STATUTORY INSTRUMENTS

2026 No. 59 (C. 8)

IMMIGRATION AND ASYLUM

The Border Security, Asylum and Immigration Act 2025 (Commencement No. 2) Regulations 2026

Made - - - - 26th January 2026

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

1. These Regulations may be cited as the Border Security, Asylum and Immigration Act 2025 (Commencement No. 2) Regulations 2026.

Commencement

2. The following provisions of the Border Security, Asylum and Immigration Act 2025, so far as not already in force, come into force on 2nd February 2026—

(a) Sections 17 to 19 (online advertising of unlawful immigration services);

(b) Section 20 (offences committed outside the United Kingdom);

(c) Sections 30 to 36 (sharing of information);

(d) Section 43 (immigration advisers and immigration service providers) and paragraph 1 of Schedule 1, but only to the extent that they relate to the provisions referred to in paragraph (e) of this regulation;

(e) Schedule 1 (immigration advisers and immigration service providers)—

(i) paragraphs 2 and 3 (power to amend definition of "relevant matters");

(ii) paragraphs 12 and 13 (fees);

(f) Section 51 (Refugee Convention: meaning of particularly serious crime);

(g) Section 57 (applicants for making of serious crime prevention orders and interim serious crime prevention orders), but only to the extent that it relates to the making of serious crime prevention orders.

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

Mike Tapp
Parliamentary Under-Secretary of State
Home Office

26th January 2026

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 2nd February 2026. They are the second 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).

Section 17 creates two new criminal offences that prohibits the creation or publication of material promoting unlawful immigration services online, including on social media platforms. Section 18 establishes protection from liability for internet service providers. Section 19 establishes the liabilities of relevant persons if online material promoting unlawful immigration services is created or published by a body corporate, a partnership or an unincorporated association other than a partnership. Section 20 makes provision for extra territorial application of certain offences under the Act.

Section 30 makes provision for His Majesty's Revenue and Customs ("HMRC") to share information held in respect of HMRC's customs functions with a range of recipients, including UK Ministers, government departments and police, and certain international partners, as described in the section. This section allows HMRC to share customs information in support of functions exercised by the recipients, including those relating to ensuring the security of UK borders. Sections 31 and 32 regulate how the information supplied under section 30 may be used and disclosed by its recipients.

Section 33 makes provision for the Secretary of State for Transport to share information held by them under Part 2 of the Haulage Permits and Trailer Registration Act 2018 (c. 19) with a range of recipients for various purposes stated in section 33, such as immigration and law enforcement. Those who may receive such information include the Secretary of State for the Home Department, HMRC, the police, the National Crime Agency, and specified persons in the Crown Dependencies and Gibraltar. Section 34 makes provision for onward disclosure of information received under section 33.

Section 35 makes general provision about disclosure with respect to sections 30 to 34. Section 36 contains interpretive provisions for sections 30 to 34.

Section 43 references the amendments in Schedule 1 which make provision to amend the Immigration and Asylum Act 1999 ("the IAA 1999"). Paragraphs 2 and 3 create the power to amend the definition of 'relevant matters', set out at section 82(1) IAA 1999 by regulations. This will allow for the list of 'relevant matters', that the Immigration Services Commissioner has regulatory oversight of, to become flexible and adapt with the changing landscape of immigration advice. Paragraph 12 of Schedule 1 introduces new subsection 93A into Part 5 of the IAA 1999 granting a power for the Secretary of State to specify, by order, the fees chargeable by the Immigration Services Commissioner to their registered organisations for exercise of various regulatory functions. Paragraph 13 substitutes paragraph 5 of Schedule 6 of the IAA 1999 with new paragraph 5 which states that no application made for registration or a review of qualifications will be entertained unless it is accompanied by the appropriate fee or within the scope of a fee waiver.

Section 51 amends section 72 (construction and application of Article 33(2) of the Refugee Convention) of the Nationality, Immigration and Asylum Act 2002 (c. 41) so as to define a sexual offence under Schedule 3 of the Sexual Offences Act 2003 (c. 42) as a 'particularly serious crime' for the purposes of excluding refugees from the protection from refoulement.

Section 57 substitutes section 8 of the Serious Crime Act 2007 (c. 27) ("the SCA"). Section 8 specifies the persons who may make an application for a serious crime prevention order ("SCPO") to the High Court and the Crown Court in England and Wales, to the court or sheriff in Scotland and to a Court in Northern Ireland. New section 8(1) provides that additional applicants (such as the Director General of the National Crime Agency, the Commissioners of HMRC and a chief officer of police) have the power to apply directly to the High Court in England and Wales for an SCPO and gives the power for all the applicants in new section 8(1) to apply for an interim SCPO, while maintaining the current list of bodies that can apply for a SCPO in other courts. Section 57 also makes amendments consequential to the changes. This includes extending the power of the new applicants to submit a petition to the court for the winding up of a body (company, partnership, or relevant body). Section 57(5) amends Schedule 2 of the SCA to specify the functions of the applicant authorities that can make applications for orders. Section 57 is brought into force only in relation to SCPOs and not in relation to interim SCPOs.

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.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Border Security, Asylum and Immigration Act 2025 have been brought into force by commencement regulations made before the date of these Regulations.

Provision	*Date of Commencement*	*S.I. No.*
Sections 1 to 12	5th January 2026	2025/1318
Sections 13 to 16 (remainder)	5th January 2026	2025/1318
Section 20 (partially)	5th January 2026	2025/1318
Section 21	5th January 2026	2025/1318
Sections 22 to 29 (remainder)	5th January 2026	2025/1318
Section 46	5th January 2026	2025/1318

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