STATUTORY INSTRUMENTS

2025 No. 1318 (C. 70)

IMMIGRATION AND ASYLUM

The Border Security, Asylum and Immigration Act 2025 (Commencement No. 1) Regulations 2025

Made - - - - 15th December 2025

The Secretary of State makes these Regulations in exercise of the powers conferred by section 65(1) and (2) of the Border Security, Asylum and Immigration Act 2025(**a**).

Citation and interpretation

1.—(1) These Regulations may be cited as the Border Security, Asylum and Immigration Act 2025 (Commencement No. 1) Regulations 2025.

(2) In these Regulations "the Act" means the Border Security, Asylum and Immigration Act 2025.

Commencement

2. The following provisions of the Act come into force on 5th January 2026—

(a) sections 1 to 12 (the Border Security Commander);

(b) sections 13 to 16 (offences: things for use in immigration crime), so far as not already in force;

(c) section 20 (offences committed outside the United Kingdom) to the extent that it relates to sections 13 to 16 of the Act;

(d) section 21 (endangering another during sea crossing to the United Kingdom);

(e) sections 22 to 29 (power of search etc. in relation to electronic devices) so far as not already in force;

(f) section 46 (conditions on leave and bail).

Alex Norris
Minister of State
Home Office

15th December 2025

(**a**) 2025 c. 31.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force specified provisions of the Border Security, Asylum and Immigration Act 2025 (c. 31) ("the Act") on 5th January 2026. They are the first commencement regulations made under the Act. Certain provisions were brought into force automatically on Royal Assent by virtue of section 65(3). Other provisions will be brought into force automatically on 2nd February 2026 (two months after Royal Assent) by virtue of section 65(4).

Sections 1 to 12 of the Act make provision for the Border Security Commander to be a statutory office. Section 1 provides that the Secretary of State must designate a civil servant as the Border Security Commander (the "Commander"). The Commander must carry out the functions of the office on behalf of the Secretary of State. Section 2 makes provision for the terms and conditions of the designation. Section 3 provides that the Commander must have regard to maximising the effectiveness of the activities of partner authorities relating to threats to border security. Section 3 also makes provision for the Commander to consult on strategic priorities with partner agencies (defined as a public authority with functions in relation to threats to border security) and for a strategic priorities document to be issued from time to time.

Section 4 makes provision for the Commander to prepare an annual report and for the Secretary of State to lay it in Parliament. Section 5 places a duty of cooperation on partner authorities. Section 6 makes provision for a board, consisting of the Commander and representatives of partner authorities, to assist in the exercise of the Commander's functions. Section 7 makes provision for any of the Commander's functions to be delegated to another civil servant. Section 8 makes provision for the appointment of an interim Commander. Section 9 makes provision for the Secretary of State to give directions and guidance to the Commander. Section 10 contains an exclusion from sections 1 to 12 for the armed forces.

Section 13 makes provision for two new criminal offences. The first offence under section 13 is supplying or offering to supply 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 Immigration Act 1971 (c. 77) ("a section 24 or 25 IA 1971 offence"). The second offence under section 13 is being concerned in the supplying, offering to supply a relevant article, where the person knows that the article is to be used by any person in connection with a section 24 or 25 IA 1971 offence. Section 14 makes provision for two new criminal offences. The first offence under section 14 is handling a relevant article, where the person knows or suspects that the article is to be used by any person in connection with a section 24 or 25 IA 1971 offence. The second offence is being concerned in the handling of a relevant article, where the person knows that the article is to be used by any person in connection with a section 24 or 25 IA 1971 offence. A relevant article is defined by section 15 as any thing other than the items listed in subsection (1) of that section.

Section 16 makes provision for a new offence of collecting, possessing or viewing information for use in a journey involving the transportation of one or more individuals from any place outside the United Kingdom to any place within the United Kingdom, where the entry of any of those individuals into the United Kingdom, or the arrival of any of those individuals in the United Kingdom, would be an offence under section 24 of the Immigration Act 1971.

Section 20 makes provision for extra territorial application of certain offences under the Act.

Section 21 creates a new criminal offence where a person does an act which causes or creates a risk of the death of or serious personal injury to another person during a journey by water from France, Belgium or the Netherlands to the United Kingdom and where that journey results in the commission of an existing offence under section 24(A1), (B1), (D1) or (E1) of the Immigration Act 1971.

Sections 22 to 29 create a power to search for, seize and retain a relevant article (an electronic device containing information relating to the commission of a section 24 or 25 IA 1971 offence).

Section 22 defines key expressions. Section 23 confers power on an authorised officer (an immigration officer, a National Crime Agency officer and certain constables) to search a relevant person (a persons who has entered the UK unlawfully) for a relevant article in circumstances where the authorised officer has reasonable grounds to suspect that the person is in possession of a relevant article. Section 24 empowers an authorised officer to seize and retain any relevant article which has been found on a search under section 23 or is not found on a search but appears to the officer to be, or to have been, in the possession of a relevant person.

Section 25 makes provision for an immigration officer to pass on a relevant article to other persons, where there is a reasonable belief that the article or information stored on it has been obtained in consequence of the commission of, or is evidence in relation to, an offence other than the immigration offence and that person has a function in relation to the investigation of that offence.

Section 26 confers power on an authorised officer or the Secretary of State to access and examine any information stored on a relevant article (that is retained under section 24 of the Act) copy and retain information that relates, or may relate, to the commission (whether in the past or future) of an offence under sections 25 or 25A of the Immigration Act 1971, and use any information retained for any purpose relating to the prevention, detection, investigation or prosecution of such an offence.

Section 27 amends the Criminal Justice and Police Act 2001 (c. 16) so that provisions relating, amongst other things, to the protection of legally privileged material and excluded and special material apply when relevant articles are retained under section 24 of the Act. Section 28 provides that the Secretary of State may by regulations (subject to the negative procedure) make provision for the powers available to authorised officers in sections 23, 24 or 26 of the Act to be available to other people, including persons designated by the Secretary of State. Section 29 contains additional definitions.

Section 46 amends the Immigration Act 1971 to add 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. Such conditions can only be imposed where the person poses a threat to national security or public safety or has committed a specified crime.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector or community bodies is foreseen. An impact assessment was published in relation to the Border Security, Asylum and Immigration Bill and can be found at https://www.gov.uk/government/publications/border-security-asylum-and-immigration-bill-2025-impact-assessment or a copy can be obtained from the Home Office, 2 Marsham Street, London SW1P 4DF.

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