



Equality Impact Assessment [EIA]

Section 1: Title and Outline of issue under consideration.

Title: Immigration and Asylum Bill

The Immigration and Asylum Bill (“the Bill”) has been introduced to increase confidence in the security of the immigration and asylum systems. This Equality Impact Assessment has been drafted to consider the equality implications of reforms to immigration, asylum, and modern slavery policy.

This EIA considers the Bill as introduced in Parliament and any further considerations will be made as necessary if the provisions that ultimately become law, subject to Parliament’s approval, are substantively different.

Collectively, the provisions within the Bill will bring key reforms into effect and restore order and control to the immigration system: speeding up the removal and deportation of foreign criminals and those with no right to be here and reducing the pull factors driving illegal migration.

The measures in this Bill fall into five pillars:

Pillar 1: Appeals Reform

Establishing an independent appeals body: A fully independent new body, the Independent Immigration Appeals Authority (IIAA), that will be integrated into the end-to-end immigration system and will ensure appeals related to those who are detained and readily removable are expedited. This will deliver an appeals system that is fast, fair and restores public confidence.

From a policy perspective we’re seeking to:

- a) Address the structural issues of the current system, characterised by long delays, rising backlogs, and outcomes being undermined by changes in circumstances due to prolonged wait times. The IIAA is intended to restore confidence that appeals are resolved promptly, fairly, and decisively, supporting an end-to-end system that functions as intended.
- b) Bring new, scalable capacity into the appeals system, enabling appeals to be determined in a timely manner. This includes enabling the IIAA to take a modernised approach to case management and streamline processes.
- c) Decisions will be fully independent of the executive (the Home Office) but the IIAA will be integrated into an end-to-end immigration system to

ensure cases flow through quickly to removal (including raising modern slavery claims within the agreed period) where appeals are refused.

- d) Provide fair, impartial and independent decisions that are binding on parties, equivalent to that provided by the FTT-IAC today.

The vision and mission statement of the IIAA is:

- a) Vision: Fast, Fair, and Independent. A modern appeals system that upholds order and public confidence
- b) Mission: We make timely, high-quality and legally binding decisions.

Pillar 2: Recovering asylum support costs

Introducing a new power to recover asylum support costs: Where asylum support has been provided, the Home Office will be able to require those who have received taxpayer-funded support accommodation and other support to provide a contribution towards those costs when financially able to.

Pillar 3: Article 8, ECHR reform

To prevent gaming of the system and ensure that the public interest carries proper weight in immigration decisions, including for Foreign National Offenders (FNOs), this Bill will tighten the application of Article 8 (the right to private and family life) of the European Convention on Human Rights (ECHR).

The Bill will strengthen section 117B and 117C of the Nationality, Immigration and Asylum Act 2002 by:

- Clarifying financial independence and broader socio-economic considerations;
- Introducing criminality and conduct below the deportation threshold as a distinct public interest factor;
- Putting stronger statutory emphasis on lawful residence and compliance, including where individuals have exhausted their appeal rights;
- Resetting the statutory approach to cases involving children by clarifying where it is not reasonable to expect a child to leave the UK or where the consequences of removing a parent would be disproportionate;
- Defining family life to set out that family is typically limited to the core cohabiting family unit, such as spouses, partners, parents and children, to lower the number of legal challenges on the grounds of family life;
- Codifying key principles from Strasbourg jurisprudence on family life and dependency beyond the immediate family;
- Introducing a full proportionality assessment for all deportation cases which places a greater emphasis on the public interest.

The Bill will also reform how and where Article 8 can be raised in relation to entry clearance applications to join a family member in the UK, requiring out-of-country Article 8 applications to be made by the UK-based sponsor, rather than the overseas family member, to ensure entry clearance decisions focus on the Article 8 rights of individuals in the UK's jurisdiction.

Pillar 4: Modern Slavery

Our interpretation of our obligations with regard to modern slavery will be clearly set out to prevent opportunities to misuse the system while maintaining essential protections for victims. This includes addressing late presentation of modern slavery experience, which can prolong the time taken to identify individuals and move them through the system; and setting out provisions to ensure children are identified and supported effectively. To enhance prevention and enforcement against modern slavery, the Bill includes measures to provide law enforcement with enhanced tools to reduce exploitation; and improve transparency in supply chain requirements to improve business accountability and identification of modern slavery risks.

Pillar 5: Measures to strengthen the UK's Asylum and Immigration System

Combining refugee status and humanitarian protection: to set out a single definition of protection claim.

Interpretative measures of the Refugee Convention (RC) will be introduced so those who have committed a particularly serious crime are not classed as "lawfully staying" (Article 33(2) Refugee Convention).

Summary of the Evidence considered in demonstrating due regard to the Public-Sector Equality Duty

- [Tribunal system reforms to speed up asylum decisions - GOV.UK](#)
- [Published Immigration Statistics YE 2025 - How many people are granted asylum in the UK? - GOV.UK](#)
- [UK health spending per person and age-adjusted per person | Institute for Fiscal Studies.](#)
- [Family Resources Survey: financial year 2022 to 2023 - GOV.UK](#)
- [Immigration system statistics data tables - GOV.UK](#)
- [Families and households in the UK - Office for National Statistics](#)
- [Gender identity, England and Wales - Office for National Statistics](#)
- https://www.researchinpractice.org.uk/media/jzzfrnvl/impact_of_covid_19_on_care_and_contact_web.pdf
- <https://explore-education-statistics.service.gov.uk/find-statistics/school-pupils-and-their-characteristics/2024-25>
- www.researchinpractice.org.uk/media/jzzfrnvl/impactofcovid19oncareandcontactsweb.pdf
- [Digital agency of vulnerable people as experienced by rehabilitation professionals - ScienceDirect](#)
- [Modern slavery: National Referral Mechanism and Duty to Notify statistics UK, end of year summary 2025 - GOV.UK](#)

- [NSPCC-Uprooted-and-Unprotected.pdf](#)
- [Heading back to harm: A study on trafficked and unaccompanied children going missing from care in the UK | ECPAT UK](#)
- [Care of unaccompanied migrant children and child victims of modern slavery - GOV.UK](#)
- [An assessment of Independent Child Trafficking Advocates: Interim findings \(publishing.service.gov.uk\)](#)
- <https://assets.publishing.service.gov.uk/media/69958f76b33a4db7ff889d43/asylum-claims-datasets-dec-2025.xlsx>
- [Annex: Independent child trafficking guardianship statistics, year ending March 2024 - GOV.UK \(www.gov.uk\)](#)
- [Annex: Devolving child decision-making pilot programme statistics, October 2024 to September 2025 - GOV.UK](#)
- [Working together to safeguard children - GOV.UK](#)
- [Prison population as of 31 December 2025](#)
- [Tribunal Statistics Quarterly: October to December 2025](#)
- [HMPPS Annual Digest, 2024/ 2025](#)
- [HMPPS Offender Equalities Annual Report 2023 to 2024](#)
- [Offender Management Statistics Quarterly: July to September 2025](#)
- [Global Estimates of Modern Slavery: Forced Labour and Forced Marriage](#), ILO, September 2017.
- [HPE Foreign Migrant Worker Standard](#), November 2015.
- [Who is vulnerable to human trafficking? | Hope for Justice](#)
- [UN experts alarmed by reports of forced labour of Uyghur, Tibetan and other minorities across China | OHCHR](#)
- [Modern Slavery and Women's Economic Empowerment Discussion Document](#), DFID, July 2018
- [Modern Slavery: NRM and DtN statistics, end of year summary 2025](#), February 2026.
- [Statistics on Women and the Criminal Justice System 2023 \(HTML\) - GOV.UK](#), January 2025
- [Immigration system statistics data tables - GOV.UK](#) Asy_D02, March 2026.

Section 2: Consideration of aim 1 of the duty: eliminate unlawful discrimination, harassment, victimisation, and any other conduct prohibited by the Equality Act 2010.

a. Direct discrimination

Across all measures, no unlawful direct discrimination has been identified.

Age

a. Direct discrimination

The introduction of a power to recover asylum costs applies only to adults who have received asylum support under sections 95 or 4 of the Immigration and Asylum Act 1999. Children are explicitly excluded from any repayment requirement. This difference in treatment on the basis of age is a proportionate means of achieving the legitimate aim of protecting children and supporting family life. We therefore consider that any less favourable treatment which arises is objectively justified as a proportionate means of achieving a legitimate aim.

Amendments to devolve **decision-making for child victims of modern slavery** to local safeguarding partners could be argued to discriminate against individuals on account of their age, as individuals who have their National Referral Mechanism (NRM) decisions made through local multi-agency panels will benefit from the decision being informed by greater evidence and awareness of their circumstances, having been made by local partners involved in their care and support, with greater knowledge of local context. As the policy will apply only to children, it could be argued that those outside the scope will be treated less favourably as they will not benefit from enriched decisions.

However, improving identification processes for children is considered a legitimate aim. Applying the policy only to children is considered proportionate given the same local safeguarding structures do not exist in the same way for all adults, and they would therefore not receive the same benefit, and are in a different position as a result of pre-existing legal duties local authorities owe to children. Any individual children who continue to have their decisions made by the Secretary of State will continue to have their NRM decisions made against the same guidance as those who have their decisions made by the panels, and will continue to be entitled to the same support, irrespective of how their decision was made.

For the **changes to the Public Order Disqualification (POD)**, there is differential treatment between adults and children, and between children with leave to remain and those without. The provision sets out a duty to disqualify in two sets of circumstances – first, where a person is considered a risk to national security. This provision will apply to **any** person coming before the competent authority.

Secondly, the provision sets out a duty to disqualify where an individual is a threat to public order (with reference to specific conduct). This part of the provision will **not** apply to any person aged under 18 who has a right of abode in the United Kingdom, or who has leave to remain in the United Kingdom, otherwise than through Temporary Permission to Stay.

The majority of children referred into the NRM are British nationals (accounting for 75% of British national referrals and 54% of all child referrals in 2025) and will therefore only fall within the scope of the public order disqualification if they are of a national security concern. The majority of children who have been criminally exploited, often as part of county lines, would not meet the public order definition. The impact of the public order disqualification will therefore primarily fall on adults.

For children who do not meet the criteria set out above, and who may come into scope of the disqualification, a decision to disqualify cannot occur if the

Secretary of State considers that there is an immediate and significant risk that the individual will become a victim of slavery or trafficking, or be exposed to further slavery or trafficking in the UK. This ensures that specific vulnerabilities relative to the individual (and, where appropriate, to the individual child) are taken into account.

These differences in policy approach for children and adults reflect deliberate safeguards in place to mitigate adverse impacts for children. As such, the differential treatment operates to ensure that decision-making appropriately recognises the distinct needs and heightened protections required for children when balancing disqualification and public order risk against vulnerability. It is therefore considered fair and proportionate to make that distinction. Where the age of an individual is disputed by the Home Office, the individual will be subject to the normal age assessment considerations.

This direct discrimination based on age is justified in accordance with legal obligations regarding child protection. Adults who have the disqualification applied following consideration of any immediate and significant re-trafficking risk in the UK may be disproportionately affected by the possibility of being subject to immigration detention, as being disqualified from the protections from the NRM can mean increased likelihood of removal action. Whereas the minority of children in scope of the disqualification will receive additional protections under ECHR and section 55 of the Borders, Citizenship and Immigration Act 2009, which mean that they would not be detained and would still be protected from removal, even where the public order disqualification may apply.

Similarly, adults who have the disqualification applied will no longer be entitled to modern slavery specific support and may not be entitled to other support services. However, with the exception of support provided by the Independent Child Trafficking Guardian service, much of the support for children who have the disqualification applied after any consideration of significant and immediate re-trafficking risk will likely continue in a similar manner as that received before the disqualification, as local authorities are required to support children's needs in their area under section 17 of the Children Act 1989.

For the **Bad Faith disqualification**, a new duty exists to disqualify where the Secretary of State is satisfied that a person has made a claim to be a victim of modern slavery in bad faith (as defined within the new provision). This is defined, using a non-exhaustive list, as including claims made after an individual has been made subject to removal action (subject to exceptions), or where false or fabricated documents have been put forward in support of the person's claim. These measures do not apply to children, and as such introduce

differential treatment between children and adults. This therefore constitutes direct discrimination on the grounds of age.

However, this differential treatment is intentional and justified, reflecting the distinct referral process for children in which they cannot consent to being referred into the NRM, and, as such, means that the behaviours for which a person can be disqualified on bad faith grounds are highly unlikely to apply, or where we think they might, we do not consider it would be fair or proportionate for that to be the outcome. This is consistent with the current policy approach insofar as children have been exempted from the application of the current bad faith policy since the commencement of the Nationality and Borders Act 2022. In the rare event that concerns do arise in relation to, for instance, falsified documents, they are more appropriately addressed through safeguarding and credibility processes rather than disqualification. The approach therefore reflects the distinct vulnerabilities and welfare considerations applicable to children, and also constitutes a fair and proportionate means of achieving the aims of safeguarding victims while guarding against improper use of the NRM.

b. Indirect discrimination

The introduction of a power to recover asylum costs may have the indirect impact on older adults who may have limited earning potential or digital literacy, which could make compliance more difficult. These individuals will be protected by the safeguard in the primary legislation that says any regulation must include provision to ensure a person is not required to make payments unless they can do so without becoming destitute.

Younger cohorts (typically aged between 16-25) have been shown to have higher rates of employment compared to older cohorts, but slightly lower median earnings. This could have an indirect discriminatory effect as to how the policy applies to them. However, as above, the safeguards around destitution and thresholds for repayment will mean repayment will not be required until the individual is financially capable.

The amendments to the **Public Interest Test for Foreign National Offenders** (FNOs) may disproportionately affect people aged between 25 to 49 since around 69% of people in prison are in this age group. Any indirect discrimination can be justified as the measure is a proportionate means of achieving a legitimate aim, namely increasing the amount of foreign national offenders deported from the UK.

The changes in the statutory approach to **qualifying children** in the Public Interest Test may indirectly affect children where parents are more likely to be refused leave to remain, refused entry clearance, or removed from the UK

because of the measure which is intended to narrow the circumstances in which the public interest does not require removal. In such cases, children may experience instability, uncertainty, or adverse socio-economic effects, particularly if families remain in the UK without lawful status. However, continued application of individualised decision making and the section 55 duty will ensure that grants remain possible in exceptional circumstances. Conversely, the reforms are also intended to reduce prolonged uncertainty and irregular status, which can itself undermine children's welfare and long-term outcomes.

From an analysis of a sample of in-country Article 8 applications, the average age of granted case applicants was 38. This sample also indicated 63% of granted applicants were aged 30 to 49, alongside smaller proportions aged 18 to 29 (18%) and 50 to 69 (13%). Internal Home Office analysis of a recent sample of out of country family life cases indicates that the average age of a granted applicant was 39. Of those children granted out of country, the average age was 13, for adults the average age was 48.

For changes to the Article 8 framework to **strengthen the Public Interest Test**, older individuals may be more likely to be impacted where clearer weight is given to wider socio-economic impacts, including reliance on health and social care. The Institute for Fiscal Studies provides age-adjusted health spending analysis for the UK. Their UK health spending per person and age-adjusted per person dataset published May 2024 shows moderate use in ages 40–60, then steep growth from age 60–65, and very high spending among those aged 70+¹. This could lead to individuals aged 60+ experiencing more refusals because of the Bill. However, family and private life may still outweigh the public interest in appropriate cases regardless of age, and the weight accorded to these factors in individual cases should be adjusted where this is necessary to strike a fair balance, including where the application of the factors would have a disproportionate effect on person of a particular status or where the best interests of a child are engaged.

The proposed changes to **how and where an Article 8 claim can be raised by individuals seeking entry clearance to the UK** may have some indirect impact on children based in the UK who are to be joined by a parent or parents living overseas. The changes will require the UK sponsor to make an application or lodge an appeal (where an application is refused) in the place of the individual overseas. Therefore, significant responsibility for the parent's application will be placed on the UK-based child which may cause additional pressure and anxiety. Any additional hardship placed on the UK-based child in these circumstances will be mitigated by the ability of the overseas applicant to

¹ [UK health spending per person and age-adjusted per person | Institute for Fiscal Studies.](#)

provide assistance to the child sponsor, either through the second parent, a responsible adult, friend or legal representative. Any impact caused by these changes is considered proportionate as a means of achieving a legitimate aim, in increased compliance with proper HR considerations and an improved process for assessing the strength and subsistence of family relationships.

The proposed **national Independent Child Trafficking Guardianship (ICTG) service** model will take a hybrid approach, with some support provided in person and some provided online. Although we hold no evidence to suggest that younger children could face digital exclusion, as younger children may not have learnt the appropriate IT skills to engage with online support as effectively as older children, they could be digitally excluded. To mitigate against the potential for younger children to be digitally excluded due to lack of digital skills, confidence and safety, we will ensure guidance is clear that the provision of direct in-person support can be extended when exceptional circumstances apply, which includes vulnerabilities and increased needs. Ongoing risk assessments will be used to identify circumstances where children would benefit from increased in-person support.

The provision to **withhold modern slavery support from adults who have necessary support and assistance provided by a support service, and have that support removed by reason of their conduct**, differentiates between adults and children. The requirement to provide (and powers to withhold) support and assistance will not extend to children, as there are separate support arrangements for child victims, delivered via local authorities and their safeguarding partners (as part of their statutory duties to safeguard and promote the welfare of children in their area under the Children Act 1989) and the Independent Child Trafficking Guardianship (ICTG) service.

The **procedural reforms to the NRM in relation to credibility** would apply equally to all individuals referred into the NRM. This provision sets out a range of factors which are to be taken by a competent authority as having an adverse impact on credibility when considering a claim. However, children may be more likely than adults to delay disclosure due to their developmental stage, dependency on adults, grooming by traffickers, fear of authority figures, or lack of understanding that their experiences constitute exploitation. The context of a child's NRM referral is also different to an adult's given that referral of a child into the NRM does not require their consent. In order to mitigate this, there is a provision to consider good reasons for any of the behaviours or factors such as late disclosure, which will be set out in statutory guidance and consider specific issues for children - including explicit recognition of children's heightened vulnerability and the impact of grooming and trauma on disclosure.

Regarding the **removal of the ‘recovery’ ground for Temporary Permission to Stay (TPS) consideration**, there is no routinely collected TPS data, broken down by age – but we do know that more adults compared with children (those under the age of 18 years old) received a positive Conclusive Grounds (CG) decision at year end 2025. In 2025, a total of 10,455 adults received a positive CG decision, compared with 6,360 children.

TPS decisions are only made for individuals who have received a positive CG decision, and therefore this data is largely indicative of the overall cohort of individuals considered for TPS. Similarly, there is a greater proportion of children who are British Nationals (54% of child referrals) than adults (8 % of adult referrals). This suggests that a greater number of adults than children will be considered for TPS. As a result, a greater number of adults than children will be impacted by a change to TPS policy.

Foreign national children may be more likely than foreign national adults to be granted a more generous form of stay than that which a TPS grant can offer, such as asylum leave or family and private life stay, which would provide them with a longer-term route to stay. Therefore, where foreign national children may be more likely to have received other forms of leave, they may be less likely to rely on TPS, and they may therefore be less impacted by a change to the TPS policy than adults.

Overall, by virtue of greater numbers of adults than children being considered for TPS, by volume adults will be more impacted by this policy, however we do not consider that this amounts to indirect discrimination, as the policy change will be similarly applied to both adults and children. Beyond this, there is no evidence to suggest that the implementation of this policy will lead to less favourable treatment indirectly on the basis of age.

Disability

a. Direct discrimination

The proposed action does not subject any person to less favourable treatment than any other person and therefore no direct discrimination arises.

b. Indirect discrimination

For amendments to the **Article 8 framework**, there may be an indirect effect as a result of the strengthening of the socio-economic considerations under section 117B. There is no specific data that records the number of people who

have a disability for immigration purposes but we have considered the latest estimates from the Family Resources Survey (FRS), run by the Department for Work and Pensions (DWP) which indicate that 16.8 million people in the UK had a disability in the 2023/24 financial year. This represents roughly 25% of the total population. Some disabled people may have greater reliance on welfare support, adapted housing, housing support, social care, mobility support, home adaptation services and transport concessions, and may have more limited access to the labour market. This may mean that this cohort is more likely to be impacted by the Bill measure than others. However, the policy aim is not to attach significant weight to reliance on healthcare or social care that is inherent and unavoidable. The weight accorded to these factors in individual cases should be adjusted where this is necessary to strike a fair balance, including where the application of the factors would have a disproportionate effect on person of a particular status or where the best interests of a child are engaged. A person's family or private life can still outweigh the public interest where circumstances give rise to a strong Article 8 claim, including where there is reliance on public services, even where that reliance is costly. We believe any impacts as a result of this policy are protected by individualised decision making, and we consider it justified and proportionate to meet a legitimate aim of providing consistency, legal certainty and effective immigration control.

The amendments to codify the definition of family life will clarify that, concerning adult relatives outside of the core family, there will not typically be family life unless it is possible to demonstrate additional elements of dependence beyond normal emotional ties. On its own, physical or mental illness or infirmity will not normally be sufficient to establish additional elements of dependence unless it is incapacitating and means that constant care and support is required. This may mean the Bill is more likely to affect disabled applicants because they are more likely to rely on extended family relationships. However, illness and infirmity continue to be relevant factors in decision making. We believe any impacts as a result of this policy are protected by individualised decision making, and we consider it justified and proportionate to meet a legitimate aim of providing consistency, legal certainty and effective immigration control.

Amendments to **how and where an Article 8 claim can be raised by individuals seeking entry clearance to the UK** may have some indirect impact on people with disabilities based in the UK who wish to sponsor overseas family members to join them in the UK. The changes would require the UK sponsor to make an application based on HRs or lodge an appeal (where a HR application is refused) in the place of the individual overseas. Any additional hardship to be placed on the disabled person in these circumstances will be mitigated by the ability of the overseas applicant to provide assistance to the sponsor, either through a carer, responsible adult, friend or legal

representative. Any impact caused by these changes is considered proportionate as a means of achieving the legitimate aim of effective immigration control and specifically increased compliance with proper HR considerations and an improved process for assessing the strength and subsistence of family relationships.

The amendments to **Slavery and Trafficking Prevention Orders and Slavery and Trafficking Risk Orders** will have no direct negative equality impacts on members of marginalised groups though we recognise them to be more at risk to modern slavery and human trafficking. However, the policy may have an indirect positive effect through improved organisational practices.

Whilst Slavery and Trafficking Prevention Orders and Slavery and Trafficking Risk Orders can be made against a person where the defendant has a disability and has been charged with a slavery or human trafficking offence, they are not designed to target any specific protected characteristic. We consider that the introduction of electronic monitoring may have a disproportionate impact on people with disabilities. Therefore, in circumstances where electronic monitoring is being considered reasonable adjustments will need to be made on account of this.

The **national Independent Child Trafficking Guardianship (ICTG) service** model will take a hybrid approach, with some support provided in person and some provided online. When considering the impact of increasing online support in the ICTG service, it is estimated that at least some children accessing the ICTG service will have a disability. To mitigate the potential that this model will adversely impact those with disabilities, we will ensure guidance is clear that the provision of direct in-person support can be extended when exceptional circumstances apply, which includes vulnerabilities and increased needs such as having a disability. Ongoing risk assessments will be used to identify circumstances where children would benefit from increased in-person support.

To further mitigate any adverse impact on this with disabilities, all staff working within the service must also complete training on Special Education Needs and Disability (SEND) and neurodiversity every two years as a minimum. The national contract supplier will also be required, as stipulated via its contract with the Home Office, to appoint several vulnerabilities leads who shall have responsibility for ensuring internal policy and practices meet the needs of a wide range of children with specific vulnerabilities.

The provision to **withhold modern slavery support** from adults who have necessary support and assistance provided by a support service, and have that support removed by reason of their conduct, may result in victims with physical

disabilities and/or mental ill health being disadvantaged by this policy as they may experience additional barriers to complying with the requirements of support services. However, vulnerabilities under ECHR and behaviour attributable to any physical, psychological or social harm which arose from their modern slavery experience will be considered and may result in support not being withdrawn. There is a provision on the face of the Bill that is clear that before the duty to provide support can be disapplied in these circumstances, the Secretary of State or authorised person must be satisfied that the conduct leading to the support being removed is not attributable to the individual's modern slavery experience.

This policy seeks to align with wider state approaches to supporting the public. Equalities considerations will have been built into the wider state policies that determine when support conditions have not been adhered to, including when reasons pertaining to disability or mental ill health need to be factored into any decisions to not provide support. This minimises risks of duplication and potentially undermines the decision making of wider state support services. As such it is considered that the proposal is a justified and proportionate to the aim of ensuring a coherent, value for money approach to supporting modern slavery victims across government.

The **removal of the 'recovery' ground for TPS** consideration may result in individuals whose pre-existing disabilities have been exacerbated, or who have developed new disabilities as a result of their exploitation, being negatively impacted by the policy change. It is possible that an individual's disability, if connected to their exploitation, could mean they are currently more likely to have a need for assistance from their recovery, and therefore be granted TPS on the basis of recovery than an individual without a disability.

However, it should be noted that this impact does not apply to all individuals with the 'disability' characteristic, but rather those within this cohort whose disability is connected to the relevant exploitation, for which they would require assistance in recovery from, if that assistance was not capable of being met in their country of nationality or citizenship, or one to which they may be removed. Where this policy change will impact the aforementioned cohort, it may give rise to indirect discrimination if individuals within this cohort could under the current form of the policy be more likely than others outside of this cohort to be granted TPS as a result of their disabilities. Removal of this ground may have a disproportionate impact on that cohort when compared with individuals who do not share this characteristic.

The intended aim is to amend legislation to clarify the purpose of TPS for confirmed victims is to focus on supporting prosecutions and compensation

only. We therefore consider that the aforementioned impact is a proportionate means of achieving the legitimate policy aim.

The **procedural reforms to the NRM** may mean individuals with disabilities, including learning disabilities and cognitive impairments, and / or mental health conditions such as PTSD and depression, may be less likely to disclose relevant evidence to support decision-making, or take longer to disclose. For a **CG decision made within the recovery period**, this could mean that individuals with disabilities are less likely to receive a quicker CG decision within the recovery period. While an earlier decision can provide earlier clarity to victims, receiving a CG decision outside of the recovery period would not necessarily have a negative impact on individuals going through the NRM system. Furthermore, ongoing support for those with a positive CG decision will be based on an assessment of needs and not tied to the timing of a CG decision. We anticipate that despite this policy change, the majority of decisions will still be made and issued outside of the 30-day period. This is because decision-makers, for many cases, will likely still need at least the time provided by the recovery period to gather evidence and issue a decision.

For **credibility**, the increased emphasis on timing of disclosure may also place disabled individuals at a particular disadvantage compared to non-disabled individuals. In order to mitigate this, there is a provision to consider good reasons for behaviours such as late disclosure which will be set out in statutory guidance and consider specific issues such as the potential impact of a disability.

With the **changes to the public order and bad faith disqualifications**, there may be indirect discrimination as those to whom a disqualification notice is issued with a disability would be disqualified from accessing modern slavery specific support and may have to access different or alternative services in the processing of their asylum, protection and/or modern slavery claim(s) than those who do not. Equally, some disabled individuals will not have the mental capacity to understand all instances of their exploitation and/or the information required and the need to provide truthful information. Their additional dependencies upon their exploiters due to their disabilities may also make them more vulnerable and less aware of their situations in this regard.

These potential points of indirect discrimination are directly mitigated by the public order and bad faith disqualification decision-making approach. When considering whether to disqualify an individual (and therefore withhold a recovery period and lift the protection from removal) on public order or bad faith grounds, any disability related issues that may affect the individual's ability to access requisite services will be taken into account as part of the compelling circumstances for late disclosure under the bad faith disqualification and

significant and immediate risk of re-trafficking in the UK for the public order disqualification.

We do not routinely collect data on the protected characteristic of disability, as defined by the Equality Act 2010, for those being considered under the public order or bad faith disqualification. In order to ensure that all confirmed victims of modern slavery with protected characteristics are treated equally, it is important that the Home Office takes the necessary steps to monitor and assess the impact on a regular basis. We will do this through evaluation of the modern slavery policies.

With regard to **recouping asylum costs**: data shows that there are high rates of self-reported long-term health conditions among refugees, with 30% reporting a disability or chronic condition compared to 18% in the wider UK population. Those with a disability may find it harder to seek work and have the financial means to support themselves. There may be indirect discrimination if they are forced to repay their asylum support, but do not have the means to do so.

These individuals will be protected by the safeguard in the primary legislation that says any regulation must include provision to ensure a person is not required to make payments unless they can do so without becoming destitute. Furthermore, secondary legislation will provide detail on what is meant by financial means and will ensure the right threshold is met, so that those with disabilities are not indirectly discriminated against and have the means to make such payments.

Gender Reassignment

a. Direct discrimination

The proposed action does not subject any person to less favourable treatment than any other person and therefore no direct discrimination arises.

b. Indirect discrimination

The **procedural reforms to the NRM in relation to public order and bad faith disqualifications** may lead to people with the protected characteristic of gender reassignment to be disproportionately impacted by the experience of being detained. If an individual with the protected characteristic was subject to removal action as a result of having NRM protections withheld, the detention estate would need to take account of the needs such individuals may have. This could involve being bullied by other detained persons or otherwise feeling that

their safety is in peril, so may require additional protections in the detention environment to ensure their safety. They may also prefer to engage with staff of a particular gender, and any such requests will be accommodated where possible subject to staff availability.

We do not routinely collect data on the protected characteristic of gender reassignment, as defined by the Equality Act 2010, for those being considered under the public order or bad faith disqualification policies. In order to ensure that all confirmed victims of modern slavery with protected characteristics are treated equally, it is important that the Home Office takes the necessary steps to monitor and assess the impact on a regular basis. We will therefore build in systems which allow us to assess impact so we can address it if needed. This will include regular reviews of public order and bad faith decision-making. Where necessary, we will dip-sample public order and bad faith decisions to better understand the impact on specific protected characteristics. This will enable officials to quickly identify any discrimination or inequalities rapidly and work to resolve these issues.

Gender reassignment may be considered as part of wider vulnerability assessments in any decision-making process related to public order consideration.

Pregnancy and maternity

a. Direct discrimination

The proposed action does not subject any person to less favourable treatment than any other person and therefore no direct discrimination arises.

b. Indirect discrimination

For amendments to the **Article 8 framework** pregnancy can limit a person's ability to work or increase working hours, and may increase reliance on stable accommodation, healthcare services and informal support networks, which may therefore interact with low income or insecure housing to create particular vulnerability with regards to proposals to increase the weight placed on socio-economic factors.

However, pregnancy itself is a factor that could be taken into account in the balancing process. Therefore, the Bill is likely to have limited indirect negative impact on an applicant that is pregnant or on maternity leave. Any remaining impact is proportionate and the weight to be given in individual cases will be adjusted where necessary to strike a fair balance.

There may be individuals who are pregnant or have a child, as a result of their exploitation. An individual who has the pregnancy or maternity characteristic, if it is connected to their exploitation, could currently be more likely to receive a TPS 'recovery' grant than an individual without this characteristic. Therefore, it is possible that the **removal of the 'recovery' ground for TPS consideration** could amount to indirect discrimination, if individuals within this cohort are currently more likely to receive a grant of TPS than those outside the cohort. This impact would not apply to all individuals with the 'pregnancy and maternity' characteristic, but rather those within this cohort whose pregnancy and/or maternity is connected to the relevant exploitation, for which they would require assistance in the recovery of, if that assistance was not capable of being met in their country of nationality or citizenship, or one to which they may be removed.

The intended aim of the policy proposal is to amend legislation to clarify the purpose of temporary permission to stay for confirmed victims is to focus on supporting prosecutions and compensation only. We therefore consider that any indirect discrimination on the characteristic of pregnancy or maternity is a proportionate means of achieving the legitimate policy aim.

The **public order and bad faith disqualifications** may result in indirect discrimination on the basis of pregnancy and maternity. It is expected that the number of pregnant individuals that the public order and/or bad faith disqualification would apply to is very low. However, there are risks which disqualification carries for those who are pregnant. Some potential victims of modern slavery may have become pregnant or acquire maternal responsibility as the result of their exploitation; for instance, where their exploitation has involved sex work or domestic servitude. Some individuals may not realise they are pregnant until the end or at the elapse of an initial recovery period or may give birth at this critical time. In some cases, this, or any other exceptional circumstance related to the protected characteristics of pregnancy and maternity, could be considered as part of the compelling circumstances for late disclosure under the bad faith disqualification, and significant and immediate risk of re-trafficking in the UK for the public order disqualification.

Although there is a duty to have regard to a pregnant person's welfare, this does not, in and of itself, provide a reason for NRM protections to be upheld. In such circumstances there will, however, be a case-by-case consideration of support provision and, where relevant, detention and removal should the public order or bad faith disqualification be applied.

We do not routinely collect data on the protected characteristic of pregnancy and maternity, as defined by the Equality Act 2010, for those being considered under the public order and bad faith disqualification. In order to ensure that all

confirmed victims of modern slavery with protected characteristics are treated equally, it is important that the Home Office takes the necessary steps to monitor and assess the impact on a regular basis. We will therefore build in systems which allow us to assess impact so we can address it if needed. This will include regular reviews of public order and bad faith decision-making. Where necessary, we will dip-sample public order and bad faith decisions to better understand the impact on specific protected characteristics. This will enable officials to quickly identify any discrimination or inequalities rapidly and work to resolve the issue.

On the power to **recover asylum costs**, data on pregnancy and maternity in relation to people who receive asylum support in the UK is not available and it is therefore difficult to categorically establish whether there will be indirect discrimination. However, we consider that women in late pregnancy or caring for newborns may have reduced income and mobility. These individuals will be protected by the safeguard in the primary legislation that says any regulation must include provision to ensure a person is not required to make payments unless they can do so without becoming destitute.

Race (this encompasses, nationality, ethnicity, colour and national or ethnic origins)

a. Direct discrimination

The introduction of a power to **recover asylum costs** applies to individuals who have received asylum support under immigration legislation and does not apply to British citizens. While British citizens are not required to repay welfare benefits, asylum support is provided under a distinct statutory framework to individuals who are subject to immigration control and who are not ordinarily eligible for mainstream benefits. While we identify the potential for direct discrimination on the basis of race (nationality), that is inherent in legislation relating to immigration. We rely on the limited exceptions that exist in the 2010 Act, which permits direct discrimination on grounds of race (nationality ethnic or national origins). Safeguards, including affordability thresholds, will help to ensure that no one is pushed into destitution and that the policy remains proportionate.

b. Indirect discrimination

The creation of the **IIAA** and its associated processes includes a focus on streamlining and expediting appeals from individuals for whom removal from the UK in a reasonable timeframe is a realistic prospect. The UK has returns

agreements with some countries, but not others. It is also easier to redocument nationals of some countries than other. Inevitably this means any system with a focus on 'removable' individuals will indirectly discriminate based on nationality. It is considered that the policy proposal is justified and proportionate in pursuance of the public interest aims of robustly enforce the removal of individuals from the UK who have no right to remain in the country as well as the efficient delivery of a fast and fair legal system for immigration appeal cases more widely.

For amendments to the **Article 8 framework** indirect race-related impacts are largely as a result of nationality patterns in Article 8 caseloads. Published Home Office statistics record that, for family and private life Article 8 visa extension applications in 2025, the top five nationalities were Nigeria (11,961 grants and 1,566 refusals), India (10,389 grants and 2,624 refusals), Pakistan (9,788 grants and 1,253 refusals), Bangladesh (4,938 grants and 742 refusals) and Albania (4,345 grants and 987 refusals).

Analysis of asylum and human rights cases decided between 2015-2017 indicates initial refusals rates were 18% for India, 15% for Nigeria, 15% for Pakistan, 8% for Bangladesh and 4% for Ghana. Whilst appeal grant rates for the same cohort were 17% for Pakistan, 16% for Nigeria, 13% for India, 7% for Bangladesh and 4% for Sri Lanka.

The fact that certain nationalities are more frequently represented in Article 8 caseloads means that the practical effect of more restrictive thresholds, stronger public interest considerations, and greater emphasis on lawful residence and correct routes is likely to be experienced more often by those groups.

However, these indirect impacts do not amount to unlawful indirect discrimination because the Bill is justified as a proportionate means of achieving the legitimate aim of the Bill - incentivising compliance with the immigration system and improving clarity, consistency and predictability for applicants, decision makers and courts. Moreover, the Bill does not prevent decision makers from continuing to weigh individual circumstances against the public interest in refusal/removal.

While we identify potential for indirect discrimination on the basis of race (nationality), that is inherent in legislation relating to immigration, and we would rely on the limited exceptions that exist in the 2010 Act, which permits indirect discrimination on grounds of race (nationality ethnic or national origins).

There is the possibility of indirect discrimination on the basis of nationality, as a result of changes to the **Article 8 framework for FNOs**. There is a

disproportionate presence of certain nationalities, for example Albanian and Polish nationals, in the prison population compared to the public as a whole. Any indirect discrimination can be justified as the measure is a proportionate means of achieving a legitimate aim, namely increasing the amount of FNOs deported from the UK and decreasing the number of inconsistent judgments from the Courts.

There are a wide range of nationalities, ethnicities, and languages represented in the NRM. Individuals from some national or ethnic backgrounds may also face barriers to early and / or detailed disclosure linked to language barriers, cultural norms, distrust of authorities, fear of immigration enforcement, or experiences of persecution in their country of origin. These barriers may be heightened in detention settings, where individuals may perceive disclosure as detrimental to their immigration position or removal prospects.

We have assessed these risks for the **procedural reforms to the NRM in relation to credibility** and would consider that they are mitigated by the provision for good reasons that will be set out in guidance. Any potential indirect discrimination is therefore mitigated and considered proportionate.

The proposed credibility approach applies irrespective of nationality, ethnicity, or immigration status and is not limited to immigration enforcement contexts. However, in practice, the guidance is likely to have its greatest operational impact within the immigration estate (especially within IRCs).

Although it is anticipated that non-UK nationals will be over-represented among cases arising in immigration detention, this reflects the context in which opportunities to disclose are most frequently recorded, rather than any differential treatment on the basis of race or nationality.

Certain nationalities in the NRM already receive lower rates of positive CG decisions than others. Consequently, for **negative CG curtailing the recovery period**, these group(s) may be more likely to receive CG decisions within the recovery period, resulting in individuals from these group(s) experiencing a shorter recovery period relative to other cohorts. A shorter recovery period is considered appropriate where it is found that an individual is not a victim of modern slavery, as that individual would not have recovery needs.

These proposals do not make it harder for individuals to be referred into the NRM, nor does it increase/decrease the CG threshold to allow for quicker decisions.

With **public order and bad faith disqualifications**, withholding the recovery period is likely to affect different races (nationalities) in different ways, however

in each case the individual's circumstance and the facts of their case will be considered against the specified exceptions, and each provision enabling disqualification requires, before such a decision can be made, a given set of factual circumstances to have arisen, for example convictions for particular crimes, the person being subject to particular orders, or having fabricated documents. In 2025, 88% of all referrals were foreign nationals. The public order disqualification also has a lower threshold of criminality for non-UK nationals, who are assessed to be a threat to public order where they have committed a crime carrying a custodial sentence of any length, in comparison to British Nationals who are assessed to be a threat to public order with reference to a more severe Schedule 4 offence. Terrorism and national security provisions apply to all nationalities. The consequences of disqualification also apply disproportionately as a foreign national, subject to other human rights protections or barriers to removal, in that the removal of the recovery period removes a protection from removal. . Further, the presumption to disqualify can only be rebutted in the case of significant and immediate risk of re-trafficking in the UK. This approach is justified on the basis that any risk to the individual upon return is covered by existing return decision-making outside the NRM. As these individuals are deemed a threat to public order it is considered that these are proportionate actions to achieve the aim of protecting the public.

The public order disqualification provision creates a difference in treatment between children with right of abode or other forms of leave (who are exempt from the public order provision at new section 63(1)), and children who do not (who are not exempt). This creates a differentiation based on immigration status (which is not a protected characteristic) - whether a child has a particular form of leave will depend on the specific circumstances of their case. This may have an indirectly discriminatory impact based on nationality, but in any case where a public order disqualification is being considered, the risks of re-trafficking will be actively considered before any such decision could be made.

The **updated bad faith disqualification** proposes that a person would be in scope for disqualification on bad faith grounds where an NRM claim has been raised at a time when the person was due to be removed from the UK. These elements of the provisions would indirectly impact only non-British national subject to removal. This approach is justified on the basis that any risk to the individual upon return is covered by existing return decision-making outside the NRM. Also, a trigger for bad faith disqualification is procedural timing of a modern slavery claim in relation to timing of removal from the UK, and this supports a legitimate aim of preventing improper use of the NRM and in exercise of immigration functions that necessitate such a distinction. Further, there is a safeguard to ensure that the disqualification is able to be rebutted in compelling circumstances. This impact will then be closely monitored for any unintended disproportionate impacts

In relation to **combining refugee status and humanitarian protection (HP) to set out a single definition of protection claim**, this will apply to all who claim asylum but is more likely to impact those who are eligible for a grant of HP. Published statistics confirm that in 2025 the following seven nationalities make up the majority (89%) of HP grants (4,787).

- Yemen: 1,920
- Sudan: 961
- Palestine: 445
- Libya: 377
- South Sudan: 234
- Ukraine: 196
- Iraq: 142

Total: 4,275

Some individuals from these nationality groups may qualify for refugee status because of the presence of a convention reason (e.g. 5,999 Sudanese nationals were granted refugee status as well as 961 granted HP status in 2025). Conversely some individuals may not qualify for either refugee or HP status (e.g. 394 Sudanese nationals were refused in 2025). All cases are considered on their individual merits.

For most nationalities, the majority of protection grants are refugee status as opposed to HP. However, there are exceptions to this, including three of the nationalities referred to above:

Country	HP (2025)	Refugee (2025)
Yemen	1,920	581
Palestine	445	158
Libya	377	100
South Sudan	234	232
Ukraine	196	34
Colombia	56	50
Mexico	9	3
Ecuador	6	0
Guatemala	4	3
Haiti	3	1
Peru	3	3
Burkina Faso	2	1
Central African Republic	2	0
Niger	2	1

British overseas citizens	1	0
Poland	1	0
Vanuatu	1	0

In most of these countries this likely reflects the security or humanitarian situation as a result of armed conflict, or gang-related violence that the state is unable to effectively protect against. In individual cases there may also be a real risk of a breach of Article 3, which the state cannot protect against and internal relocation is not reasonable in the specific circumstances of the person – for countries with a very low number of grants it should normally be assumed that the reasons are very specific to the person concerned.

Those who qualify for protection status as a result of their ethnicity will continue to be protected from refoulement. There will be no direct discrimination based on nationality, however whether someone is granted or refused core protection will be impacted by the conditions and country situation in someone’s country of origin. All decisions will be made on a case-by-case basis in line with the relevant country information and asylum policies. For indirect discrimination, the key consideration is whether a policy that applies in a seemingly neutral way (as here where the changes will apply to everyone applying for asylum irrespective of any protected characteristics they may have), indirectly puts those sharing a protected characteristic at a particular disadvantage. However, it is considered that this measure does not give rise to a disadvantage (arguably for those who previously would have been eligible for HP it confers a benefit). There will be no differential treatment or entitlements under Core Protection between those who previously may have qualified for HP. They will receive the same length of permission to stay (30 months), be on the same settlement pathway and will continue to access public funds and the right to work.

If it does lead to any disadvantage (which at this stage has not been identified), it is considered it a proportionate means of achieving a legitimate aim which are; to reduce the number of appeals and streamline the decision-making process which we intend to bring efficiencies and lead to a more efficient asylum system for all.

Religion or Belief

a. Direct discrimination

The proposed action does not subject any person to less favourable treatment than any other person and therefore no direct discrimination arises.

b. Indirect discrimination

Where particular national groups are more frequently represented in **Article 8 caseloads**, the individuals affected may also come disproportionately from some religious communities. However, these indirect impacts do not amount to unlawful indirect discrimination because the Bill is justified as a proportionate means of tightening the application of Article 8 in order to reset the balance between an individual's Article 8 rights and the public interest in immigration control, with the Immigration Rules.

The **procedural reforms to the NRM** may result in indirect discrimination due to the demographics of certain nations and propensity for certain nationalities to be referred into the NRM, meaning that some religious groups may be more commonly represented. A person may have reasons linked to religion or belief that may make it more difficult to engage with the authorities and so may therefore struggle to marshal their case, as this may necessitate the recounting of shameful or prohibited experiences. For credibility and bad faith disqualifications, this could mean that such individuals disclose information late. To mitigate this risk, there is a provision of considering good reasons for credibility and compelling circumstances for bad faith.

On the power to **recoup asylum costs**, while data on religion or belief in relation to people who receive asylum support in the UK is not available, we considered that (as of 30 September 2025) the top 5 nationalities in asylum accommodation were: Iraq (12%), Afghanistan (10%), Iran (9%), Syria (6%), and Eritrea (6%). For those who receive cash-only support, these were: Afghanistan (16%), Syria (11%), Iran (10%), Iraq (10%), and Albania (9%). The majority religion in these countries is Islam. The policy will however apply regardless of religion or belief. We consider that any less favourable treatment is a proportionate means of achieving the legitimate aim of applying the policy consistently and fairly.

Sex

a. Direct discrimination

The proposed action does not subject any person to less favourable treatment than any other person and therefore no direct discrimination arises.

b. Indirect discrimination

The creation of the **IIAA** and its associated processes will be particularly focused on streamlining and expediting appeals from individuals for whom removal from the UK in a reasonable timeframe is a realistic prospect. There is evidence that men are more likely to be 'removable' than women owing

common circumstances associated with their cases. So men may be subject to indirect discrimination as a result of this policy. It is considered that the policy proposal is justified and proportionate in pursuance of the department's aim to robustly enforce the removal of individuals from the UK who have no right to remain in the country as well as the public interest in the efficient delivery of a fast and fair legal system for immigration appeal cases more widely.

For amendments to the **Article 8 framework** women may be more likely to be indirectly affected if stronger socio-economic public interest factors lead to more refusals or unsuccessful appeals. This is due to gendered patterns, in particular, the Office for National Statistics data shows that 83.3% of lone parents in 2024 were mothers. Women may, therefore, be more likely to be applying as lone parents or to experience the effects of one-income households, childcare responsibilities, and the need for access to public funds or social housing. From an analysis of a sample of in-country Article 8 applications, 44% of applications which were granted were made by females, with 56% made by males. The Bill does not preclude decision makers taking these social patterns into account and adjusting the weight given to socio-economic factors accordingly. Decision makers will take an individual's circumstances into account when assessing their application, including the section 55 duty where children are involved. We believe impacts will therefore be justified and proportionate when considered against the legitimate aim of the policy.

The changes to the Public Interest Test for FNOs will disproportionately affect men as males are disproportionately represented in the prison system. On 31 December 2025, 96% of all prisoners were male and 4% were female. Any indirect discrimination can be justified as the measure is a proportionate means of achieving a legitimate aim, namely increasing the amount of FNOs deported from the UK and decreasing the number of inconsistent judgments from the Courts.

The **procedural reform to the NRM** may disproportionately impact women, who are more likely to be victims of sexual exploitation; further, there is extensive evidence that shame, fear, and coercion can delay disclosure. This may mean that individuals find it difficult to give a clear and timely account of their experiences which may impact credibility and bad faith considerations. For credibility provisions, this is mitigated by good reasons considerations and by compelling circumstances for bad faith. Any indirect disadvantage is therefore mitigated and considered proportionate.

The **public order and bad faith disqualifications** may indirectly discriminate on the basis of sex as there is disparity in the proportion of genders across the immigration, asylum, NRM and detention systems. Of the 23,411 potential

victims referred to the NRM in 2025, 26% (6,042) were female; 74% (17,350) were male. However, the disqualification would be applied based on the definition of public order or bad faith not sex, and we assess the policy as being a proportionate way of achieving a legitimate aim.

Setting out a single definition of protection claim may indirectly discriminate on the basis of sex as more than three-fifths (62%) of people claiming asylum in 2025 were adult males. The proportion of men, women and children may be influenced by the routes taken when travelling to the UK. For example, more dangerous routes (such as crossing the Channel in a small boat) see fewer women and children than other routes (such as travelling to the UK on a visa before claiming asylum). As such, more men may be impacted than women. However, it is not considered that this proposal would place men at a disadvantage as they will receive the same length of permission to stay (30 months), be on the same settlement pathway, and will continue to access public funds and the right to work.

In addition to more men claiming asylum than women, data from 2023/4 shows that higher numbers of men received convictions than women, though this data includes British Citizens as well as asylum seekers and refugees. There is no evidence to suggest that the sex of asylum seekers/refugees who receive convictions will differ to the general profile of general convicted offenders (and therefore who may be defined as not 'lawfully staying'). However, the **lawfully staying** measure will not bring any further people into scope, as it will apply to anyone who already reaches the Article 33(2) threshold who cannot be removed. Any indirect discrimination is considered justified on the basis of ensuring that those who commit serious crimes do not benefit from the generous benefits of protection status and are removed from the UK as soon as possible.

The Home Office will continue to explore available data in relation to convictions amongst the asylum cohort, as well as any data on criminality by protected characteristic, and review additional data development needs as part of ongoing policy development.

Sexual Orientation

a. Direct discrimination

The proposed action does not subject any person to less favourable treatment than any other person and therefore no direct discrimination arises.

b. Indirect discrimination

For the **procedural reform to the NRM** a person may have reasons linked to sexual orientation that make it more difficult to engage with the authorities or may delay disclosure due to fear of stigma or discrimination related to sexual orientation. However, in the context of credibility, linked to timing of disclosure, decision makers consider individual circumstances under good reasons and for bad faith they consider compelling circumstances.

For the Article 8 framework, wider demographic evidence suggests that LGBTQ adults are, on average, less likely than heterosexual adults to be in couples with dependent children and may therefore interact more frequently with provisions relating to extended family relationships. However, there are no direct or indirect negative impacts identified for sexual orientation considered.

Marriage and Civil Partnership

a. Direct discrimination

The proposed action does not subject any person to less favourable treatment than any other person and therefore no direct discrimination arises.

b. Indirect discrimination

Partner entry clearance visas make up the majority of entry clearance applications under the family Rules, and decisions include consideration of **Article 8** family life. Published Home Office statistics show that in the year ending December 2025, of the 80,641 family entry clearance applications 46,042 were for partner visas (57%) with 11,536 for children and 22,161 protection-family reunion applications. Marriage and civil partnership are generally not identified as generating adverse impacts. The Immigration Rules already give equal weight to subsisting partnerships akin to marriage or civil partnership. Where a family or private life claim is raised asserting a partner in the UK, consideration would be given in a substantive immigration decision to determine whether the effect of removal on a qualifying partner would be proportionate, or whether the case for removal is outweighed by public interest factors and other legitimate aims.

Section 3: Consideration of aim 2 of the duty: Advancing equality of opportunity between people who share a protected characteristic and people who do not share it.

Some groups may find it more difficult to understand technical legislative change, particularly people with disabilities and those for whom English is not a first language. The publication of clear guidance on GOV.UK, using simplified language and the existing GOV.UK accessibility framework, will be an important mitigating step here. GOV.UK also includes details of where people can receive assistance to submit their applications.

Any indirect discrimination can be justified on the grounds of maintaining an effective immigration system.

Section 4: Consideration of aim 3 of the duty: Fostering good relations between people who share a protected characteristic and persons who do not share it.

Some elements may be perceived adversely depending on how the reforms are described publicly. Careful communication and continued emphasis on lawful, principled and case-specific decision-making are therefore central mitigations.

We consider that, overall, impacts are proportionate and do not adversely affect good relations between people who share certain protected characteristics and those who do not. Any indirect discrimination can be justified on the grounds of maintaining an effective immigration system.

The reforms relating to **core protection** aim to strengthen the objective of the asylum system; those at risk will receive the protection they need and the benefits they are entitled to, whilst those who with no right to stay in the UK, will be removed. This helps to ensure a fair and functioning asylum system with the consent of the public and to foster good relations between the British public, migrants, foreign nationals and asylum seekers.

Section 5: Ongoing compliance with the PSED.

Ongoing compliance with PSED will be monitored through a combination of quantitative data and engagement with Home Office operational teams and First Responders.

Following implementation of this suite of policies, we will monitor the impact of them on individuals with protected characteristics, including to identify whether any unforeseen direct or indirect discrimination arises.

As it will be an independent body, it will be for the IIAA to set out the full details of how it will monitor its ongoing compliance with the PSED. However, it is

expected that IIAA will keep comprehensive statistics about its caseload and disposals and that these will be published on a regular basis. These statistics should include details about the nationality and sex of appellants, as well as the timeframes associated with those appeals. This will allow for regular monitoring of how the IIAA is operating in practice, and a chance to rectify any issues of discrimination that unexpectedly arise.

For modern slavery reforms we will work closely with the Competent Authorities to review operational impacts, including through regular engagement and guidance development in tandem with delivery partners. Ongoing engagement with First Responders will also provide qualitative insight into how disclosure opportunities are being communicated and recorded in practice.

For asylum decision-making reforms, we will collect data on the number of individuals who are granted the single form of core protection status when this policy is operationalised.

The impact of the collective policies will be formally reviewed a year after implementation with findings informing any further revisions to guidance, training, or operational practice. The review date is recorded in Section 8 of this Equality Impact Assessment.

If any of the assertions in this EIA are proven to be incorrect, we will conduct another equality impact assessment considering all available data.

Section 6: Section 55 duty (for immigration, asylum, and nationality considerations only).

The need to safeguard and promote the welfare of children in the UK has been expressly considered across the package.

Overall, whilst children may be significantly affected by the package, the reforms are designed to operate within a framework that continues to treat children's best interests as a primary factor and retains case-specific safeguards.

Section 7: Risks to vulnerable individuals and other groups

For Article 8 reforms risks exist to vulnerable individuals as a result of the reforms, although these risks can be mitigated for and do not make the reforms disproportionate. The most significant risk is around destitution or exploitation where a person is refused leave or an appeal is unsuccessful partly as a result

of the legislative changes, but removal is not immediate. This is because persons remaining in the UK without status may be unable to access benefits. While the reforms may increase risks of destitution or exploitation in some cases, the framework remains grounded in discretionary consideration of individual vulnerability. For children, existing statutory safeguards remain in place. Notably, section 17 Children Act 1989 support remains available where a child is in need, to mitigate against destitution even where the family lacks lawful status.

There is the potential for change in the Bill relating to the modern slavery policy to reduce support which may increase hardship. However, various safeguards are built in across the different policies to consider individual circumstances, and the policies will be monitored closely to identify any unintended consequences.

While the proposal may affect vulnerable individuals more acutely, existing training on vulnerabilities for First Responders, and mitigations built into the guidance are considered sufficient to reduce the risk of harm or increased vulnerability. The policy will be monitored closely to identify any unintended consequences for vulnerable groups, including those relevant to Article 14 of ECHR.

Section 8: Declaration and sign off.

I have read the available evidence, and I am satisfied that this demonstrates compliance, where relevant, with section 149 of the Equality Act 2010 and that due regard has been had to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations.

This EIA will be reviewed on: **28/06/2027**

SCS Name & Title: Kristian Armstrong, Director

Directorate/Unit: Illegal Migration Policy Directorate

Lead contact: SecondSessionBillTeam@homeoffice.gov.uk

Date: 30/06/2026