size of the legitimate market and the impact the proposals may have. No businesses voiced concerns about the potential impact the proposals would have on their operations, costs, and revenue. The non-monetised costs to businesses who produce and sell specific articles is assumed to be negligible.

### **Amending CT port powers to allow the police to take biometrics at a port in Scotland**

398. All expected costs from this measure have been monetised above. There are no training or familiarisation costs as examining officers are trained in taking biometrics.

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

#### **Repeal of the Safety of Rwanda (Asylum and Immigration) Act 2024**

399. There are no expected costs of this measure.

#### **Repeal of parts of the Illegal Migration Act 2023**

400. There are no expected costs of this measure.

#### **Detention and exercise of functions pending deportation**

401. There are no expected costs of this measure.

#### **Increased Powers for the Immigration Services Commissioner**

402. There are no additional non-monetised costs of this measure.

#### **Extension of personnel who can take biometric information**

403. There are no expected costs of this measure. Staff already trained to capture biometrics will not be affected and this measure will not seek to train additional staff. Any additional training required will be on the basis that this is needed for the individual to perform their normal role, therefore associated costs are non-monetised.

### **Collection of biometrics outside of a visa application process**

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<sup>69</sup> Home Office, Possession Offence Consultation Impact Assessment, 2022 – GOV.UK: <https://www.gov.uk/government/consultations/strengthening-the-law-enforcement-response-to-serious-and-organised-crime/possession-offence-impact-assessment-accessible>

404. There are no expected costs of this measure. This measure grants the Home Office the power to delegate the collection of capturing biometric information to authorised persons (such as US military personnel). It is currently unclear to what extent that power will be used and if it will result in a requirement for more staff or technology, so costs are non-monetised

## **Conditions on limited leave to enter or remain and immigration bail**

### Familiarisation Costs

405. Caseworkers in the Special Cases Unit (SCU) of the Home Office will review changes in the restricted leave policy.<sup>70</sup> There are several caseworking teams in SCU who already impose conditions such as electronic monitoring in some instances when granting immigration bail. Home Office policy officials will offer sessions to SCU caseworkers to update them on the change.

### Ongoing costs

406. A contractor supplies electronic monitoring devices to Immigration Enforcement to support the management of electronic monitoring as a condition attached to immigration bail. The ongoing cost to support additional individuals electronically monitored due to this measure is expected to be small.

### Criminal Justice System Costs

407. This measure is expected to lead to a small number of individuals with electronic monitoring, inclusion zones, exclusion zones, curfews and any other condition deemed necessary to the conditions imposed on their grants of permission to enter or stay. Prosecution would be a last resort for those who breach those conditions so the impact on prison or probation cost is expected to be small.

## **EU Settlement Scheme – rights of entry and residence**

408. This measure is expected to extend eligibility for income-related benefits to only a small number of additional pre-settled status holders. The Department for Work and Pensions (DWP) has estimated that, from 2025-26 through to 2029-30, up to 200 additional PSS holders in total would qualify for Universal Credit and other income-related benefits (Pension Credit and Housing Benefit) as a result of the proposed change, resulting in costs of up to £1m over this period. Given the uncertainty around how many of these individuals would go on to claim, the associated cost is expected to be minimal.

## **Right to Work**

### Familiarisation Costs

409. Businesses solely hiring individuals in flexible working arrangements might incur familiarisation costs, but the total number of such businesses in the UK is unknown. Total familiarisation costs are therefore non-monetised. A separately published impact assessment for this measure estimates the cost per business to gain familiarity with published Right to Work check guidance and with the process of applying checks in practice.<sup>71</sup>

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<sup>70</sup> Restricted leave: caseworker guidance - GOV.UK:

<https://www.gov.uk/government/publications/restricted-leave-asylum-casework-instruction>

<sup>71</sup> Extension of prohibition on employment to other working arrangements: impact assessment - GOV.UK:

<https://www.gov.uk/government/publications/border-security-asylum-and-immigration-bill-2025-impact-assessment/extension-of-prohibition-on-employment-to-other-working-arrangements-impact-assessment-accessible>

## Criminal Justice System Costs

410. The Home Office will now be able to take enforcement action - primarily through the application of a civil penalty - against businesses who have engaged individuals working illegally in more flexible working arrangements. It is possible there will be additional appeals against the increased number of civil penalties. While internal systems record if a business has been referred to the Home Office civil penalty compliance team following the arrest of an individual suspected of illegally working, the reason for non-referral is not automatically categorised. There is uncertainty on the increase in appeals which may be seen, and the impact is non-monetised.

## **Statutory timeframe for the First-tier Tribunal Immigration & Asylum Chamber Appeals**

### Grant Costs

411. The introduction of the Statutory Timeframes measure is expected to increase the number of supported asylum appeals processed within a given year, resulting in a higher number of grants to supported cases in the short term compared to the baseline. This does not reflect a change in the overall number of grants, but rather a shift in the profile of individuals receiving them, with a greater proportion coming from the supported asylum cohort due to the prioritisation of these cases.

412. This short-term increase in grants among the supported cohort could lead to a temporary rise in costs to local authorities, particularly in relation to accommodation provision and public services.

413. As there is no evidence to suggest a long-term increase in the number of grants, and given the uncertainty around the extent and nature of local authority costs that may be brought forward, this impact has not been monetised.

### De-prioritised Cases

414. This measure prioritises specific cases for asylum appeals to be heard within 24 weeks (accommodated asylum appeals and non-detained FNOs). Cases that do not meet the criteria for prioritisation (i.e. unsupported asylum appeals, EUSS or HR appeals) are expected to experience much longer wait times than if no prioritisation were applied.

415.

416. Prolonged uncertainty may negatively affect the wellbeing of unsupported individuals, who may face welfare-related challenges due to being unable to settle or work in the UK during the appeal process. Longer wait periods without the right to work and integrate may also make future integration more difficult if appeals are ultimately granted. The impact of increased appeal wait times for this cohort has not been monetised due to limited understanding of refugee integration outcomes and because any adverse effects may be offset by shorter wait times for prioritised cases.

417. The statutory timeframe will not apply retrospectively so any supported cases in the system prior to its commencement will also experience longer waits as a result of this measure. Costs for this cohort remain non-monetised due to uncertainty over the duration of delays.

418. As well as unsupported asylum appeals, other case types such as EUSS and HR cases may experience increased processing times, estimated at approximately ten to twenty per cent longer than under the counterfactual scenario. Given the broad range of case

types within the system and the lack of available data on the costs associated with extended waiting times, it is not currently possible to monetise this impact.

### FNO Returns

419. Faster processing of asylum appeals from non-detained FNOs could remove barriers to removal for this cohort and accelerate removals from the UK. This would be an expense to Immigration Enforcement, e.g. flights and escorting costs, if removals of FNOs were to increase.
420. It is not possible to determine how many FNOs now being processed sooner would be removed from the UK, and how much sooner this removal could happen as opposed to the counterfactual. This cost has therefore not been monetised.

### **Refugee Convention – particularly serious crime**

421. The introduction of this policy, which brings convictions for Schedule 3 sexual offences into scope for consideration of exclusion from protection against refoulement, is expected to result in additional appeals. Individuals excluded from protection retain the right to appeal the decision, which may lead to an increase in appeal volumes.
422. This increase is expected to generate additional costs to HMCTS, primarily through processing and administration of appeals.
423. It is not possible to estimate how many cases will fall within the scope of the new legislation, as both in-country and out-of-country convictions may be relevant. Existing administrative records do not consistently capture immigration status alongside conviction data, which limits the ability to quantify the affected population. As a result, these costs have not been monetised.

### Reviews

424. Individuals who fall within scope of exclusion but cannot be removed, because doing so would breach our obligations under the ECHR, will be granted shorter, more restrictive leave and will be subject to regular review until they can be removed at the earliest opportunity.
425. The change is expected to result in additional administrative costs for the Home Office due to increased frequency of case reviews.
426. It is not possible to estimate how many cases will fall within the scope of the new legislation, as both in-country and out-of-country convictions may be relevant. Existing administrative records do not consistently capture immigration status alongside conviction data, which limits the ability to quantify the affected population. As a result, these costs have not been monetised.

### Returns

427. The introduction of this policy will widen the interpretation of a 'particularly serious crime', bringing more individuals into scope for consideration of exclusion. The amendment may bring into scope more individuals being considered for removal by Immigration Enforcement.
428. Returns are expected to generate additional costs, primarily through enforcement activity and staffing required to facilitate removals.

429. It is not possible to estimate how many cases will fall within the scope of the new legislation, as both in-country and out-of-country convictions may be relevant.

**Retrospective authority for fees relating to English language and UK and overseas qualifications**

430. There are no expected costs of this measure.

## Benefits

### Monetised Benefits

**Table 21: Outline of the monetised benefits (£ millions, 2025/26 prices)**

	Low	Central	Upper
<b>Pillar 1 Total</b>	-	-	-
Statutory Footing	-	-	-
<b>Pillar 2 Total</b>	-	-	-
Sharing of customs information by HMRC	-	-	-
Sharing of trailer registration information	-	-	-
<b>Pillar 3 Total</b>	-	-	-
Enhanced OIC powers – supplying/handling & preparatory offences	-	-	-
Offence of promotion or offering of services that facilitate or enable breaches of immigration law	-	-	-
Seizure of Electronic Devices	-	-	-
Endangerment offence	-	-	-
Serious Crime Prevention Orders	-	-	-
Interim Serious Crime Prevention Orders	-	-	-
New offences to criminalise the making, adapting, importing, supplying, offering to supply and possession of articles for use in serious crime	-	-	-
Amending CT port powers to allow the police to take biometrics at a port in Scotland	-	-	-
<b>Pillar 4 Total</b>	<b>5,258.8</b>	<b>6,846.2</b>	<b>8,433.5</b>
Repeal of the Safety of Rwanda (Asylum and Immigration) Act 2024	-	-	-
Repeal of parts of the Illegal Migration Act 2023	-	-	-
Detention and exercise of functions pending deportation	-	-	-
Increased Powers for the Immigration Services Commissioner	-	-	-
Extension of personnel who can take biometric information	-	-	-
Collection of biometrics outside of a visa application process	-	-	-
Conditions on limited leave to enter or remain and immigration bail	-	-	-
EU Settlement Scheme - rights of entry and residence	-	-	-
Right to Work	-	-	-
Statutory timeframe for the First-tier Tribunal Immigration & Asylum Chamber Appeals	5,258.8	6,846.2	8,433.5
Refugee Convention – particularly serious crime	-	-	-
Retrospective authority for fees relating to English language and UK and overseas qualifications	-	-	-

<b>Total</b>	<b>5,258.8</b>	<b>6,846.2</b>	<b>8,433.5</b>
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Source: Home Office Internal Calculations

## **Statutory timeframe for the First-tier Tribunal Immigration & Asylum Chamber Appeals**

### Supported Asylum Population

431. This measure introduces a statutory timeframe requiring the Tribunal to determine appeals for prioritised cases, specifically non-detained FNOs and individuals receiving accommodation support. By accelerating decisions for these groups, the measure is expected to reduce the size of both populations within the system, improving efficiency and reducing associated costs.
432. In the baseline, it is assumed that inflows and outflows to appeals reach steady state in 2028/29 and then continue, which leads to a continuously growing supported population over the appraisal period in the baseline. Increased HMCTS system capacity on prioritised cases leads to a higher number of disposals on supported asylum appeals, reducing the supported population waiting for an appeal. A smaller supported population reduces accommodation demand, resulting in significant cost savings (benefits) compared to the scenario without the statutory timeframe.
433. A main driver of these savings is the high costs of hotel accommodation, which is currently used to house asylum seekers due to capacity constraints. Hotel accommodation is significantly more expensive than other forms of accommodation support such as dispersed accommodation (DA). The unit cost of accommodation determines the savings of this measure and therefore the benefits of this legislation.
434. The government has committed to ending the use of asylum hotels by the end of this Parliament or sooner. This measure alone will not suffice to end the use of asylum hotels so it is assumed that the reduction in supported population as a result of this measure would have otherwise been accommodated in hotels. To test the sensitivity of the benefits against the unit cost of accommodation, sensitivity analysis has been conducted in section A.1.13.
435. Prioritisation of supported and non-detained FNO cases under this measure is scheduled to commence in May 2026. From this point, benefits from increased asylum appeal disposals are expected to materialise as the supported population declines relative to the baseline. Significant impacts are anticipated from November 2026 (approximately 24 weeks post-implementation), with benefits continuing to accrue throughout the appraisal period.
436. Increasing the number of supported appeals processed within a given year will result in a short-term rise in the number of unsuccessful appeals from individuals in the supported accommodation cohort. While this does not affect the long-run total number of unsuccessful appeals, it does bring forward the timing of these outcomes.
437. This short-term increase in the number of supported individuals whose appeals are unsuccessful, many of whom may continue to require accommodation, is likely to lead to a temporary rise in the costs associated with supporting failed asylum seekers. While this represents a near-term fiscal pressure, it is transitional in nature and should be considered alongside the broader long-term benefits of the measure.
438. This cost is accounted for within the monetised benefits which considers the total net change in supported population, including any rise in the number of failed asylum seekers.

## Non-Monetised Benefits

439. It has not been possible to monetise all the benefits of the provisions set out in this Act as there is limited evidence to quantify their economic impact. Many of the measures have intended benefits that have not been monetised due to uncertainty and a lack of data on the quantifiable impact of the policies. These intended benefits are listed in the section 4 of the IA, and as indicators of success within the strategic overview section of the evidence base. In totality, these benefits contribute to achieving the following outcomes:

- The UK border is an effective intervention point for OIC and other threats.
- OCGs' ability to operate is disrupted, both at the border and upstream.
- Improved public safety.
- Improvements to the immigration and asylum system through increased: a) Efficiencies, b) Savings, c) Powers of enforcement.

440. Irregular migration is associated with a range of socioeconomic costs to the UK. Irregular migration can facilitate wider serious and organised crime, with associated social and economic costs to the UK.<sup>72</sup> In addition, irregular migrants who remain in the UK can be associated with social and economic costs including, but not limited to, the use of public services, adverse labour market impacts, and the cost of the asylum system. Should the Act achieve its intended outcomes, these costs are likely to reduce, leading to a positive impact on UK prosperity.

441. The following summaries explain the way in which each measure could lead to one or more of these outcomes, with descriptions of other measure specific benefits outlined below. These non-monetised benefits should be considered when assessing the overall impact of the Act.

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

#### **Making the Border Security Commander a statutory office holder**

442. There are several non-monetised benefits that may be realised because of the legislation. These are as follows:

##### Strategic Direction

443. The Border Security Commander will convene a Board with regular meetings, with the purpose of setting the government's strategic priorities for border security and providing monitoring and oversight of activity undertaken to meet these priorities. Legislation establishes the Commander as the First Amongst Equals, giving them the authority to be an effective system leader, cohering and driving cross-government systems to improve the collective response to current and future cross-border threats to the UK's border security.

##### Efficiency Improvements

444. Equipped with authority to commission partners on border security measures and coordinate a response to emerging threats, the Commander would be able to accelerate

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<sup>72</sup> Home Office, Understanding organised crime 2015/16 second edition:  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/782656/understanding-organised-crime-mar16-horr103-2nd.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/782656/understanding-organised-crime-mar16-horr103-2nd.pdf)

decision-making processes and consequently operationalising of border security capabilities.

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

### **Sharing of customs information by HMRC**

445. Clearly defined legal gateways for data sharing will improve relations between HMRC and Home Office when requests for such data are made. As a result of this, access to the prescribed datasets will support the Home Office and Border Force in decision making processes at the Border to support both border security and border flow. A further benefit may be realised as access to better information may slow the unlawful movements of people or goods into the country. This would serve to safeguard vulnerable people, particularly those who may otherwise become victims of modern slavery or human trafficking.
446. Access to this additional data will feed into targeting processes, with the aim of increasing targeting effectiveness (intercepting more harmful goods or irregular migrants with the same resource) or efficiency (intercepting the same volume of harmful goods or irregular migrants with fewer resources). This in turn could reduce the social and economic costs of organised crime and/or irregular migration to the UK.

### **Sharing of trailer registration information**

447. This is a necessary first step towards supporting Home Office and law enforcement partners' work by allowing them access to the trailer registration data held by the DVLA, and for the range of processing purposes required. It also bolsters the transparency and governance regime around access to the Trailer Registration Scheme data set. These benefits have not been quantified or monetised.
448. Specific benefits to the Home Office and law enforcement partners include allowing Home Office access to the prescribed datasets will support both the Home Office and Border Force in decision making processes at the border to support border security and border flow. Access to this data will support the prevention, investigation and detection of criminal offences associated with trailer movements both in the UK and across borders. This may then support in the prosecution of criminal offences and the execution of criminal penalties relating to criminal activity involving trailer movements.
449. This measure may also safeguard or prevent threats to public security and preserve public order. Additionally, a further benefit may be realised as access to better information may slow the unlawful movements of people or goods into the country. This would serve to safeguard vulnerable people, particularly those who may otherwise become victims of modern slavery or human trafficking. Access to this additional data will feed into targeting processes, with the aim of increasing targeting effectiveness (intercepting more harmful goods or irregular migrants with the same resource) or efficiency (intercepting the same volume of harmful goods or irregular migrants with fewer resources). This in turn could reduce the social and economic costs of organised crime and/or irregular migration to the UK.

## **Pillar 3: New and enhanced powers to strengthen border security**

### **Enhanced OIC powers – supplying/handling & preparatory offences**

#### Increased prosecution of OIC facilitators

450. The aim of these offences is to enable earlier and faster interventions for operational decisions and criminal investigations through lower suspicion thresholds. An increase in arrests and convictions as a direct result of this intervention may cause disruptions to OCGs as there may be fewer members available to facilitate irregular migration. This in turn could lead to a reduction in the social and economic costs of organised crime in the UK.

#### Increased disruptions to OCGs

451. Increased prosecutions may also inherently result in increased disruption of OCGs. This may disrupt the business models of OCGs and increase the barriers to facilitate irregular migration, for example, increasing the cost to business. This may make activities less viable and by consequence decrease criminality. Overall, this may contribute to degrading the capability of organised criminal networks moving goods or people.

#### International comparators of similar enhanced powers

452. This measure is the first of its kind amongst the international community: as a result, there is no baseline evidence to estimate the potential success of the policy. There are no international comparators that could support the evidence base and develop the understanding of the potential benefits of the policy.

#### **Enhanced OIC powers – offence of promotion or offering of services online that facilitate or enable breaches of immigration law**

453. The offence intends to make the online environment for OCGs facilitating OIC within the UK more challenging and discourage people from the creation or publication (or causing the creation or publication) of material whose purpose is or effect will be to promote an unlawful immigration service online.

#### **Enhanced OIC powers – seizure of electronic devices**

##### Increased Information on OCG activity

454. The principal aim of this policy is to seize electronic devices for the purpose of enhancing the information around facilitation offences. Seized devices, once processed, will provide data which will be analysed by Home Office Intelligence. Intelligence reports will help to identify patterns in OCG behaviour and the involvement of OCGs in facilitation offences. Developing an understanding of this will be crucial to addressing this issue. This data can also be used to share with other agencies involved in the process of preventing facilitation offences to strengthen the information in this area. In the absence of more quantitative data in measuring this outcome, it has not been possible to monetise this benefit.

455. Expansion of these powers to the NCA and police forces across the UK will increase the opportunity to collect this data from migrants who are detected in-country after entering the UK through clandestine methods. It has not been possible to quantify these impacts due to the operational uncertainty around the number of seizures and size of the workforce conducting seizures that this may translate to.

#### Increased disruptions to OCGs

456. Immigration Officers, NCA Officers and police constables can use the intelligence collected from devices to learn more about business models under which OCGs conduct irregular migration facilitation offences. This information can be used to inform

subsequent operational activities which aim to disrupt viable methods by which OCGs operate in trafficking irregular migrants. By consequence this supports a decrease in criminality. Overall, this contributes to degrading the capability of organised criminal networks moving goods or people. In the absence of more data in measuring the monetary impacts of this benefit, it has not been included in the monetised benefits.

#### Increased prosecution of irregular migration facilitators

457. The aim of the operationalisation of this provision is to gather data from electronic devices to enhance the information available for operational decisions. Devices may also be seized for the purposes of providing evidence for facilitation offences. An increase in arrests and convictions would be a second order impact of these powers, depending on the quality and quantity of information collected. As a result, it has not been possible to quantify those impacts in the absence of this data.

#### **Endangerment offence**

##### Fewer fatalities at sea

458. The introduction of an offence which criminalises behaviour that endangers the life of other migrants aims to deter the type of behaviour which has led to fatalities in the Channel. The extent to which the offence will have the desired behavioural impact is uncertain. A reduction in dangerous behaviour could lead to fewer fatalities in the Channel from migrants attempting to cross via small boat.

##### International leadership

459. Given the novel nature of such an offence, this could demonstrate leadership within the international community, particularly with the UK's European partners, and signal the need for tangible action to disincentive the hazardous nature of these small boat journeys. A coordinated and proactive approach to OIC with international partners could help to disrupt OIC OCGs further upstream.

#### **Serious Crime Prevention Orders**

460. There is insufficient data with which to construct estimates of the monetary value of the benefits from this legislation. Measures 1 and 2 (expanding the range of organisations that are able to apply for a SCPO and allowing a SCPO application upon acquittal to be made in Crown Court) are designed to streamline the process of applying for SCPOs. These measures may lead to a reduction in serious crime if they lead to increased use of SCPOs, and accordingly if SCPOs are effective at preventing future serious crime through placing restrictions on those likely to commit serious offences.

461. Serious and organised crime is estimated to cost the UK at least £47 billion annually.<sup>73</sup> The increased use of SCPOs can help disrupt and deter serious criminal activity. Measures 3 and 4 could lead to improved monitoring and enforcement of SCPOs by creating an express power for electronic monitoring and standardising the notification requirements for SCPOs. This allows law enforcement to monitor SCPOs more consistently, given that the information which they record will be standardised for all SCPOs. Where there is improved monitoring and including increased detection of

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<sup>73</sup> The social and economic costs of organised crime to the UK is estimated to be approximately £37 billion in FY 15/16, based on Home Office, 'Understanding Organised Crime Estimating the scale and the social and economic costs', November 2018. This figure is inflated using November 2023 HMT GDP Deflator which produces a cost estimate of £47 billion in 2023/24 prices.

breaches and more prosecutions being brought forward for a breach, there may be a reduction in serious crime. Individuals prosecuted and convicted for a breach will be prevented from carrying out further crime. Better monitoring and enforcement may also act as a deterrent to breach.

### **Interim Serious Crime Prevention Orders**

462. By imposing immediate restrictions on an individual, law enforcement agencies have additional time to gather further evidence for an application for a “full” order, or to continue their investigations in pursuit of a prosecution, whilst mitigating the threat posed by that individual and enable the disruption and/or prevention of serious crime. This means interim orders should lead to a reduction in serious crime.

### **New offences to criminalise the making, adapting, importing, supplying, offering to supply and possession of articles for use in serious crime**

463. There is insufficient data with which to construct estimates of the monetary value of the benefits from this legislation. It is possible that by making these articles illegal to possess/supply, there will be a deterrent effect on serious crime. Additionally, if individuals do commit a crime under this new offence, there will be an incapacitation effect of these individuals being convicted, which will reduce crime.

464. The effect may depend on the specific article targeted:

- **Vehicle Concealments:** In the three-year period from 2020 to 2023, the NCA seized 438 vehicles, about 150 of those were at the border.<sup>74</sup> A ban on vehicle concealments may allow more interceptions to occur at the border, preventing serious crimes.
- **3D Printed Firearms:** The number of UK Law Enforcement cases involving 3D printed firearms including metal parts increased from 6 in 2021 to 17 in 2022 and 25 in 2023.<sup>75</sup> As the quality of 3D printed weapons improves, it is highly likely that viable hybrid firearms will increasingly feature in UK criminality.<sup>76</sup> Criminalising the possession and supply of these devices could prevent these firearms from proliferating as much as they would if there was no ban, potentially reducing crime.
- **Pill Presses:** Pill Presses can be used to mass produce illicit drugs. The NCA seized 40 million illicit pills in a single raid in 2020, and the Metropolitan Police seized 150,000 pills of fentanyl in late 2023.<sup>77</sup> By criminalising the possession / supply of pill presses, OCGs may find it more difficult to mass produce illicit pills, reducing the harm to society brought by illicit drugs.

465. As none of the benefits associated with potential reductions in serious crime have been able to be monetised, breakeven analysis has been conducted using the Home Office’s cost of crime.<sup>78,79</sup> Serious and organised crime is multifaceted and there is no one value

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<sup>74</sup> Figures provided by the NCA.

<sup>75</sup> Figures provided by the NCA.

<sup>76</sup> This is an operational assessment provided by law enforcement partners.

<sup>77</sup> Criminal Justice Bill, Public Bill Committee First Sitting, 12/12/23: [https://publications.parliament.uk/pa/bills/cbill/58-04/0010/PBC010\\_Criminal\\_1st-th\\_Compilation\\_14\\_12\\_2023.pdf](https://publications.parliament.uk/pa/bills/cbill/58-04/0010/PBC010_Criminal_1st-th_Compilation_14_12_2023.pdf)

<sup>78</sup> Home Office, The economic and social costs of crime, 2018: <https://assets.publishing.service.gov.uk/media/5b684f22e5274a14f45342c9/the-economic-and-social-costs-of-crime-horr99.pdf>

<sup>79</sup> This breakeven analysis assumes no set up period and does not report in Present Values, so potentially may be an underestimate of the required number of offences to breakeven.

that can be used in this analysis. Some scenarios based on each article are provided below.

- Vehicle Concealments: If restrictions on vehicle concealments prevents illegal goods, such as firearms, from entering the UK, and this reduces the number of homicides by just two homicides over 10 years,<sup>80</sup> this would result in benefits exceeding costs over the appraisal period.
- 3D Printed Firearms: If restrictions on 3D printed firearms reduce the number of homicides by two over 10 years,<sup>81</sup> this would result in benefits exceeding costs over the appraisal period.
- Pill Presses: There are no unit costs of drug crime available, however it has been estimated that were the total socioeconomic harm of drugs to England be reduced by 0.03 per cent, the harm saved would exceed the costs of the policy.<sup>8283</sup>

## **Amending CT port powers to allow the police to take biometrics at a port in Scotland**

### Reduced labour costs to law enforcement

466. These are time savings for examining officers who, under the new legislation, will not have to visit a police station to take biometrics. By not travelling, there will be reduced fuel and labour costs for the police. This results in a benefit (cost saving) of between £200 and £450 per year, with a central estimate of £325 per year. In 2023/24, six fingerprints were taken by CT port officers using Schedule 7 powers.<sup>84</sup> As a result, the savings that this measure is expected to provide ranges between £30 and £75 per fingerprint, assuming the number of fingerprints remain constant.

### Increased time to conduct other activities

467. There is insufficient data with which to construct estimates of the monetary value of the risk management benefit from this legislation. Examining officers will have greater time to question and search an individual's involvement in terrorism or hostile activity as they no longer need to transport the individual to examine them. Under current legislation, examination time is limited to six hours which includes transport time. Transport time does not provide any additional management of terrorist risk and is simply a cost incurred to the police. By eliminating transport time, officers can use the examination time to its full benefit in managing the terrorist risk posed by individuals at port.

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<sup>80</sup> The Home Office social and economic costs of crime report outlined in previous footnotes reports a homicide unit cost of £3,217,740 in 2015/16 Prices. Uplifting to 2025/26 Prices using the GDP Deflator results in a new unit cost of £4,431,337. Dividing the total cost of the proposal (between £6.4 million and £8.3 million with a central estimate of £7.3 million) by this new unit cost results in between 1.4 and 1.9 homicides, with a central estimate of 1.6 homicides needing to be prevented for the Net Present Social Value to become positive.

<sup>81</sup> See footnote 78.

<sup>82</sup> The total socioeconomic cost to England from drug crime was estimated at £19.3 billion (17/18 prices). Uplifting to 25/26 prices using the GDP Deflator leads to a total socioeconomic cost to England of £25.6 billion (2025/26 prices). Source: Dame Carol Black Review: Phase One. The updated figure only accounts for changes in inflation since 2017/18 and does not take into account any other changes, such as changes in prevalence] Dividing this figure by the total cost of the proposal (between £6.4 million and £8.3 million with a central estimate of £7.3 million) results in between 0.03 per cent and 0.04 per cent, with a central estimate of 0.03 per cent.

<sup>83</sup> Review of Drugs - evidence relating to drug use, supply and effects, including current trends and future risks (2019) – GOV.UK: [https://assets.publishing.service.gov.uk/media/5eafffedd3bf7f65363e4fda/Review\\_of\\_Drugs\\_Evidence\\_Pack.pdf](https://assets.publishing.service.gov.uk/media/5eafffedd3bf7f65363e4fda/Review_of_Drugs_Evidence_Pack.pdf)

<sup>84</sup> Terrorism Act 2000: <https://www.legislation.gov.uk/ukpga/2000/11/schedule/7>

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

### **Repeal of the Safety of Rwanda (Asylum and Immigration) Act 2024**

468. There are indirect monetised benefits of this measure flowing from the formal cessation of the UK-Rwanda treaty after repealing the Safety of Rwanda (Asylum and Immigration) Act 2024. As set out in the Breakdown of Home Office costs associated with the MEDP with Rwanda and the Illegal Migration Act 2023,<sup>85</sup> £220 million in scheduled future payments will not have to be paid due to the partnership ending.

### **Repeal of parts of the Illegal Migration Act 2023**

469. There are no monetised benefits of this measure. The measures from the Act being retained have no additional benefit as they already exist in legislation. Through the Illegal Migration Act 2023 (Amendment) Regulations 2024,<sup>86</sup> the government has already acted to remove the blockers to asylum processing caused by the Act, thus avoiding extra asylum accommodation and support costs to the Home Office while claims were not being processed. This regulation was estimated to save £7.7 billion.<sup>87</sup> The decision to cancel the operation of removals to Rwanda under the Act has already been taken, so there are no additional benefits of repealing measures from this legislation.

### **Detention and exercise of functions pending deportation**

470. There are no monetised benefits of this measure. This measure strengthens the power to detain individuals liable to deportation on conducive grounds and protects the Home Office against claims of unlawful detention in such cases.

### **Increased Powers for the Immigration Services Commissioner**

471. The intended outcome of this measure resulting in better quality immigration advice is a non-monetised benefit. This would impact both recipients of immigration advice being able to submit higher quality applications, and the Home Office potentially having a more efficient decision-making process upon the receipt of such applications.

### **Extension of personnel who can take biometric information**

472. This measure will allow flexibility of the deployment of staff trained to capture biometrics between sites in the UK. This will ease the burden of demand surges and could contribute to a reduction in the time migrants spend in IRCs.

### **Collection of biometrics outside of a visa application process**

473. This measure will improve the security of the UK by collecting and checking biometric information of more foreign nationals during an evacuation or other event where government needs to facilitate the movement of foreign nationals without extant permission to enter the UK. This measure, once technical capability is built, will allow for the biometric checks of 100 per cent of foreign nationals in these circumstances, subject to operational capacity on the ground. The extent to which this measure could

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<sup>85</sup> Breakdown of the Home Office costs associated with the MEDP with Rwanda and the Illegal Migration Act 2023 – GOV.UK: <https://www.gov.uk/government/publications/medp-with-rwanda-and-the-illegal-migration-act-associated-costs/breakdown-of-home-office-costs-associated-with-the-medp-with-rwanda-and-the-illegal-migration-act-2023>

<sup>86</sup> The Illegal Migration Act 2023 (Amendment) Regulations 2024: <https://www.legislation.gov.uk/uksi/2024/815/made>

<sup>87</sup> The Illegal Migration Act 2023 (Amendment) Regulations 2024 – Impact Assessment: [https://www.legislation.gov.uk/ukia/2024/119/pdfs/ukia\\_20240119\\_en.pdf](https://www.legislation.gov.uk/ukia/2024/119/pdfs/ukia_20240119_en.pdf)

lead to more adverse matches and the refusal of those not conducive to the public good is not clear, meaning it is not possible to quantify the benefit.

### **Conditions on limited leave to enter or remain and immigration bail**

474. Where a foreign national poses a threat to the public but cannot be removed from the UK because of our obligations under domestic and international law, they are granted limited permission to stay. Currently, the Home Office does not have the ability to impose the same conditions which can be imposed on a person on immigration bail, irrespective of the threat posed by the person.
475. This measure will strengthen the powers available to protect the public from migrants that pose a threat to the public but cannot be removed because of our obligations under domestic and international law. The benefits of the measure relate to this threat reduction.

### **EU Settlement Scheme – rights of entry and residence**

476. There are no monetised benefits of this measure. It will confirm in UK law the approach which the UK has already taken as a matter of policy since the end of the transition period and so has no additional benefit.

### **Right to Work**

477. This measure sets a level playing field across all businesses to uphold their responsibilities to prevent illegal working in the UK. There will be a shift in economic activity to legitimate businesses who do not employ illegal workers and potential increased profits for these businesses. Further deterrence of illegal working also lowers potential associated societal harms, such as exploitation and abuse which can be associated with the practice.

### **Statutory timeframe for the First-tier Tribunal Immigration & Asylum Chamber Appeals**

#### Faster Integration

478. In addition to the monetised benefits outlined above, this measure enables faster integration of prioritised cohorts whose asylum claims are subsequently granted. This is driven by appeals being heard more quickly than in the baseline, allowing those individuals granted refugee status to integrate into UK communities sooner than otherwise would be possible. As a result, wider social and economic benefits may be realised, alongside improvements in individual welfare outcomes.
479. These benefits have not been monetised because outcomes for refugee integration are uncertain, and these benefits could be offset by integration costs to those non-prioritised cases (as detailed in paragraph 415).

#### Prevented FNO Reoffending

480. In theory, prioritising appeals of non-detained FNOs can deliver significant benefits by reducing the risk and cost of reoffending. By resolving appeals more quickly, the system can expedite removals or other outcomes, thereby mitigating public protection risks and reducing long-term criminal justice expenditure.
481. These benefits are non-monetised, as it is not possible to quantify the extent to which FNO returns could be accelerated in line with the increased number of appeals heard within this cohort.

482. While the benefits of prioritising FNO appeals are meaningful, the overall volume of FNOs in the system is relatively small compared to individuals in supported accommodation. Consequently, the total non-monetised benefits associated with this group are expected to be proportionately lower.

### **Refugee Convention – particularly serious crime**

483. This measure strengthens the current provisions by widening our interpretation of a 'particularly serious crime', bringing individuals convicted of Schedule 3 sexual offences into scope for consideration of exclusion from the protection of the Refugee Convention.

484. Individuals who fall within the expanded criminality thresholds will be issued with a section 72 notice, excluding them from the protections of the Refugee Convention. Individuals who have been convicted of Schedule 3 sexual offences and found to be a danger to the community of the UK, will be removed as quickly as possible.

485. Offenders who are removed from the UK due to criminality thresholds will no longer pose a danger to the community and could generate benefits through avoided costs associated with potential reoffending, as well as reduced use of public services.

486. It is not possible to estimate how many cases will fall within the scope of the new legislation, as both in-country and out-of-country convictions may be relevant. These factors limit the ability to quantify the affected population and the associated benefits.

### **Retrospective authority for fees relating to English language and UK and overseas qualifications**

487. The main benefit of this measure is the avoidance of potential future costs that would be incurred through refunds of fees charged for services provided to date. The value of this is inherently uncertain and depends upon behavioural factors of those who have paid for these services.

488. There is uncertainty around when fees were first charged for these services, but it is possible that the fees may have been in place from at least 2014, and in the case of the Home Office V&N service from at least 2008. For the purposes of this impact assessment, figures have been provided on the liability for potential claims which could be brought (for fees charged from any time until the Act comes into force), if retrospective legislation were not enacted.

489. It is estimated that the Home Office could be liable for claims totalling approximately £87 million for V&N services for the period of 2008 to 2024.

490. It is estimated that DfE could be liable for claims totalling approximately £2 million for the non-UK Early Years Qualifications Recognition service for the period of 2014 to end of 2024. This is an estimate only and has been calculated by extrapolating available data from 2023 to apply to previous years, but the absence of more specific data on previous contracts means the total may be lower.

491. DfE also estimates that the UK ENIC Services have generated approximately £45 million in revenue for the period of 2014 to 2024. There is uncertainty as to whether this figure represents an appropriate estimate of liable refunds and the benefit of this Act, as the UK ENIC Services are considered to be commercial and not requiring statutory authority. DfE has concluded that there is a legitimate argument for this service to require statutory provision, as such, it has been decided to include this service within this measure to put beyond doubt the authority for the charges.

492. These figures have not been included in the monetised benefits section above because the extent to which they will occur is highly uncertain, as it depends on whether individuals and businesses would have made claims to receive a refund for the services they have received.

### **NPSV, Business Net Present Value (BNPV), EANDCB**

493. The tables below display a NPSV, BNPV and EANDCB comprising the costs and benefits of implementation of relevant measures.

494. Table 22 shows the NPSV of each Pillar.

**Table 22: NPSV, £ million, 2025/26 prices, Present Value**

	<b>Low</b>	<b>Central</b>	<b>High</b>
<b>Pillar 1 Total</b>	-	-	-
<b>Pillar 2 Total</b>	-	-	-
<b>Pillar 3 Total</b>	-12.8	-52.6	-68.9
<b>Pillar 4 Total</b>	5,212.5	6,727.3	8,089.5
<b>Total</b>	<b>5,199.7</b>	<b>6,674.7</b>	<b>8,020.6</b>

Source: Home Office Internal Calculations

495. Table 23 shows the BNPV of each Pillar. Costs included are those contained within serious and organised crime-related measures in Pillar 3 (serious and organised crime articles, SCPOs, and interim SCPOs) and the Right to Work and Statutory Timeframes measures in Pillar 4.

**Table 23: BNPV, £ million, 2025/26 prices, Present Value**

	<b>Low</b>	<b>Central</b>	<b>High</b>
<b>Pillar 1 Total</b>	-	-	-
<b>Pillar 2 Total</b>	-	-	-
<b>Pillar 3 Total</b>	-0.02	-0.1	-0.4
<b>Pillar 4 Total</b>	-10.2	-73.6	-283.7
<b>Total</b>	<b>-10.3</b>	<b>-73.7</b>	<b>-284.1</b>

Source: Home Office Internal Calculations

496. Table 24 shows the EANDCB of each Pillar. Costs included are those contained within serious and organised crime-related measures in Pillar 3 (serious and organised crime articles, SCPOs, and Interim SCPOs) and the Right to Work and Statutory Timeframes measures in Pillar 4.

**Table 24: EANDCB, £ million, 2025/26 prices**

	<b>Low</b>	<b>Central</b>	<b>High</b>
<b>Pillar 1 Total</b>	-	-	-
<b>Pillar 2 Total</b>	-	-	-
<b>Pillar 3 Total</b>	0.0	-0.02	-0.05
<b>Pillar 4 Total</b>	-1.2	-8.6	-33.0
<b>Total</b>	<b>-1.2</b>	<b>-8.6</b>	<b>-33.0</b>

Source: Home Office Internal Calculations

# Costs and benefits to business calculations

497. Most measures are not expected to have business impacts, however measures within this Act that do are discussed below.

## Serious Crime Prevention Orders

498. The only monetised impact on business was the cost to private sector legal firms who have to familiarise themselves with the change in legislation. As covered in Table 25, the cost to the private sector is estimated to be between £0.01 million and £0.19 million, with a central estimate of £0.05 million (2025/26 Prices, PV).

499. The Business Net Present Value (BNPV) is between -£0.01 million and -£0.19 million, with a central estimate of -£0.05 million (2025/26 Prices, PV).

500. The EANDCB is estimated to be between £800 and £0.02 million, with a central estimate of £0.01 million (2025/26 Prices, PV).

**Table 25: BNPV and EANDCB (£ millions, 2025/26 Prices, PV)**

	Low	Central	High
<b>BNPV</b>	-0.01	-0.05	-0.19
<b>EANDCB</b>	-0.00	-0.00	-0.01

Source: Home Office Internal Calculations

## Interim Serious Crime Prevention Orders

501. The only monetised impact on business was the cost to private sector legal firms who have to familiarise themselves with the change in legislation. As covered in Table 26, the cost to the private sector is estimated to be between £3,400 and £0.1 million, with a central estimate of £0.03 million (2025/26 Prices, PV).

502. The Business Net Present Value (BNPV) is between -£3,400 and -£0.1 million, with a central estimate of -£0.03 million (2025/26 Prices, PV).

503. The EANDCB is estimated to be between £400 and £0.01 million, with a central estimate of £3,100 (2025/26 Prices, PV).

**Table 26: BNPV and EANDCB (£ millions, 2025/26 Prices, PV)**

	Low	Central	High
<b>BNPV</b>	-0.00	-0.03	-0.1
<b>EANDCB</b>	-0.00	-0.00	-0.01

Source: Home Office Internal Calculations

## New offences to criminalise the making, adapting, importing, supplying, offering to supply and possession of articles for use in serious crime

504. The only monetised impact on business was the cost to private sector legal firms who have to familiarise themselves with the change in legislation. As covered in Table 27, the cost to the private sector is estimated to be between £0.01 million and £0.15 million, with a central estimate of £0.05 million (2025/26 Prices, PV).

505. The Business Net Present Value (BNPV) is between -£0.01 million and -£0.15 million, with a central estimate of -£0.05 million (2025/26 Prices, PV).

506. The EANDCB is estimated to be between £1,300 and -£0.02 million, with a central estimate of -£0.01 million (2025/26 Prices, PV).

**Table 27: BNPV and EANDCB (£ millions, 2025/26 Prices, PV)**

	Low	Central	High
<b>BNPV</b>	-0.01	-0.05	-0.15
<b>EANDCB</b>	-0.00	-0.01	-0.02

Source: Home Office Internal Calculations

507. This regulation may impact businesses who legitimately sell/manufacture/import articles used in serious and organised crime (e.g. pharmaceutical companies that sell pill presses), as they will incur a cost/loss of revenue associated with no longer being able to supply these articles.

508. At the consultation stage, the argument was made that under Option 1 there could be an impact on small and micro businesses that make, adapt, supply, or offer to supply the specific articles listed, as they may be deterred from doing so.

509. It is unclear how many businesses legitimately provide these items currently and what proportion of these firms would be small or micro businesses. There were only seven responses to the consultation from industry. Providing an exemption to small and micro businesses would not allow this option to meet policy objectives.

510. During the consultation stage (2023), officials presented Option 1 at a roundtable event hosted by techUK, where industry professionals had the opportunity to deliberate and provide valuable comments and considerations. Additionally, officials reached out to trade bodies, such as the pharmaceutical and motor industries, inviting them to respond to the consultation and share any feedback. From the responses the department received, the Home Office found that the proposed offense is expected to have a minimal impact on industry and business, reflecting a balanced approach that aligns with both public safety needs and commercial interests.

511. The consultation did not return any responses from businesses voicing concerns about the potential impact the proposals would have on their operations, costs, and revenue. On the balance of evidence, the impact on small and micro-businesses and medium-sized businesses is assumed to be negligible.

### **Increased Powers for the Immigration Services Commissioner**

512. The only monetised impact on business was the familiarisation cost to private sector firms operating in the immigration advice industry.

513. The Business Net Present Value (BNPV) is between -£2,000 and -£0.05 million, with a central estimate of -£0.02 million (2025/26 prices, PV).

514. The EANDCB is estimated to be between -£300 and -£0.01 million, with a central estimate of -£2,000 (2025/26 prices)

**Table 28: BNPV and EANDCB (£ millions, 2025/26 Prices, PV)**

	Low	Central	High
<b>BNPV</b>	-0.00	-0.02	-0.05
<b>EANDCB</b>	-0.00	-0.00	-0.01

Source: Home Office Internal Calculations

## Right to Work

515. The monetised cost to business is the cost of additional right to work checks. The cost to business is estimated to be between £10.2 million and £283.6 million, with a central estimate of £73.6 million (2025/26 Prices, PV).
516. The Business Net Present Value (BNPV) is estimated to be between -£10.2 million and -£283.6 million, with a central estimate of -£73.6 million (2025/26 Prices, PV).
517. The EANDCB is estimated to be between -£1.2 million and -£32.9 million, with a central estimate of -£8.5 million (2025/26 Prices, PV).

**Table 29: BNPV and EANDCB (£ millions, 2025/26 Prices, PV)**

	<b>Low</b>	<b>Central</b>	<b>High</b>
<b>BNPV</b>	-10.2	-73.6	-283.6
<b>EANDCB</b>	-1.2	-8.5	-32.9

Source: Home Office Internal Calculations

## Costs and benefits to households' calculations

518. Most measures are not expected to have impacts on the households or regional impacts.
519. Households may benefit from reduced crime, including OIC, however this is not a direct impact.
520. Areas that face more serious crime, including OIC will likely benefit more from this policy compared to areas that do not. This would cover urban areas and ports among other potential locations.

## Right to Work

521. The monetised household cost is the cost to prospective workers to facilitate additional right to work checks. This is estimated to be between £2.1 million and £26.3 million, with a central estimate of £11.2 million (2025/26 Prices, PV).
522. The Household Net Present Value (NPV) is between -£2.1 million and -£26.3 million, with a central estimate of -£11.2 million (2025/26 Prices, PV).

## Business environment

523. Most measures are not expected to have impacts on the business environment. Measures that do are discussed below:

### Sharing of customs information by HMRC

524. The proposal would only negatively influence traders who, wholly or partly, deal in illicit goods and are fearful of potential prosecution or penalties. The UK only supports legitimate trade, and the measures should have no impact on legitimate traders.

### Sharing of trailer registration information

525. The proposal would only negatively influence traders who, wholly or partly, deal in illicit goods and are fearful of potential prosecution or penalties. The UK only supports legitimate trade, and the measures should have no impact on legitimate traders.

## **New offences to criminalise the making, adapting, importing, supplying, offering to supply and possession of articles for use in serious crime**

526. This regulation may impact businesses who legitimately sell/manufacture/import articles used in serious and organised crime, as they will incur a loss in revenue associated with no longer being able to supply these articles. The proposal would only negatively influence businesses who, wholly or partly, deal in the specified articles used in serious and organised crime. The UK supports legitimate trade, and the measures should have no impact on businesses selling these goods for legitimate use. Well evidenced data on the size of the market for these articles, and whether businesses would be impacted, is unavailable. Initial consultation responses indicate the market to be small and the impact negligible.

## **Increased Powers for the Immigration Services Commissioner**

527. As of the 31 March 2024 the ISC regulated 1,990 organisation and 3,907 advisers.

528. Overall, it is judged that the impact on business of the preferred option will be small (estimated to be one per cent of regulated businesses facing a financial sanction per year, assuming no illegal activity is deterred) and is only intended to impact those businesses operating in breach of current legal and regulatory requirements.

## **Right to Work**

529. This measure could increase the cost of entry for those new businesses now required to gain familiarity with the Right to Work Scheme and carry out right to work checks. Only engagers of 'workers' and 'self-employed' individuals currently have no legal responsibility to ensure work is carried out by individuals with a right to work in the UK. Against this, further restricting opportunity for illegal working positively impacts the attractiveness of the business environment among legitimate business which is conducive to investment and growth.

## **Trade implications**

530. Most measures included in the Act are not expected to have an impact on trade. The measures that are expected to have an impact are discussed below.

## **New offences to criminalise the making, adapting, importing, supplying, offering to supply and possession of articles for use in serious crime**

531. For these offences the prosecution would need to show that the accused had reasonable grounds to suspect the article they are making, modifying, importing, supplying, offering to supply, or possessing will be used in serious crime.

532. Responses from the consultation have not returned any suggestions as to the size of the legitimate market and the impact the proposals may have. There were only seven industry responses from trade bodies and a small number of responses from businesses, suggesting the proposed offence can be expected to have a minimal impact on industry, trade, and business. As a result, there are likely to be negligible trade impacts.

## **Secondary legislation**

533. Having a delegated power enables the government and law enforcement agencies to respond to changes in criminal tactics and technological advances, keeping law enforcement one step ahead of OCGs.
534. Should additional articles be added, the Home Office will re-assess the trade implications of these. The secondary power will only be exercised, and articles added, if there is a significant risk of such an article being used in connection with any serious offence.

## **Environment: Natural capital impact and decarbonisation**

535. No measures included in the IA are expected to have an impact on Natural capital impact and decarbonisation. Should additional amendments or changes in legislation be added a future stage, the Home Office will re-assess the environmental implications of these.

## **Other wider impacts**

536. An Equalities Impact Assessment has been carried out in addition to this impact assessment.
537. The measures included in the impact assessment may also have a wider range of impacts. Those that are expected to have an impact are discussed below.

### **New offences to criminalise the making, adapting, importing, supplying, offering to supply and possession of articles for use in serious crime**

#### Operational impact on OCGs

538. Increasing the difficulty of supplying and possessing the proposed list of articles used in serious and organised crime could impact on the operations of OCGs. In turn this could impact the revenues and profits achieved from organised crime.
539. The increased policing of these articles could shape organised criminal behaviour into adopting the use of other articles for serious organised crime. As the nature of serious crime evolves, adding/removing to the list of specified articles will be a requirement to ensure policing of this offence remains fit for purpose.

#### Other harm reductions

540. The economic and social cost of a homicide is £4.2 million (uplifted to 2025/26 prices)<sup>88</sup>. If the intervention is successful in reducing the availability of viable 3D printed firearms, the number of homicides may reduce. It is important to note that this potential impact is expected to be small, as the number of 3D printed firearms as a proportion of the UK's illegal firearms market is understood to be small yet has grown in recent years. This trend is expected to continue as availability and reliability improves over the appraisal period.

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<sup>88</sup> The economic and social costs of crime (2nd Edition), July 2018:  
<https://assets.publishing.service.gov.uk/media/5b684f22e5274a14f45342c9/the-economic-and-social-costs-of-crime-horr99.pdf>

541. A lesser availability of benzodiazepines could lead to decreased drug use and a reduction in drug-related harm.<sup>89</sup> However, there could be an unintended consequence whereby domestic production of illicit benzodiazepines could be substituted with an increased importation from foreign suppliers. This would limit any impact on organised crime group and any potential harm reductions.

#### Unintended Consequences

542. This legislation may result in a change in migrant and/or OCG behaviour, which seeks to get around the new offences creating within the Act. The risk is that the impact may not be as large as expected. With available evidence it has not been possible to account for the likelihood, nor the potential scale, within this analysis.

### **Statutory timeframe for the First-tier Tribunal Immigration & Asylum Chamber Appeals**

#### Unintended Consequences

543. The statutory timeframe prioritises certain asylum appeal cases to be heard within 24 weeks. Cases in-scope of prioritisation are those in supported accommodation, or a non-detained FNO, at the time the appeal is instituted. If an individual moves between supported and unsupported cohorts during the appeal the case remains prioritised or de-prioritised based on its status when instituted.

544. There is a possibility that individuals may be incentivised to claim destitution prior to lodging an appeal to ensure prioritisation. Conversely, some may choose to remove themselves from supported accommodation before lodging their appeal to avoid being subject to the statutory timeframe – though they will only have 14 days to lodge an appeal once refused. To be put into supported accommodation and receive asylum support they must meet the statutory destitution test and qualifying conditions to be subject to the 24-hour timeframe. The Home Office has limited evidence of people moving between the supported and unsupported cohorts during the asylum process. The extent of behavioural responses in either direction is uncertain and has not been estimated.

545. Unsupported asylum cases do not meet the statutory timeframe criteria and are expected to wait longer for appeals to be heard. This may increase the risk of destitution among unsupported individuals, with potential implications for public service use and wellbeing. These impacts have not been monetised due to limited data on the financial position and personal circumstances of unsupported asylum appellants and how this may change over time.

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<sup>89</sup> The under-18 substance misuse treatment statistics for England in 2018 to 2019 demonstrated a 53 per cent increase in young people reporting a problem with benzodiazepines than reported in 2017/18 and a 3-fold increase against what was reported in 2016/17. Public Health England, Young people's substance misuse treatment statistics 2018 to 2019: report, November 2019, <https://www.gov.uk/government/statistics/substance-misuse-treatment-for-young-people-statistics-2018-to-2019/young-peoples-substance-misuse-treatment-statistics-2018-to-2019-report>. The ACMD also highlights the potential polydrug impacts, as benzodiazepines can be mixed in heroin as 'extenders'. Advisory Council on the Misuse of Drugs, Novel Benzodiazepines: A review of the evidence of use and harms of Novel Benzodiazepines, April 2020: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/881969/ACMD\\_report\\_-\\_a\\_review\\_of\\_the\\_evidence\\_of\\_use\\_and\\_harms\\_of\\_novel\\_benzodiazepines.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/881969/ACMD_report_-_a_review_of_the_evidence_of_use_and_harms_of_novel_benzodiazepines.pdf)

## Risks and Assumptions

546. Risks and uncertainties are identified and tested in the appropriate section of the Impact Assessment. At time of writing the implementation plans for the Act, process is under development and specific details not yet available.
547. There are also unknowns in terms of the consequential impacts these plans might have on the OIC and behavioural change of irregular migrants.
548. The analysis does not attempt to estimate all costs of implementing the Act process and does not attempt to estimate any changes in behaviour of future OCGs or migrants following commencement of the Act.

### Proportionality

549. Every effort has been made to ensure the analysis in this impact assessment presents the best possible estimate of the likely impact of the options, given the time, resource and data available. These have been quantified where data is available, with risks highlighted below.

### Risks

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

##### **Making the Border Security Commander a statutory office holder**

550. As the legislation aims to enable the function of the Border Security Command, very few costs and benefits have been identified for this measure. As a result, minimal analytical risks have been identified.

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

##### **Sharing of customs information by HMRC**

551. As this is an extant practice, being regularised, there are minimal risks associated. The benefits of the policy may not be realised if data is not shared in a timely fashion or is not suitable for further usage by Home Office staff.
552. Additionally, no benefits or costs have been monetised due to lack of data or methodology in determining the monetisable impacts of data sharing.

##### **Sharing of trailer registration information**

553. If data is not shared in a timely fashion or is not useful for further analysis by the Home Office and wider law enforcement, the benefits of the policy may not be realised.
554. Additionally, no benefits or costs have been monetised due to lack of data or methodology in determining the monetisable impacts of data sharing.

#### **Pillar 3: New and enhanced powers to strengthen border security**

##### **Enhanced OIC powers – supplying/handling & preparatory offences**

555. This measure is the first of its kind amongst the international community; as a result, there is no baseline evidence to estimate the potential success of the policy. Similarly, there are no international comparators that could support the evidence base and develop the understanding of the potential benefits of the policy. The new offences could

lead to a change in methodologies employed by OCGs to facilitate OIC, impacting how law enforcement and the courts use this offence in practice.

556. Additionally, there may be familiarisation costs to other law-enforcement agencies besides the NCA. It has not been possible to understand which agencies may also be impacted as operationalisation details have not yet been determined, but this risk is expected to be minimal.

### **Enhanced OIC powers – offence of promotion or offering of services online that facilitate or enable breaches of immigration law**

557. There is a risk that the measure does not deliver its intended impacts, disrupt OCGs business models, increase law enforcement outcomes or discourage the posting of online material which promotes unlawful immigration services. These risks and some potential mitigations are outlined below:

558. OCGs may move operations overseas, if they are not already based overseas, to mitigate against prosecution. The offence has extraterritorial jurisdiction and in exceptional circumstances, extradition may occur.

559. OCGs may commission vulnerable groups or children under the age of criminal responsibility to create adverts. The act of causing someone else to create online material that promotes unlawful immigration services is within scope of this offence.

560. OCGs may adapt into other forms of promotion that are harder to observe, such as increased use of private messaging online or offline promotion.

### **Enhanced OIC powers – seizure of electronic devices**

561. There is an evidence gap on whether the seizure of electronic devices may lead to behavioural changes of migrants, or less reliance on the use of mobile devices for communications.

562. The impacts outlined in this document only capture the policy if it is operationalised by Immigration Officers exclusively. If the powers are extended to police, there will be additional costs and potentially benefits.

563. Until there is further understanding of the requirements of this policy, it is not possible to fully define the impacts.

### **Endangerment offence**

564. Due to the novel nature of the offence, impacts are based on similar offences. This is due to a known evidence gap on the associated criminal justice system impacts.

565. The cost estimates assume that the endangerment offence generates additional costs within the criminal justice system. However, in practice, some individuals who would otherwise be prosecuted under existing offences may instead be charged under the new offence. Where this substitution occurs, it may not create additional costs, and total costs could therefore be lower than currently estimated.

566. There is limited understanding of the behavioural impact of this intervention, so the deterrence effect on dangerous behaviour may not be realised as intended.

567. This analysis hasn't accounted for any unintended consequences which may materialise as a cost to the system, due to the limitations outlined above.

### **Serious Crime Prevention Orders**

568. The estimate of the range of additional SCPOs that will be made was decided by experts from the NCA and HMRC. There is a risk that the number of additional SCPO's may be higher than expected. This would lead to increased criminal justice costs due to a higher number of SCPO applications and potentially due to a higher number of breaches of SCPO's. A range of potential additional SCPO's has been employed in this impact assessment to reflect this uncertainty.
569. The estimate of the range of additional SCPOs which employ electronic monitoring (EM) as decided by experts from the Metropolitan Police Service (MPS). There is a risk that a larger proportion of SCPOs will impose EM than has been anticipated. This could lead to an increase in criminal justice costs due to a higher number of breaches being detected.
570. The breach rates employed in this impact assessment are based on historical breach rates for SCPOs, but breach rates associated both with additional SCPOs and with the use of EM could be higher than expected. This would lead to increased criminal justice costs, especially if this leads to an increased use of custodial sentences.
571. There is a risk that the implementation of all new SCPOs imposing a prescribed set of notification requirements cannot be absorbed within existing workloads if law enforcement partners do not have existing arrangements already in place for monitoring and enforcing the SCPOs which they already own. This could result in increased costs to law enforcement.

#### **Interim Serious Crime Prevention Orders**

572. Similar risks and assumptions apply to interim SCPOs as do to standard SCPOs. The estimate for the range of SCPOs made is based on stakeholder feedback from the NCA and HMRC, and there is a risk the actual number of interim SCPOs made may be higher than expected.
573. The estimate of the range of additional SCPOs which employ EM was decided by experts from the MPS. There is a risk that a larger proportion of SCPOs will impose EM than has been anticipated. This could lead to an increase in criminal justice costs due to a higher number of breaches being detected.
574. The breach rates employed in this impact assessment are based on historical breach rates for SCPOs. However, breach rates associated both with additional interim SCPOs and with the use of EM could be higher than expected. This would lead to increased criminal justice costs, especially if this leads to an increased use of custodial sentences.

#### **New offences to criminalise the making, adapting, importing, supplying, offering to supply and possession of articles for use in serious crime**

575. There is significant uncertainty regarding the volume of offences/offenders each year. These results have been triangulated with other data sources, which suggest these estimates should be considered an upper bound, although there remains a possibility that law enforcement agencies may actively target these devices upon the creation of the new offences. Due to significant uncertainty and limited data, it has not been possible to separate out the volume of offences between an offence of making, modifying, importing, supplying, offering to supply a specified article, versus only possessing a specified article. Another aspect to this risk is that this offence may be subsumed in the courts and treated as a sub-offence (such as drug trafficking or possession of a firearm).

576. Prevalence of these articles are assumed to remain constant over time. This assumption, however, is unlikely to hold. In the case of 3D printing firearm templates, there is a strong expectation that the technology, reliability, and accessibility to 3D firearms/templates is likely to improve over the appraisal period as the technology becomes more mainstream to OCGs. Without reliable volumes for each individual article, it has not been possible to account for this in the analysis. Conversations with NCA subject matter experts suggest the volume of such cases involving 3D printing firearm templates is expected to be low. This means the potential impact of an increase in related offences is expected to be small. Increased policing of these articles could shape organised criminal behaviour into adopting the use of other articles for serious and organised crime. The volume of offences is also dependent on the government taking steps to add to the list of specified articles under secondary legislation, to ensure that the list can be updated as serious crime evolves.
577. There is uncertainty regarding how law enforcement and the courts will use this offence in practice. The charge rate of offences going to court has a significant impact on costs. Similarly, the proportion of those convicted where the sentencing outcome is an immediate custodial sentence impacts significantly on prison places and prison-associated set-up and ongoing costs. There is also uncertainty surrounding the split in offenders going through either Crown or Magistrates' Courts, which has an impact on costs. This has been partially mitigated in the impact assessment with the approach that has been taken to use a weighted average of offences to estimate law enforcement and CJS outcomes.
578. It has not been possible to monetise all costs associated with this proposal. This may have an impact on Option 2's NPSV. It has not been possible to obtain volume and unit cost estimates for the use of civil seizure and forfeiture powers.

#### **Amending CT port powers to allow the police to take biometrics at a port in Scotland**

579. For the appraisal, it is assumed that the number of biometrics taken by CT port officers will stay the same. If the number of biometrics taken by CT port officers increases, the monetised efficiency saving will increase. Although, the number of biometrics taken must increase significantly before it has any significant impact on the NPSV. Assuming that taking biometrics incurs zero additional cost, examining officers must take 430 to 850 biometrics per year with a central estimate of 480 before the resource efficiency savings alone provide value for money. As the number of biometrics taken in the future is unknown, it is assumed that CT port officers will take the same number of biometrics.
580. The cost of installing and maintaining the biometric machines at port includes optimism bias in line with Green Book guidance. As a result, costs may have been overestimated for this measure.

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

##### **Repeal of the Safety of Rwanda (Asylum and Immigration) Act 2024**

581. This measure has no identified analytical risks.

##### **Repeal of parts of the Illegal Migration Act 2023**

582. This measure has no identified analytical risks.

##### **Detention and exercise of functions pending deportation**

583. There is an analytical risk that this measure will lead to the savings of litigation costs which could have been incurred if the Home Office did not proceed with this legislation. This has been raised in the non-monetised section above, and as yet cannot be quantified or monetised.

#### **Increased Powers for the Immigration Services Commissioner**

584. There is an analytical risk that the proportion of regulated organisations which could now be found to be operating in breach of the regulation is higher than currently estimated. This would mean the impacts of this measure have been underestimated and there could be a larger impact to the industry of immigration advice and a potential reduction in the availability of advice. As discussed in above, there is a limited number of firms operating in the market, it is unlikely that breaches of regulation are widespread.

585. This measure intends to improve the quality of advice, if a substantial number of firms ceased to operate because they were operating in breach of the regulation, the quality of advice given would rise on average. It is also possible that legitimate firms continuing to operate could take the business of those firms who have been suspended or choose to leave the market.

#### **Extension of personnel who can take biometric information**

586. This measure has no identified analytical risks.

#### **Collection of biometrics outside of a visa application process**

587. It is currently unclear how this power will be used in future. There is potential for this measure to result in the requirement for more biometric information collection technology to be procured which is not yet planned for. This has been discussed in the non-monetised costs section above.

#### **Conditions on limited leave to enter or remain and immigration bail**

588. This measure has no identified analytical risks.

#### **EU Settlement Scheme – rights of entry and residence**

589. This measure has no identified analytical risks.

#### **Right to Work**

590. The impact assessment published for this measure listed a number of analytical risks, including uncertainty on the volume of working arrangements coming into scope of the Right to Work Scheme, the frequency of job turnover in these arrangements, and the time required, or price, to complete a right to work check.<sup>90</sup> This was mitigated by a wide range on upper and lower bound assumptions which is reflected in the wide estimated cost range. A consultation has been launched which may provide further evidence to inform the evidence base.

#### **Statutory timeframe for the First-tier Tribunal Immigration & Asylum Chamber Appeals**

##### Statutory Timeframe Not Met

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<sup>90</sup> Extension of prohibition on employment to other working arrangements: impact assessment - GOV.UK: <https://www.gov.uk/government/publications/border-security-asylum-and-immigration-bill-2025-impact-assessment/extension-of-prohibition-on-employment-to-other-working-arrangements-impact-assessment-accessible>

591. This policy states that appeals for prioritised cohorts should be determined within 24 weeks unless reasonably practicable. There is a risk that the statutory timeframe cannot be practically met as has been modelled, reducing the number of appeals heard and creating an analytical risk with the projected benefits.
592. The practicality of meeting the statutory timeframe has been considered in the monetisation of costs and benefits, with a low and high range of scenarios modelled to consider the success of implementation.

#### Appeals System Inflow

593. This measure introduces a statutory timeframe of 24 weeks for determining prioritised appeals. Modelling uses predicted appeals inflows and outflows in the case with and without statutory timeframes to estimate the benefits of reducing expenditure on accommodation support. If actual inflows are lower than forecast, the benefits of the statutory timeframe measure will correspondingly decrease.
594. Inflows may decline due to a reduction in initial asylum claims, for example due to changes to visa rules or a decrease in small boat arrivals. Inflows into the appeals system may also fall if, for example, more grants are issued at the initial decision stage reducing the number of failed asylum seekers who choose to appeal.
595. Appeal inflows to 2028/29 are modelled based on asylum inflow and initial decision estimates. Due to uncertainty, from 2028/29 onwards, inflows are assumed to remain steady, using this year as the base. Any changes to inflows, whether due to the factors above or other external influences, would directly affect the benefits of this measure.

#### Other Appeals Risks

596. As set out in the non-monetised costs section above, there is potential that this measure could bring forward local authority costs related to asylum grants and various costs related to failed asylum seekers. The extent to which these costs materialise beyond the business-as-usual case is dependent on the specific characteristics of prioritised cohorts, which is unknown.
597. The majority of benefits associated with this measure come from asylum support savings from reducing the supported population by prioritising these appeals. There is an analytical risk as the benefits are particularly dependent on the price of accommodation, which could change significantly during the appraisal period. Optimism bias has been applied in line with Green Book guidance to account for asylum support costs rising due to exogenous factors over the appraisal period.
598. Detail on the impact of different accommodation types to benefits of this legislation is detailed in the section A.1.13.

#### **Refugee Convention – particularly serious crime**

599. As set out in the benefits section above, the benefits of this policy arise from the social and economic gains associated with removing an FNO. These benefits have not been monetised due to limitations in available data on the number of convictions likely to fall within scope of the legislation.
600. There is also a risk that individuals cannot be returned to their country of origin for protection reasons under the ECHR, which may prevent the benefits of the policy from being realised.

## **Retrospective authority for fees relating to English language and UK and overseas qualifications**

601. As set out in the non-monetised benefits section above, there is a potential that this measure could save refund costs which otherwise would have been incurred. The extent to which these costs would have materialised is dependent on the behaviour of individuals, businesses, and organisations who have paid for services to date.

602. Assumptions have been listed in the Annex for completeness.

# Annex

Mandatory specific impact test - Statutory Equalities Duties	Complete
<p data-bbox="233 398 644 434"><b>Statutory Equalities Duties</b></p> <p data-bbox="233 510 1260 741">The public sector equality duty requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations in the course of developing policies and delivering services. This consideration has been made in development of the measures in the Act and an Equalities Impact Assessment has been produced for the Act.</p> <p data-bbox="233 763 1260 994">The only direct discrimination that has been identified relates to ensuring proportionate differential application for children; and the collection of biometric information provisions on the basis of nationality, since biometrics can only be taken from those subject to immigration control, therefore generally excluding British citizens (authorise under paragraph 17 to Schedule 3 of the Equality Act 2010).</p> <p data-bbox="233 1016 1260 1247">Some indirect impacts on the basis of protected characteristics have been identified. These impacts, and any available mitigations, are set out in the EIA. The potential impacts identified are considered to be justified as proportionate for the legitimate aims of the measures, including border security, disruption and prevention of crime, and maintaining a functioning immigration system.</p> <p data-bbox="233 1323 938 1359"><b>The SRO has agreed these summary findings.</b></p>	<p data-bbox="1286 835 1345 871"><b>Yes</b></p>

## **A.1 Measure specific methodologies and assumptions**

### **A.1.1. ASSUMPTIONS – Serious and organised crime-specific general assumptions and data**

1. In the Introduction IA, the cost of constructing additional prison places brought on by these policies was included in the Net Present Social Value. Following discussions with the Ministry of Justice, these costs have now been removed from these calculations. This is because the 10 year prison supply strategy sets out the requirements for additional supply going forwards, determining the approach to building new places for the foreseeable future. This approach to building new places would not be revised in response to the prison place implications of this Impact Assessment.
2. There are several general assumptions which apply to all serious and organised crime measures (Articles for use in serious and organised crime, SCPOs, and interim SCPOs) in this impact assessment. These are:
  - The appraisal period for measuring the impacts of the proposed new legislation is 10 years.
  - A 3.5 per cent annual social discount rate is used<sup>91</sup>.
  - Values are presented in 2025/26 prices.
  - All costs and benefits are relative to the 'Do nothing' Option 0
3. In addition to these assumptions, there are several assumptions and unit values relevant to the Criminal Justice System (CJS) which are applied across all measures. These are covered in the table below. Further CJS assumptions and unit values specific to each measure are covered within the relevant sections.
4. Unit costs associated with the Criminal Justice System are applied to volumes that include the devolved regions of Scotland and Northern Ireland. Since these costs are derived from Ministry of Justice data, these costs may be an over/under estimate of the costs in these regions.

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<sup>91</sup> HM Treasury, The Green Book, November 2022: <https://www.gov.uk/government/publications/the-green-book-appraisal-and-evaluation-in-central-government/the-green-book-2020#:~:text=The%20Green%20Book%20is%20guidance,before%2C%20during%20and%20after%20implementation.>

**Table 30: Common CJS Assumptions / Unit Values**

Type	Description	Value	Source
Unit Value	Ongoing cost of Out of Court Disposals (OOCDS) per outcome	Community Resolution: £122 Conditional Caution: £269 (14/15 prices) Uplifted to 25/26 prices using GDP Deflator. <sup>92</sup>	Average cost by OOCDS type across all manners of disposal. <sup>93</sup>
Assumption	Criminal Legal Aid take up rate.	<u>Magistrates Court</u> 55 per cent <u>Crown Court</u> 100 per cent <u>Police Station</u> 60 per cent	Internal discussions with MoJ.
Unit Values	Ongoing prisoner resource cost.	£56,000 per prisoner per year (2025/26 prices).	Internal discussion with MoJ.
Unit Values	Ongoing probation caseload unit cost.	£4,474 per probation per year (2023/24 prices). Uplifted to 2025/26 prices using Office for Budget Responsibility (OBR) Forecast of average earnings <sup>94</sup> and Optimism Bias applied.	<a href="https://questions-statements.parliament.uk/written-questions/detail/2024-08-30/3546">https://questions-statements.parliament.uk/written-questions/detail/2024-08-30/3546</a>
Unit Values	Ongoing cost of Community Order / Suspended Sentence Order.	£3,146 per offender serving sentence per year (2023/24 prices). Uplifted to 2025/26 prices using OBR Forecast of average earnings <sup>95</sup> and Optimism Bias applied.	<a href="https://questions-statements.parliament.uk/written-questions/detail/2024-08-30/3546">https://questions-statements.parliament.uk/written-questions/detail/2024-08-30/3546</a>

<sup>92</sup> OBR, March 2024 Economic and fiscal outlook – detailed forecast tables: economy, Table 1.7: Inflation: <https://obr.uk/download/march-2024-economic-and-fiscal-outlook-detailed-forecast-tables-economy/?tmstv=1730118909>

<sup>93</sup> MoJ, Adult Out of Court Disposal Pilot Evaluation – Final Report, 2018: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/718947/adult-out-of-court-disposal-pilot-evaluation.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/718947/adult-out-of-court-disposal-pilot-evaluation.pdf)

<sup>94</sup> OBR, March 2025 Economic and fiscal outlook – charts and tables: Chapter 2, Table 2.13: Nominal and real earnings growth: <https://obr.uk/efo/economic-and-fiscal-outlook-march-2025/>

<sup>95</sup> OBR, March 2025 Economic and fiscal outlook – charts and tables: Chapter 2, Table 2.13: Nominal and real earnings growth: <https://obr.uk/efo/economic-and-fiscal-outlook-march-2025/>

5. Further CJS assumptions and unit values specific to each serious and organised crime measure are covered within their specific sections below.
6. In addition, there are common assumptions around familiarisation costs across all serious and organised crime measures. These are outlined in the table below:

**Table 31: Common Familiarisation Assumptions / Unit Values**

Type	Description	Value	Source
Assumption	Volume of legal professionals to familiarise themselves.	<u>Solicitors</u> Low: 2,538 Central: 5,077 High: 7,165 <u>Barristers:</u> Low: 682 Central: 1,363 High: 2,045	Based off published stats for practicing solicitors and barristers in 2023/24 <sup>96</sup> .  Around half of CLA firms have business in other legal areas, so 50 per cent of the annual figure is used (25 per cent to 75 per cent in lower/upper bounds).
Assumption	Volume of LEA staff required to familiarise themselves.	<u>Police Officers</u> Low: 129 Central: 215 High: 430 <u>NCA</u> Low: 118 Central: 228 High: 337	For police, assumed to be 3 to 10 per force.  For NCA, between sum of Grade 1 and 2 NCA investigative officers and sum of Grades 1 to 3 NCA investigative officers, with central being the midpoint.
Assumption	Non-wage labour uplift factors.	Public Sector: 17.3. per cent  Private Sector: 22.2 per cent	Index of Labour Costs per Hour: level (£) by sector. <sup>97</sup>
Unit Values	Hourly labour cost of legal professionals.	Solicitors: £35.08 / hour  Barrister: £34.78 / hour	Annual Survey of Household Earnings. <sup>98</sup>

<sup>96</sup> MOJ, Criminal Legal Aid Data Share:

<https://app.powerbi.com/view?r=eyJrIjoibjAxNGY2MDU0ODU4Yi00NzE4LTgyNzgtMDdjYjAxMDAyZjlyliwidCI6ImM2ODc0NzI4LTcxZTYtNDFmZS1hOWUxLTJlOGMzNjc3NmFkOCIsImMiOi98&chromeless=1>

<sup>97</sup> Office for National Statistics (ONS), Index of Labour Costs per Hour, seasonally adjusted, December 2020:

<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/datasets/indexoflabourcostsperhourichseasonallyadjusted>

<sup>98</sup> ONS, Earnings and hours worked, occupation by four-digit SOC: ASHE Table 14,

<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/datasets/occupation4digitsoct2010ashtable14>

		Provided in 25/26 prices, with uplift to account for private sector non-wage labour costs.	
Unit Values	Hourly labour cost of Law Enforcement Agencies.	<p><u>Police</u></p> <p>Low: £54.67 / hour</p> <p>Central: £56.32 / hour</p> <p>High: £62.43 / hour</p> <p>Provided in 25/26 prices. Already includes non-wage labour costs.</p> <p><u>NCA</u></p> <p>Low: £52.34 / hour</p> <p>Central: £48.62 / hour</p> <p>Hour: £44.91 / hour</p> <p>Provided in 25/26 prices, with uplift to account for public sector non-wage labour costs.</p>	<p><u>Police</u></p> <p>Internal Home Office data.</p> <p><u>NCA</u></p> <p>Weighted average of Grades 1,2,3 salaries weighted by number of staff at each grade.</p>

7. Further familiarisation assumptions and unit values specific to each measure are covered within their specific sections.

## A.1.2. ASSUMPTIONS - Serious Crime Prevention Orders

### General assumptions and data

8. The implementation date is assumed to be September 2026.
9. It is assumed that the steady state for additional custodial sentences is not reached until 2027/28. It is assumed that in the initial year following implementation (2026/27) the increase in breach hearings and convictions will be half of that in following years.
10. In addition to section A.1.1, further specific assumptions are provided below.

**Table 32: Specific CJS Assumptions / Unit Values - SCPOs**

Type	Description	Value	Source
Assumption	Proportion of police recorded offences resulting in an Out of Court Disposal	5 per cent	Average proportion of police recorded outcomes <sup>99</sup> recorded as either “Community Resolution” or “Caution” for Home Office Offence code <sup>100</sup> 06694 <sup>101</sup> .
Assumption	Proportion of police recorded offences resulting in a Charge	64 per cent	Average proportion of police recorded outcomes <sup>102</sup> recorded as “Charged/Summoned” for Home Office Offence codes <sup>103</sup> .
Assumption	Proportion of arrests eligible for Police Station Legal Aid	76 per cent	5-year average for Home Office Offence code 06694. <sup>104</sup>
Assumption	Proportion of court cases held in Magistrates / Crown Court	<u>Magistrates Court</u> 66 per cent <u>Crown Court</u> 34 per cent	2020 to 2024 Average of court volumes by type of court <sup>105</sup> for Home Office Offence Code 06694. <sup>106,107</sup>
Assumption	Proportion of SCPO applications heard	<u>High Court</u> 50 per cent	Internal assumption.

<sup>99</sup> Internal Home Office data

<sup>100</sup> Offence group classification – GOV.UK:

<https://assets.publishing.service.gov.uk/media/6644d29bf34f9b5a56adc88c/offence-group-classification-2023.xlsx>

<sup>101</sup> 06693 – Failure to comply with a Serious Crime Prevention Order

<sup>102</sup> Internal Home Office data

<sup>103</sup> Internal Home Office data

<sup>104</sup> MoJ, Outcome by offence data tool, December 2024 – GOV.UK: <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2023/criminal-justice-statistics-quarterly-december-2024>

<sup>105</sup> MoJ, Magistrates Court Tool 2024, December 2024 – GOV.UK: <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2024>

<sup>106</sup> Offence group classification – GOV.UK:

<https://assets.publishing.service.gov.uk/media/6644d29bf34f9b5a56adc88c/offence-group-classification-2023.xlsx>

<sup>107</sup> 06694 - Failure to comply with a Serious Crime Prevention Order

	within a Crown / High Court	<u>Crown Court</u> 50 per cent	
Assumption	Civil Legal Aid Takeup rate	55 per cent	Internal assumption.
Assumption	Proportion of cases resulting in a conviction	87 per cent	5-year average for Home Office Offence code 06694. <sup>108</sup>
Assumption	Proportion of convictions which receive a sentence	97 per cent	5-year average for Home Office Offence code 06694. <sup>109</sup>
Assumption	Proportion of sentences which receive a custodial sentence	51 per cent	5-year average for Home Office Offence code 06694. <sup>110</sup>
Assumption	Proportion of sentences which receive a community sentence / suspended sentence	22 per cent	5-year average for Home Office Offence code 06694. <sup>111</sup>
Assumption	Average Custodial Sentence Length (Years)	Low: 0.25 Central: 0.79 High: 2.50	Central estimate based off of 5-year average custodial sentence length for Home Office Offence code 06694. <sup>112</sup> Low/High estimates based off Stakeholder feedback.
Assumption	Proportion of custodial sentence spent in custody	33 per cent	Standard MoJ assumption.
Assumption	Time to review an SCPO application within courts	2 hours of court time	Standard MoJ assumption.

<sup>108</sup> 06694 - Failure to comply with a Serious Crime Prevention Order.

<sup>109</sup> 06694 - Failure to comply with a Serious Crime Prevention Order.

<sup>110</sup> 06694 - Failure to comply with a Serious Crime Prevention Order.

<sup>111</sup> 06694 - Failure to comply with a Serious Crime Prevention Order.

<sup>112</sup> 06694 - Failure to comply with a Serious Crime Prevention Order.

**Table 33: Specific Familiarisation Assumptions / Unit Values - SCPOs**

Type	Description	Value	Source
Assumption	Volume of HMRC Officers / Lawyers	Low: 3 Central: 5 High: 10	Same as individual police force.
Unit Values	Hourly labour cost of HMRC Officers / Lawyers	£30.64 / hour  Provided in 25/26 prices and uplifted to account for public sector non-wage labour costs.	Annual Survey of Household Earnings <sup>113</sup> - “Legal Professionals”.
Assumption	Total word count needed to familiarise with proposed measures	<u>For Legal Professionals</u> Low: 2,975 Central: 4,200 High: 5,425  <u>For Law Enforcement Agencies</u> Low: 1,925 Central: 2,900 High: 3,875	Combination of legislation, explanatory notes and police guidance.

### Volumes

11. There are expected to be an increase in the number of SCPO applications and as a result, more breaches of an SCPO as well. These are explained below.

### Applications

12. There are expected to be an increase in the number of SCPO applications due to allowing Crown Court applications upon acquittal and increasing the number of agencies who could apply to the court for a SCPO. This is assumed to be between 4 and 12, with a central estimate of 8 applications per year. This is based off discussions with NCA and HMRC.

### Breaches

13. It is estimated that there will be an increase in the number of breach hearings from additional SCPOs of between one and four, with a central estimate of three per year.

<sup>113</sup> ONS, Earnings and hours worked, occupation by four-digit SOC: ASHE Table 14, October 2024: <https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/datasets/occupation4digitoc2010ashtable14>

This estimate was obtained by multiplying the estimated additional SCPOs by the historical breach rate for SCPOs since 2017 of 36 per cent.<sup>114</sup>

14. It is also estimated that there will be an increase in the proportion of SCPOs with electronic monitoring as a condition, between 5 and 25 per cent with a central estimate of 15 per cent. This is assumed to lead to an increase in the number of breach hearings of between 0.5 and 2.3, with a central estimate of 1.4 per year. This estimate was obtained by using the ratio between the breach rate of Domestic Abuse Prevention Orders (DAPOs) with electronic monitoring attached and the historical rate of breaches for Domestic Violence Prevention Orders (DVPOs) without electronic monitoring to inflate the historical SCPO breach rate to 45 per cent. This was then revised down to 40 per cent account for Optimism Bias in our impact modelling.
15. This gives an estimated total increase of breach hearings between two and seven with a central estimate of four breach hearings per year.

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<sup>114</sup> 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 impact assessment.

### A.1.3. ASSUMPTIONS - Interim Serious Crime Prevention Orders

#### General assumptions and data

16. This proposal uses the same assumptions found in sections A.1.1 and A.1.2 for its appraisal, except for the word count in section A.1.2.

**Table 34: Specific Familiarisation Assumptions / Unit Values - Interim SCPOs**

Type	Description	Value	Source
Assumption	Total word count needed to familiarise with proposed measures	<u>For Legal Professionals</u> Low: 1,725 Central: 2,300 High: 2,875  <u>For Law Enforcement Agencies</u> Low: 2,925 Central: 3,900 High: 4,875	Combination of legislation, explanatory notes and police guidance.

#### Volumes

17. In addition to SCPO applications, there are expected to be an increase in the number of interim SCPO applications and as a result, more breaches of an SCPO as well. These are explained below.

#### Applications

18. There are expected to be an increase in the number of interim SCPO applications of between 0 and 5, with a central estimate of 2 applications per year. This is based off discussions with NCA and HMRC. In addition, each interim SCPO application will be complemented with a standard SCPO application. This means in total there will be additional SCPO applications of between 0 and 10 per year, with a central estimate of 4 applications per year.

#### Breaches

19. As interim SCPOs are a new order, it is unknown what the breach rate for them would be. It is assumed the breach rate will be lower than standard SCPOs, with a low of 4 per cent and a high of 36 per cent with a central estimate of 18 per cent. Multiplying this by the estimated number of additional SCPO applications results in an additional number of interim SCPO breach hearings of between 0 and 1.8 hearings, with a central estimate of 0.4 breach hearings per year. Of the interims that do not breach, it is assumed the remaining interim SCPOs progress to full SCPOs. The standard breach rate of 36 per cent is then applied, resulting in additional SCPO breach hearings of between 0 and 1.2 hearings, with a central estimate of 0.6 hearings per year.
20. It is also estimated that there will interim / additional SCPOs with electronic monitoring (EM) as a condition, between 5 and 25 per cent with a central estimate of 15 per cent. This is assumed to lead to an increase in the number of breach hearings of between 0

and 0.4, with a central estimate of 0.1 per year. As with standard SCPOs, it assumed the breach rate with EM would be 40 percent based off of modelling of DAPOs and DVPOs.

21. This gives an estimated total increase of breach hearings between zero and three with a central estimate of one breach hearing per year.

#### A.1.4. ASSUMPTIONS - New offences to criminalise the making, adapting, importing, supplying, offering to supply and possession of articles for use in serious crime

##### General assumptions and data

22. The implementation date is assumed to be September 2026.
23. It is assumed that the steady state for additional custodial sentences is not reached until Year 4 (2028/29) of the appraisal period. It is assumed that in Year 1, the increase in court cases and convictions will be 25 per cent of the steady state, with 50 per cent of steady state in Year 2.
24. In addition to the above general tables, further specific assumptions are provided in below.

**Table 35: Specific CJS Assumptions / Unit Values – Serious and organised crime articles**

Type	Description	Value	Source
Assumption	Proportion of police recorded offences resulting in an Out of Court Disposal	4 per cent	Average proportion of police recorded outcomes <sup>115</sup> recorded as either “Community Resolution” or “Caution” for Home Office Offence codes <sup>116</sup> 05343 and 05344 <sup>117</sup> in 2023/24.
Assumption	Proportion of police recorded offences resulting in a Charge	9 per cent	Average proportion of police recorded outcomes <sup>118</sup> recorded as “Charged/Summoned” for Home Office Offence codes <sup>119</sup> 05343 and 05344 in 2023/24.
Assumption	Age split of charges	<u>Under 18s</u> 3 per cent <u>Over 18s</u> 97 per cent	2020 to 2024 Average of prosecutions for under/over 18s <sup>120</sup> for Home Office Offence Codes 05343, 05344 and 06801. <sup>121</sup>
Assumption	Proportion of court cases held in	<u>Magistrates Court</u>	2020 to 2024 Average of court volumes by type of court <sup>122</sup> for

<sup>115</sup> Internal Home Office data

<sup>116</sup> Offence group classification – GOV.UK:

<https://assets.publishing.service.gov.uk/media/6644d29bf34f9b5a56adc88c/offence-group-classification-2023.xlsx>

<sup>117</sup> Home Office Offence Code – 05343: Possession of articles for use in frauds Fraud Act 2006 (section 6); Home Office Offence Code – 05344: Making or supplying articles for use in frauds Fraud Act 2006 (section 7)

<sup>118</sup> Internal Home Office data

<sup>119</sup> Police recorded crime and outcomes open data tables – Outcomes open data, year ending March 2024 - GOV.UK:

<https://www.gov.uk/government/statistics/police-recorded-crime-open-data-tables>

<sup>120</sup> MoJ, Outcome by offence data tool, December 2024 - GOV.UK: <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2023/criminal-justice-statistics-quarterly-december-2024-html>

<sup>121</sup> Home Office Offence Code – 06801: Participation in the criminal activities of an organised crime group.

<sup>122</sup> MoJ, Magistrates Court Tool 2024, December 2024 - GOV.UK: <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2023/criminal-justice-statistics-quarterly-december-2024-html>

	Magistrates / Crown Court	71 per cent <u>Crown Court</u> 29 per cent	Home Office Offence Codes 05343 and 05344.
Assumption	Proportion of prosecutions resulting in a conviction	<u>Under 18s</u> 75 per cent <u>Over 18s</u> 85 per cent	<u>Under 18s</u> Based on 2020 to 2024 average of volumes proceeded against/convicted <sup>123</sup> for Home Office Offence Code 05343 only <u>Over 18s</u> Based on 2020 to 2024 average of volumes proceeded against/convicted <sup>124</sup> for Home Office Offence Codes 05343 and 05344
Assumption	Proportion of convictions resulting in a sentence	<u>Under 18s</u> 100 per cent <u>Over 18s</u> 100 per cent	<u>Under 18s</u> Based on 2020 to 2024 average of volumes convicted/sentenced <sup>125</sup> for Home Office Offence Codes 05343 only. <u>Over 18s</u> Based on 2020 to 2024 average of volumes convicted/sentenced <sup>126</sup> for Home Office Offence Codes 05343 and 05344.
Assumption	Proportion of sentences which receive a community / suspended sentence	<u>Under 18s</u> 73 per cent <u>Over 18s</u> 55 per cent	<u>Under 18s</u> Based on 2020 to 2024 average of sentence outcomes <sup>127</sup> for Home Office Offence Codes 05343 only. <u>Over 18s</u>

<sup>123</sup> MoJ, Outcome by offence data tool, December 2024 - GOV.UK: <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2023/criminal-justice-statistics-quarterly-december-2024-html>

<sup>124</sup> see footnote 121.

<sup>125</sup> see footnote 121.

<sup>126</sup> see footnote 121.

<sup>127</sup> see footnote 121.

			Based on 2020 to 2024 average of sentence outcomes <sup>128</sup> for Home Office Offence Codes 05343 and 05344.
Assumption	Proportion of sentences which receive a custodial sentence	<u>Under 18s</u> 0 per cent  <u>Over 18s</u> 24 per cent	<u>Under 18s</u> Based on 2020 to 2024 average of sentence outcomes <sup>129</sup> for Home Office Offence Codes 05343 only.  <u>Over 18s</u> Based on 2020 to 2024 average of sentence outcomes <sup>130</sup> for Home Office Offence Codes 05343 and 05344.
Assumption	Average Custodial Sentence Length (Years)	1.1 years	Estimate based off of weighted 5-year average custodial sentence length for Home Office Offence codes 05343 and 05344. <sup>131</sup> Weighted by volume of convictions for same offence codes.

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<sup>128</sup> see footnote 121.

<sup>129</sup> see footnote 121.

<sup>130</sup> see footnote 121.

<sup>131</sup> see footnote 121.

**Table 36: Specific Familiarisation Assumptions – Serious and organised crime articles**

<b>Type</b>	<b>Description</b>	<b>Value</b>	<b>Source</b>
Assumption	Volume of LEA staff required to familiarise themselves	<u>Regional Organised Crime Units (ROCUs)</u> Low: 53 Central: 53 High: 53	For ROCUs, assumed 1 per police force and 10 additional ROCU units.
Unit Values	Wages of Law Enforcement Agencies	<u>ROCUs</u> Low: £54.67 / hour Central: £56.32 / hour High: £62.43 / hour  Provided in 25/26 prices. Already includes non-wage labour costs.	<u>ROCUs</u> Assumed equal with police officers
Assumption	Total word count needed to familiarise with proposed measures	4,200	Sum of word count for legal text / Ex Notes / Supplementary provisions of relevant Fraud Act proxies.

### Volumes

25. This policy adds two new offences, based on possessing/supplying a defined list of articles that can be used in serious and organised crime. It is unknown to what extent any additional offences with either be via the possession offence or the supply offence, so volumes have been costed in aggregate.
26. The estimated number of expected annual offences as a result of these new offences are based on several estimates.
  - Estimated volume of vehicle concealments seized by the NCA per year<sup>132</sup>: This is based off discussions during the consultation impact assessment where LEAs suggested they seize between six to seven vehicle concealments per week.

<sup>132</sup> This number is likely an underestimate as this only includes encrypted devices and vehicle concealments, and it is not currently an offence to possess such articles for the use in serious crime. This figure also excludes the London Region, Scotland and Northern Ireland. The estimate for vehicle hides excludes discovery of hides by uniform policing and so is likely to be a large underestimate.

- Volume of PRC offences for making, adaptation, import, supply, offering to supply, and possession of articles for use in fraud: This uses the 2023/24 estimate for Police Recorded Crime under section 7 of the Fraud Act 2006.
27. In addition, this Enactment IA includes volume estimates from the devolved regions. These calculations assume the same police outcome proportions are valid in the devolved regions (that is, same charge rate, same OOC rate).
  28. In total, it is estimated that in the steady state, between 627 and 844 arrests, with a central estimate of 733 arrests will be recorded each year across the UK under these new offences. It is assumed each of these would not be recorded under another offence during the time period, to provide an upper bound.

### A.1.5. ASSUMPTIONS - Enhanced OIC powers – seizure of electronic devices

#### Volumes

29. The policy provides new powers to immigration officers, NCA officers and police constables to seize devices without arrest and based on reasonable grounds to suspect. Resource to operationalise this has already been procured through previous programmes, and it is unknown how many devices will get seized annually.
30. Further specific assumptions are documented in Table 37.

**Table 37: Specific Assumptions / Unit Values - Seizure of Electronic Devices**

Type	Description	Value	Source
Unit Cost	Storage costs for the processed data of a device	Approximately £12 per terabyte (156 gigabyte storage per device)	Internal modelling by DDaT.
Assumption	FTE commitment to processing device seizures is held constant over the appraisal period	7 FTE in total per year	Internal modelling by IE.
Unit Cost	Salary costs (wage and non-wage)  Includes 22 per cent uplift to account for non-wage costs	EO – approximately £36,000  HEO – approximately £45,500	Staff costs provided by IE.
Assumption	Optimism Bias weight applied to costs to anticipate uncertainty	10 per cent optimism bias covers the level of certainty in the estimate. Monetised costs for this measure are well understood, however some unknowns remain, such as the volume of seizures and the impacts this has on FTE.	Internal modelling by HOAI

## A.1.6. METHODOLOGY - Serious Crime Prevention Orders

### Set-up Costs: Private Sector

31. There will be familiarisation costs associated with solicitors and barristers reading guidance on the new legislation. Using the assumptions and data specified in sections A.1.1. and A.1.2, familiarisation costs to the private sector are provided in the table below.

**Table 38: Familiarisation Costs for solicitors and barristers, high, central and low estimates (2025/26 prices)**

	Reading time (hours)	Number of readers	Labour Cost (£ / hour)	Total Cost (£)
Solicitors Low	0.1	2,538	34.86	5,308
Solicitors Central	0.2	5,077	34.86	42,468
Solicitors High	0.6	7,615	34.86	151,292
Barristers Low	0.1	682	34.56	1,413
Barristers Central	0.2	1,363	34.56	11,304
Barristers High	0.6	2,045	34.56	40,272

Source: Home Office Internal Calculations

### Set-up Costs: Public Sector

32. There will be familiarisation costs associated with Law Enforcement Agencies (LEAs) reading guidance on the new legislation. Using the assumptions and data specified in sections A.1.1. and A.1.2, familiarisation costs to the public sector are provided in the table below.

**Table 39: Familiarisation Costs for Law Enforcement Agencies, high, central and low estimates (2025/26 prices)**

	Reading time (hours)	Number of readers	Labour Cost (£ / hour)	Total Cost (£)
Police Low	0.1	129	54.67	423
Police Central	0.3	215	56.32	3,390
Police High	0.6	430	62.43	16,912
HMRC Low	0.1	3	30.64	6
HMRC Central	0.3	5	30.64	43
HMRC High	0.6	10	30.64	193
NCA Low	0.1	118	51.92	369
NCA Central	0.3	228	48.24	3,076
NCA High	0.6	337	44.56	9,461

Source: Home Office Internal Calculations

33. Total familiarisation costs are estimated to be between £0.01 million and £0.22 million, with a central estimate of £0.06 million (2025/26 prices).

**Table 40: Total Familiarisation Costs (£ millions, 2025/26 prices)**

	Private Sector	Public Sector	Total Cost
Low	0.01	0.00	0.01
Central	0.05	0.01	0.06
High	0.19	0.03	0.22

Source: Home Office Internal Calculations

#### Total Set-up Costs

34. The total set-up costs due to familiarisation costs and prison set-up costs are between £0.01 million and £0.22 million, with a central estimate of £0.06 million.

#### Ongoing Costs: Private Sector

35. This measure is not expected to lead to any ongoing costs to the private sector.

#### Ongoing Costs: Public Sector

#### Out of Court Disposal Costs

36. Following arrest, there are expected to be resource costs associated with the various outcomes that are not a charge (i.e. Conditional Cautions or Community Resolutions). In total, this cost is estimated to be between £400 and £1,400, with a central estimate of £900 (2025/26 prices, PV).

#### CPS Costs

37. There are expected to be resource costs to the CPS in supporting and prosecuting cases for breaches of SCPOs. In total, this cost is estimated to be between £0.01 million and £0.03 million, with a central estimate of £0.02 million (2025/26 prices, PV).

#### HMCTS Costs

38. There are expected to be costs to the courts from having to hold breach hearings. It is assumed that a breach hearing is four hours long. In addition, there are costs to courts from processing SCPO applications. It is assumed that it takes two hours to complete an SCPO application.

39. In total, resource costs to courts are estimated to be between £0.08 million and £0.24 million, with a central estimate of £0.16 million (2025/26 prices, PV).

#### Legal Aid Costs

40. There are expected to be costs to the Legal Aid Agency from supporting cases both for civil cases of the additional SCPO applications and the criminal cases of additional prosecutions for SCPO breaches. Furthermore, there will be Legal Aid costs incurred at the police station prior to a police decision.

41. It is assumed 55 per cent of criminal cases in the Magistrates Court require Legal Aid, and 100 per cent of criminal cases in the Crown Court. Conversely, it is assumed 55 per cent of civil cases require Legal Aid in both the Crown and High Courts. At the police station, it is assumed 60% of eligible cases require Legal Aid. The total resource cost to the Legal Aid Agency is estimated to be between £0.03 million and £0.09 million, with a central estimate of £0.06 million (2025/26 prices, PV).

## HMPPS Costs

42. There are expected to be costs from custodial and community / suspended sentences, as well as costs to the probation service. Using the assumptions in sections A.1.1 and A.1.2, the estimated volumes of offenders being given custodial and community / suspended sentences can be estimated.
43. As per section A.1.1, the unit cost for an ongoing prison place is £56,000 per prisoner per year or £4,667 per month (2025/26 prices). The running costs are based on the current cost of running public sector prisons and so do not include Optimism Bias. Future running costs will vary between specific sites and may change due to MoJ policy changes.
44. Multiplying the volume of people given custodial sentences by the number of months estimated to be spent in custody and the monthly unit cost results in a total ongoing cost over 10 years of between £43,489 and £927,878, with a central estimate of £250,390 in 2025/26 Prices. After adjusting for PV terms, this becomes between £0.04 million and £0.78 million, with a central estimate of £0.21 million (2025/26 Prices PV).
45. The same approach is taken with those given community sentences and those on licence. Overall, by applying the unit costs and CJS assumptions in sections A.1.1 and A.1.2 to the volumes of offenders results in a total resource cost to HMPPS of between £0.05 million and £1.00 million, with a central estimate of £0.27 million (2025/26 prices, PV).

## Notification Requirements

46. Measure 4 is likely to incur resource costs from police for managing the notification requirements. It is assumed that between 6 per cent and 10 per cent, with a central estimate of 8 per cent of total SCPOs will have notification requirements. Applying this to the total number of SCPOs (Historical average of annual SCPOs plus new additional SCPOs) results in between 14 and 24 SCPOs, with a central estimate of 19 SCPOs having notification requirements. The amount of time assumed to update each SCPO is assumed to be between 10 and 45 minutes, with a central estimate of 30 minutes. The cost per police officer is taken from section A.1.1. Combining this provides an estimated total cost of between £900 and £0.01 million with a central estimate of £3,900 (2025/26 prices, PV).

### Total Ongoing Costs

47. Total ongoing costs are estimated to be between £0.16 million and £1.37 million, with a central estimate of £0.51 million (2025/26 prices, PV).

**Table 41: Total ongoing costs breakdown (£ millions, 2025/26 prices PV)**

	<b>Low</b>	<b>Central</b>	<b>High</b>
Police OOCs	0.00	0.00	0.00
CPS	0.01	0.02	0.03
HMCTS	0.08	0.16	0.24
Legal Aid	0.03	0.06	0.09
HMPPS	0.05	0.27	1.00
Notification Requirements	0.00	0.00	0.01
<b>Total</b>	<b>0.16</b>	<b>0.51</b>	<b>1.37</b>

Source: Home Office Internal Calculations

## A.1.7. METHODOLOGY - Interim Serious Crime Prevention Orders

### Set-up Costs: Private Sector

48. There will be familiarisation costs associated with solicitors and barristers reading guidance on the new legislation. Using the assumptions and data specified in sections A.1.1 and A.1.3, familiarisation costs to the private sector are provided in the table below.

**Table 42: Familiarisation Costs for solicitors and barristers, high, central and low estimates (2025/26 prices)**

	Reading time (hours)	Number of readers	Labour Cost (£ / hour)	Total Cost (£)
Solicitors Low	0.0	2,538	34.86	2,654
Solicitors Central	0.1	5,077	34.86	21,234
Solicitors High	0.3	7,615	34.86	79,627
Barristers Low	0.0	682	34.56	707
Barristers Central	0.1	1,363	34.56	5,652
Barristers High	0.3	2,045	34.56	21,196

Source: Home Office Internal Calculations

### Set-up Costs: Public Sector

49. There will be familiarisation costs associated with Law Enforcement Agencies (LEAs) reading guidance on the new legislation. Using the assumptions and data specified in sections A.1.1 and A.1.3, familiarisation costs to the public sector are provided in the table below.

**Table 43: Familiarisation Costs for Law Enforcement Agencies, high, central and low estimates (2025/26 prices)**

	Reading time (hours)	Number of readers	Labour Cost (£ / hour)	Total Cost (£)
Police Low	0.1	129	54.67	353
Police Central	0.2	215	56.32	2,422
Police High	0.5	430	62.43	13,959
HMRC Low	0.1	3	30.64	5
HMRC Central	0.2	5	30.64	31
HMRC High	0.5	10	30.64	159
NCA Low	0.1	118	51.92	308
NCA Central	0.2	228	48.24	2,197
NCA High	0.5	337	44.56	7,809

Source: Home Office Internal Calculations

50. Total familiarisation costs are estimated to be between £0 and £0.12 million, with a central estimate of £0.03 million (2025/26 prices).

**Table 44: Total Familiarisation Costs (£ millions, 2025/26 prices)**

	<b>Private Sector</b>	<b>Public Sector</b>	<b>Total Cost</b>
Low	0.00	0.00	0.00
Central	0.03	0.00	0.03
High	0.10	0.02	0.12

Source: Home Office Internal Calculations

#### Total Set-up Costs

51. The total set-up costs due to familiarisation costs and prison set-up costs are between £0 and £0.12 million, with a central estimate of £0.03 million.

#### Ongoing Costs: Private Sector

52. This measure is not expected to lead to any ongoing costs to the private sector.

#### Ongoing Costs: Public Sector

#### Out of Court Disposal Costs

53. Following arrest, there are expected to be resource costs associated with the various outcomes that are not a charge (i.e. Conditional Cautions or Community Resolutions). In total, this cost is estimated to be between £0 and £1,000, with a central estimate of £300 (2025/26 prices, PV).

#### CPS Costs

54. There are expected to be resource costs to the CPS in supporting and prosecuting cases for breaches of SCPOs. In total, this cost is estimated to be between £0 and £0.02 million, with a central estimate of £5,400 (2025/26 prices, PV).

#### HMCTS Costs

55. There are expected to be costs to the courts from having to hold breach hearings. It was assumed that a breach hearing is four hours long. In addition, there are costs to courts from processing SCPO applications. It is assumed it takes two hours to complete an SCPO application. In total, resource costs to courts are estimated to be between £0 and £0.18 million, with a central estimate of £0.07 million (2025/26 prices, PV).

#### Legal Aid Costs

56. There are expected to be costs to the Legal Aid Agency from supporting cases both for civil cases of the additional SCPO applications and the criminal cases of additional prosecutions for SCPO breaches. Furthermore, there will be Legal Aid costs incurred at the police station prior to a police decision.

57. It is assumed 55 per cent of criminal cases in the Magistrates Court require Legal Aid, and 100 per cent of criminal cases in the Crown Court. Conversely, it is assumed 55 per cent of civil cases require Legal Aid in both the Crown and High Courts. At the police station, it is assumed 60% of eligible cases require Legal Aid. The total resource cost to the Legal Aid Agency is estimated to be between £0 and £0.06 million, with a central estimate of £0.02 million (2025/26 prices, PV).

#### HMPPS Costs

58. There are expected to be costs from custodial and community / suspended sentences, as well as costs to the probation service. Using the assumptions in sections A.1.1 and

A.1.3, the estimated volumes of offenders being given custodial and community / suspended sentences can be estimated.

59. As per section A.1.1, the unit cost for an ongoing prison place is £56,000 per prisoner per year or £4,667 per month (2025/26 prices). The running costs are based on the current cost of running public sector prisons and so do not include Optimism Bias. Future running costs will vary between specific sites and may change due to MoJ policy changes.
60. Multiplying the volume of people given custodial sentences by the number of months estimated to be spent in custody and the monthly unit cost results in a total ongoing cost over 10 years of between £0 and £471,292, with a central estimate of £61,278 in 2025/26 Prices. After adjusting for PV terms, this becomes between £0 and £0.40 million, with a central estimate of £0.05 million (2025/26 Prices PV).
61. The same approach is taken with those given community sentences and those on licence. Overall, by applying the unit costs and CJS assumptions in Annex A.1.1 and A.1.3 to the volumes of offenders results in a total resource cost to HMPPS of between £0 and £0.50 million, with a central estimate of £0.07 million (25/26 prices, PV).

#### Notification Requirements

62. Measure 4 of the standard SCPO proposals is likely to incur resource costs from police for managing the notification requirements of any interim SCPOs as well. It is assumed that between 6 per cent and 10 per cent, with a central estimate of 8 per cent of interim SCPOs that progress to full SCPO status will have notification requirements. This results in between 0 and 0.3 SCPOs, with a central estimate of 0.1 SCPOs having notification requirements per year. The amount of time assumed to update each SCPO is assumed to be between 10 and 45 minutes, with a central estimate of 30 minutes. The cost per police officer is taken from Annex A.1.1. Combining this provides an estimated total cost of between £0 and £100 with a central estimate of £30 (2025/26 prices, PV).

#### Total Ongoing Costs

63. Total ongoing costs are estimated to be between £0 and £0.75 million, with a central estimate of £0.16 million (25/26 prices, PV).

**Table 45: Total ongoing costs breakdown (£ million, 2025/26 prices PV)**

	Low	Central	High
Police OOCs	0.00	0.00	0.00
CPS	0.00	0.01	0.02
HMCTS	0.00	0.07	0.18
Legal Aid	0.00	0.02	0.06
HMPPS	0.00	0.07	0.50
Notification Requirements	0.00	0.00	0.00
<b>Total</b>	<b>0.00</b>	<b>0.16</b>	<b>0.75</b>

Source: Home Office Internal Calculations

### A.1.8. METHODOLOGY - New offences to criminalise the making, adapting, importing, supplying, offering to supply and possession of articles for use in serious crime

#### Set-up Costs: Private Sector

64. There will be familiarisation costs associated with legal professionals reading the new legislation. Using the assumptions and data specified in sections A.1.1. and A.1.4, familiarisation costs to the private sector are provided in the table below.

**Table 46: Familiarisation Costs for Law Enforcement Agencies, high, central and low estimates (2025/26 prices)**

	Reading time (hours)	Number of readers	Labour Cost (£ / hour)	Total Cost (£)
Solicitors Low	0.1	2,538	35.08	8,905
Solicitors Central	0.2	5,077	35.08	39,183
Solicitors High	0.4	7,615	35.08	114,879
Barristers Low	0.1	682	34.78	2,371
Barristers Central	0.2	1,363	34.78	10,430
Barristers High	0.4	2,045	34.78	30,580

Source: Home Office Internal Calculations

#### Set-up Costs: Public Sector

65. There will be familiarisation costs associated with Law Enforcement Agencies (LEAs) reading guidance on the new legislation. Using the assumptions and data specified in sections A.1.1. and A.1.4, familiarisation costs to the public sector are provided in the table below.

**Table 47: Familiarisation Costs for Law Enforcement Agencies, high, central and low estimates (2025/26 prices)**

	Reading time (hours)	Number of readers	Labour Cost (£ / hour)	Total Cost (£)
Police Low	0.1	129	54.67	705
Police Central	0.2	215	56.32	2,664
Police High	0.4	430	62.43	11,543
ROCU Low	0.1	53	54.67	290
ROCU Central	0.2	53	56.32	657
ROCU High	0.4	53	62.43	1,423
NCA Low	0.1	118	52.34	620
NCA Central	0.2	228	48.62	2,436
NCA High	0.4	337	44.91	6,509

Source: Home Office Internal Calculations

66. Total familiarisation costs are estimated to be between £0.01 million and £0.17 million, with a central estimate of £0.06 million (2025/26 prices).

**Table 48: Total Familiarisation Costs (£ millions, 2025/26 prices)**

	Private Sector	Public Sector	Total Cost
Low	0.01	0.00	0.01
Central	0.05	0.01	0.06
High	0.15	0.02	0.17

Source: Home Office Internal Calculations

### Total Set-up Costs

67. The total set-up costs are estimated to be between £0.01 million and £0.17 million, with a central estimate of £0.06 million (2025/26 prices).

### Ongoing Costs: Private Sector

68. This measure is not expected to lead to any ongoing costs to the private sector.

### Ongoing Costs: Public Sector

69. The following costs include the devolved regions to present the full impact across the UK.

### Police Costs

70. There are expected to be costs to the police associated with Out of Court Disposals (OOCs). Multiplying the unit cost for OOCs by the estimated volume of offenders anticipated to receive one, generates a total cost of between £0.05 million and £0.07 million with a central estimate of £0.06 million (2025/26 prices, PV).

### CPS Costs

71. There are expected to be resource costs to the CPS in supporting and prosecuting cases. In total, this is estimated to be between £0.24 million and £0.32 million, with a central estimate of £0.28 million (2025/26 prices, PV).

### HMCTS Costs

72. There are expected to be costs to the courts from an increased number of people going through the CJS. Using the pathway assumption and values in sections A.1.1 and A.1.4, total resource costs are estimated to be between £0.84 million and £1.13 million, with a central estimate of £0.99 million (2025/26 prices, PV).

### Legal Aid Costs

73. There are expected to be costs associated with the usage of Legal Aid both at the police stage and at the court stage.

74. At the police stage, police legal aid is accounted for in all cases that didn't result in No Further Action. Total police station legal aid cost is estimated to be between £0.28 million and £0.38 million, with a central estimate of £0.33 million (2025/26 prices, PV).

75. At the court stage, magistrates and crown court legal aid costs are applied to the estimated number of people taking up legal aid in each court. Total legal aid cost is estimated to be between £0.85 million and £1.15 million, with a central estimate of £1.00 million (2025/26 prices, PV).

76. Total legal aid cost is estimated to be between £1.14 million and £1.53 million, with a central estimate of £1.33 million (2025/26 prices, PV).

## HMPPS Costs

77. There are expected to be operating costs from custodial and community / suspended sentences, as well as operating costs of the probation service. Using the assumptions in sections A.1.1 and A.1.4, the estimated volumes of offenders being given custodial and community / suspended sentences can be estimated.
78. As per section A.1.1, the unit cost for an ongoing prison place is £56,000 per prisoner per year or £4,667 per month (2025/26 prices). The running costs are based on the current cost of running public sector prisons so do not include Optimism Bias. Future running costs will vary between specific sites and may change due to MoJ policy changes.
79. Multiplying the volume of people given custodial sentences by the number of months estimated to be spent in custody and the monthly unit cost results in a total ongoing cost over 10 years of between £1.79 million and £2.37 million, with a central estimate of £2.08 million in 2025/26 Prices. After adjusting for PV terms, this becomes between £1.48 million and £1.96 million, with a central estimate of £1.71 million (2025/26 Prices PV).
80. The same approach is taken with those given community sentences and those on licence. Overall, by applying the unit costs and CJS assumptions in sections A.1.1 and A.1.4 to the volumes of offenders results in a total resource cost to HMPPS of between £2.48 million and £2.95 million, with a central estimate of £2.71 million (2025/26 prices, PV).

## Total Ongoing Costs

81. Total ongoing costs are estimated to be between £5.39 million and £6.82 million, with a central estimate of £6.09 million (2025/26 prices, PV).

**Table 49: Total ongoing costs breakdown (£ million, 2025/26 prices PV)**

	<b>Low</b>	<b>Central</b>	<b>High</b>
<b>Police</b>	0.05	0.06	0.07
<b>CPS</b>	0.24	0.28	0.32
<b>HMCTS</b>	0.84	0.99	1.13
<b>Legal Aid</b>	1.14	1.33	1.53
<b>HMPPS</b>	2.48	2.71	2.95
<b>Total</b>	<b>4.74</b>	<b>5.36</b>	<b>6.01</b>

Source: Home Office Internal Calculations

## A.1.9. METHODOLOGY - Enhanced OIC powers – seizure of electronic devices

### Set-up Costs

82. No set-up costs have been monetised for this policy.

### Ongoing Costs

83. To calculate the FTE costs for the policy, the analysis uses the existing resource that has been recruited to operationalise the kiosks which will download data from devices. This is split across 7 FTE, including 6 Executive Officers (EOs) and 1 Higher Executive Officer (HEO). As it is assumed that this level of FTE is a fixed cost regardless of how many phones have been seized, no upper or lower bounds have been estimated for this cost and the costs remain constant across all three scenarios. Salary estimates include a non-wage uplift of 22 per cent to account for non-wage costs.

**Table 50: Home Office FTE annual costs (£, 2025/26 prices PV)**

Grade	Salary (£)	Non Wage Uplift (%)	Total Annual Cost (£)
EO	30,000	22	36,000
HEO	37,300	22	45,500

Source: Home Office Internal Calculations

84. Combining the number of staff with the salary costs produces estimates of the cost of operationalising the kiosks, which is estimated to be £2.99 million over the appraisal period.

85. If the policy is scaled beyond the powers dedicated to Immigration Officers, to wider Law Enforcement Agencies, there is a high possibility that kiosk capability and further resources may be required to cope with additional demand. Without a clear understanding of the operational implications of this amendment, it has not been possible to monetise the impact beyond current kiosk capability.

## **A.1.10. METHODOLOGY - Amending counter-terrorism port powers to allow the police to take biometrics at a port in Scotland**

### Set-up Costs

86. There are no training or familiarisation costs for this measure, as examining officers are already trained to take biometrics. There is a cost to Counter Terrorism Policing (CTP) in installing the new machines at four locations. Installation is expected to cost between £31,000 and £92,000 per device, with a central estimate of £34,000. As the exact costs of installation are unknown, the central and high estimate includes a 10 per cent and 200 per cent uplift to account for optimism bias in estimating costs. This is in line with Green Book guidance. The installation cost is exclusively incurred in the first year of the appraisal period. The total set-up costs of installing biometric machines at port are between £0.12 million and £0.37 million, with a central estimate of £0.14 million (2025/26 prices, PV).

### Ongoing Costs

87. Based on estimates made by CTP, the cost of maintaining the devices is estimated to be £0.02 million per year (2025/26 prices, PV).

### Benefits

#### Efficiency savings

88. To calculate the efficiency savings of the measure, fuel and labour savings have been calculated separately.

#### Fuel savings

89. The analysis has calculated fuel savings by estimating the average cost of fuel used to transport individuals to police stations from port. The average cost of fuel used has been estimated by multiplying the average price of fuel in Scotland by the average fuel efficiency of vehicles and the weighted average distance between a port and a police station. The average distance between a port and police station is weighted by the number of passengers that arrive at an individual port, such as Glasgow Airport. The total fuel saving is estimated by multiplying the average cost of fuel by the annual number of fingerprints taken.

#### Labour savings

90. The analysis has calculated labour savings by estimating the average cost of labour used to transport individuals to police stations from port. The average cost of labour has been estimated by multiplying the average number of hours needed to transport an individual by the number of border officers needed to transport an individual and the average labour cost of a border officer. It is assumed that two EO border officers will be needed to transport an individual to the nearest police station. The hourly labour cost of two border officers is estimated to be £53.29 (2025/26 prices). The average time taken to transport an individual is based on the weighted average distance between a port and a police station multiplied by two. The average distance between a port and police station is weighted by the number of passengers that arrive at an individual port, such as Glasgow Airport. The total labour savings is estimated by multiplying the average cost of labour by the annual number of fingerprints.

## A.1.11. METHODOLOGY – Endangerment Offence

### Set Up Costs

91. No set-up costs have been monetised for this policy. It is assumed that in the first year of this offence being chargeable, activity will reach 6.25% of the steady state, 50% in the second year, and 100% of the steady state from the third year onwards. This is used to adjust downwards arrest estimates for the first two years to account for law enforcement adjusting to the new offence.

### Ongoing costs

92. Table 51 outlines the maximum length sentence, as well as the average length sentence. The release point is assumed to occur after one-third of the sentence has been served, with the remainder on probation, in accordance with the sentencing review. All sentence lengths are reported in months.

**Table 51: Endangerment Offence Assumptions – Criminal Justice System lengths of time (months)**

	<b>Low</b>
Maximum Sentence length	72
Average sentence length	36
Time Spent in prison	12
Time Spent on probation	24

Source: Home Office Internal Calculations

93. There will be an initial period of operational scale-up as law enforcement adapts to the new legislation. Table 52 sets out the assumed rate of scale-up within the criminal justice system until a steady state is achieved. In the first year of this offence being chargeable, activity would be 6.25% of the steady state. Once steady state is achieved, the CJS would have further developed its ability to arrest, charge and convict offenders.

**Table 52: Endangerment Offence Assumptions - Operational Scale (%)**

<b>Appraisal Year</b>	<b>Percentage (%)</b>
FY 25/26	6.25
FY 26/27	50
FY 27/28	100

Source: Home Office Internal Calculations

### **Volumes**

94. Table 53, below, outlines the quantity of arrests, charges, and convictions that would be made relating to this offence each year once the CJS have fully implemented their prevention capabilities.

**Table 53: Endangerment Offence Assumptions - Steady state arrests, charges and conviction**

	Low Scenario	Central Scenario	High Scenario
Arrests	71	89	111
Charges	24	85	107
Convictions	3	67	89

Source: Home Office Internal Calculations

95. Estimates are informed by internal operational data recorded on arrests and convictions relating to pilots and small boat arrivals under Section 24 and Section 25 of the Immigration Act 1971. This information is derived from internal Home Office data, extracted from a live operational system. It is possible that historic data can be amended after data extractions, due to changes in CSJ outcomes. These numbers were accurate at the time of the analysis being produced.

**Table 54: Steady state prison and probation places**

	Low Scenario	Central Scenario	High Scenario
Prison places	3	67	89
Probation places	6	133	177

Source: Home Office Internal Calculations

### HMPPS Costs

96. There are expected to be costs from custodial and community / suspended sentences, as well as costs to the probation service. Using the assumptions in sections A.1.1 and those set out at the beginning of this annex, the estimated volumes of offenders being given custodial and community / suspended sentences can be estimated.
97. The unit cost for an ongoing prison place is £56,000 per prisoner per year or £4,667 per month (2025/26 prices). The running costs are based on the current cost of running public sector prisons and so do not include Optimism Bias. Future running costs will vary between specific sites and may change due to MoJ policy changes. Future running costs will vary between specific sites and may change due to MoJ policy changes.
98. Multiplying the volume of people given custodial sentences seen in the table below, by the expected number of months to be spent both serving custodial sentences in prison, plus probation gives the cost to HMPPS
99. The same approach is taken with those given community sentences and those on licence. Overall, by applying the unit costs and CJS assumptions to the volumes of offenders results in a total resource cost to HMPPS of between **£1.41 million and £41.69 million**, with a central estimate of **£31.34 million (2025/26 prices, PV)**.

### HMCTS Costs

100. There are expected to be costs to the courts from having to hold trials. By multiplying the unit cost for a trial by the number of expected trials, calculated by using the assumed number of charges, the cost to HMMCTS can be determined.
101. In total, resource costs to courts are estimated to be between **£0.65 million and £2.88 million**, with a central estimate of **£2.28 million (2025/26 prices, PV)**.

### Legal Aid Costs

102. There are expected to be costs to the Legal Aid Agency from supporting cases for prosecutions under the endangerment offence. Furthermore, there will be Legal Aid costs incurred at the police station prior to a police decision.
103. The number of arrests is used to calculate Police Station Legal Aid, while the number of charges is used to calculate Crown Court Legal Aid. These figures are then adjusted based on the percentage of how often Legal Aid is claimed at both Crown Courts and Police Stations. The total resource cost to the Legal Aid Agency is estimated to be between **£2.91 million and £12.48 million**, with a central estimate of **£9.85 million (2025/26 prices, PV)**.

### **Total Ongoing Costs**

104. Total ongoing costs are estimated to be between **£5 million and £57.1 million**, with a central estimate of **£43.47 million (2025/26 prices, PV)**.

**Table 55: Overall costs (£million)**

	<b>Low</b>	<b>Central</b>	<b>High</b>
<b>Total</b>	<b>5.0</b>	<b>43.5</b>	<b>57.1</b>

Source: Home Office Internal Calculations

### A.1.12. ASSUMPTIONS – Statutory timeframe for the First-tier Tribunal Immigration & Asylum Chamber Appeals

105. The implementation date for this measure is assumed to be May 2026.

106. In addition to the costs and benefits tables in the NPSV section, further specific assumptions are provided below.

**Table 56: Specific Assumptions / Unit Values – Statutory timeframe for the First-tier Tribunal Immigration & Asylum Chamber Appeals**

Type	Description	Value		Source
		Low	High	
Assumption	Per night cost of contingency (hotel) asylum accommodation	£79.36	£120.82	Home Office MI. Includes per bed per night hotel rate (low) and per person per night hotel rate (high) as at June 2025. Excludes VAT.
Assumption	Per night cost of dispersal asylum accommodation	£26.40		Home Office MI. Includes accommodation and cash support costs, as at June 2025. Excludes VAT.

### A.1.13 METHODOLOGY – Statutory timeframe for the First-tier Tribunal Immigration & Asylum Chamber Appeals

#### Public Service Use

107. Extended wait times for unsupported asylum cases may lead to increased use of public services, such as education and healthcare, while individuals await appeal outcomes. Conversely, supported cases progressing more quickly under the statutory timeframe, may reduce their use of public services.

108. The analysis assumes no difference in utilisation by different case types because there is no evidence to suggest that either supported or unsupported cohorts would use more public services overall, as services such as healthcare and education are generally required regardless of support status.

#### Accommodation Types

109. This policy introduces a statutory timeframe of 24 weeks to determine appeals for non-detained FNOs and those receiving accommodation support.

110. The primary benefit of this policy is a reduction in asylum support costs, driven by a smaller supported population. These savings are highly sensitive to the type and cost of accommodation used. The Home Office provides various forms of accommodation for supported asylum seekers during the asylum process, predominantly dispersed accommodation and hotels.

111. Hotels are significantly more expensive than dispersed accommodation. The policy is expected to increase the number of supported asylum appeals disposed of annually by the Tribunal, thereby accelerating exits from hotel accommodation. Given that ending the use of asylum hotels is a government commitment by the end of this Parliament or

sooner, there is a material risk that accommodation costs will fall over the appraisal period.

112. In line with Green Book guidance, demand-side policies such as statutory timeframes are applied first when calculating benefits. The central Net Present Social Value (NPSV) estimate uses hotel accommodation costs (as in A.1.12) to calculate benefits from reducing the supported appeals population and costs of supporting failed asylum seekers.
113. Sensitivity analysis was undertaken to assess the impact if dispersed accommodation costs were applied instead of hotel costs when calculating the benefits of this measure. This scenario is intended for illustrative purposes only and does not represent the central modelling assumption. The results are shown in the table below.

**Table 57: Statutory Timeframes model results (costs, benefits and NPSV) with Dispersed Accommodation (£ million, 2025/26 prices, PV)**

	Low	Central	High
Costs	34.0	34.0	34.0
Benefits	1,749.8	1,796.5	1,843.2
NPSV	1,715.8	1,762.5	1,809.2

Source: Home Office Internal Calculations

114. This sensitivity analysis demonstrates that when applying a much lower unit cost of accommodation across the 10-year appraisal period, the NPSV is estimated to be between £1.7 billion and £1.8 billion, with a central estimate of £1.8 billion (2025/26 prices, PV).
115. This demonstrates that across all scenarios, the introduction of this measure results in a positive NPSV. There is a linear relationship between the asylum support costs and the benefits of this measure, the higher the counterfactual support costs, the greater the benefits of this measure.