COUNTRY FACTSHEET* – Smuggling of migrants

*The responsibility for the content lies exclusively with every responding State and does not constitute the official position of the Council of Europe.

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LEGAL AND JUDICIAL INFORMATION ON MIGRANT SMUGGLING

UNITED KINGDOM

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GENERAL INFORMATION ON MIGRATION

MAIN FIGURES AND TRENDS

Over the last 15 years, UK net migration has been consistently positive and broadly comparable with other high-income destination countries, with inflows and outflows largely shaped by intra-EU free movement up until 2020. Following the UK's exit from the EU, there were large increases in work and study migration from migrants outside the EU, although numbers have been falling over the last 2 years.

Since 2020 the scale of illegal migration to the UK has shifted significantly. The sharp increase over the past six years has been driven primarily by the rapid growth of small-boat crossings of the English Channel, which have become the dominant route of illegal entry. This is due to a combination of factors including increased enforcement and controls on other unauthorised routes, which displaced rather than eliminated illegal movement, and the adaptation of organised smuggling networks conducting activity within northern France. Other wider global displacement pressures linked to conflict, instability, and economic insecurity in countries such as Afghanistan, Iran, Syria, and Eritrea has increased the numbers of illegal migrants entering the UK from these source countries.

The UK is proud of its longstanding commitment to human rights, the rule of law, and its record of offering sanctuary to those in genuine need. At the same time, the UK recognises that public confidence in migration depends on having an immigration and asylum system that is firm, fair, and well-functioning. The Government is therefore making changes to strengthen the integrity of the UK's migration and asylum system by addressing longstanding weaknesses, tackling abuse of legal routes, targeting unscrupulous migrant smugglers and cracking down on illegal routes, and ensuring that protection is focused on those most in need while individuals with no right to remain are removed.

The UK's objectives for migration are clear: to uphold protection for refugees, maintain safe and legal routes, tackle illegal migration and maintain border security, and ensure that overall net migration levels are sustainable, managed, and consistent with the UK's economic and social capacity.

FACTS AND FIGURES

Net Migration [1]

At 171,000, long-term international net migration for the year ending (YE) December 2025 was nearly 50% lower than a year earlier (331,000 in YE December 2024). This is similar to levels seen before the introduction of the new immigration system, which was introduced after the UK left the EU. The fall is driven by fewer non-EU+ nationals arriving for work- and study-related reasons and a continued, gradual increase in levels of emigration.

Non-EU+ migration has been driving the overall trend since 2021. The provisional net migration estimate for YE December 2025 for non-EU+ nationals was positive 627,000, continuing a downward trend since 2022. By contrast, both EU+ and British national groups saw more people leave the UK than arrive. EU+ nationals' net migration is provisionally estimated at negative 118,000 continuing a downward trend since the 2016 EU referendum, and negative 246,000 for British nationals, remaining broadly stable.

Illegal Migration to the UK[2]

In the year ending March 2026, there were 43,806 detected arrivals via illegal routes, such as small boats and other clandestine routes. Small boat arrivals accounted for 39,271 (90%) of these. The top 5 most common nationalities (Eritrean, Afghan, Sudanese, Iranian, and Somali – breakdown of percentages below) arriving on small boats in this period accounted for more than three-fifths of all small boat arrivals. Since 2018, 95% of the people arriving in the UK on a small boat have claimed asylum - small boat arrivals accounted for just over half (52%) of the total number of people claiming asylum in the UK in YE March 2026.

5 most common nationalities detected arriving to the UK by illegal method of entry, in the YE March 2026

	Small boat arrivals (% of total)	Inadequately documented air arrivals (% of total)	Recorded detections in the UK (% of total)
	Eritrea, 19%	Georgia, 14%	Sudan, 24%
	Afghanistan, 12%	Iran, 14%	Iran, 16%
	Sudan, 12%	China, 12%	Eritrea, 13%
	Iran, 12%	Stateless, 9%	Iraq, 13%
	Somalia, 10%	Sri Lanka, 9%	Ethiopia, 7%
Total	**37,970**	**2,621**	**1,687**

[1] Long-term international migration to the UK, YE December 2025 Long-term international migration, provisional - Office for National Statistics
[2] UK immigration statistics for YE March 2026 Immigration system statistics, year ending March 2026 - GOV.UK

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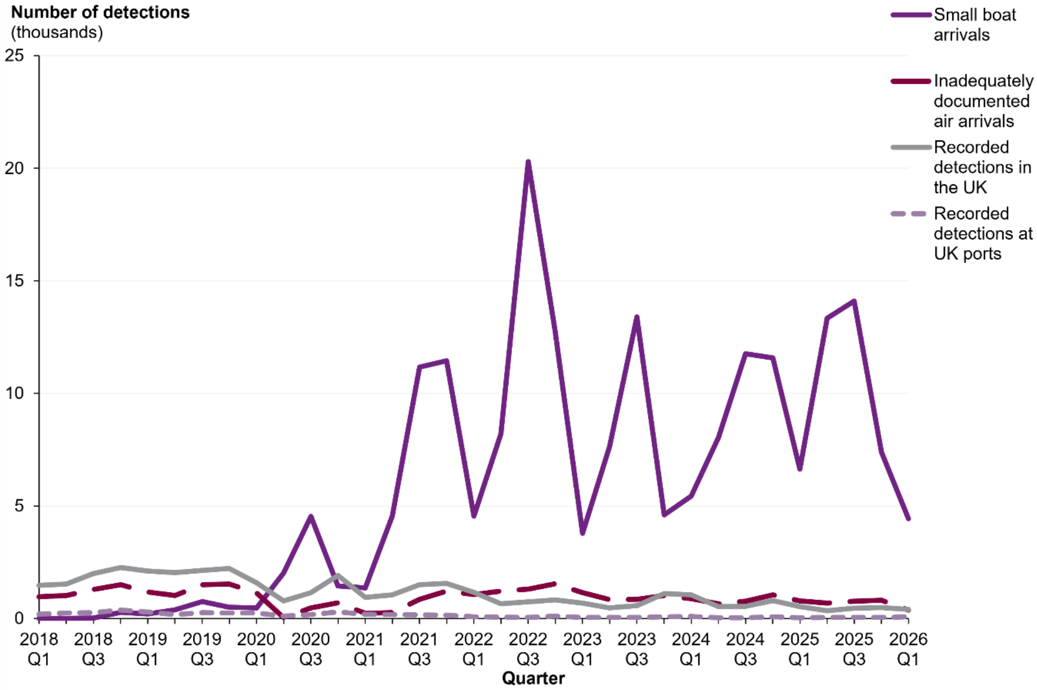
1,687 people were detected in the UK within 72 hours of arriving via an illegal route in YE March 2026, 80% fewer than the peak of 8,492 in YE December 2019 - many of these will have arrived clandestinely, for example in a vehicle or on a ferry. Recorded detections at UK ports have decreased year on year over the statistical series starting 2018, down 80% since the peak in YE March 2019 (1,150). The number of detections has been below 300 in each of the last 4 years, with 227 in the YE March 2026.

As mentioned above, small boats crossings, predominantly facilitated by people smuggling gangs, have accounted for the overwhelming majority of detected illegal entries to the UK since 2020. The graph below illustrates how different methods of illegal entry have developed since 2018:

People detected entering the UK by illegal method of entry, January 2018 to March 2026



**The 2026 quarter 1 data on inadequately documented air arrivals is for January to February 2026 only.*

<u>Asylum Applications to the UK:[3]</u>

93,525 people claimed asylum in the YE March 2026, 12% less than the previous year. Over half of asylum seekers arrived through illegal entry routes, such as small boats, while a further 39% of claimants had previously arrived in the UK on a visa or with other leave.

[3] Asylum Applications in the UK, YE March 2026 [How many people claim asylum in the UK? - GOV.UK]

In the YE December 2025, the UK received the fifth largest number of asylum seekers in the EU+ after Germany, France, Spain and Italy and the fifteenth largest intake when measured 'per head of population'.

MIGRATORY ROUTES

Given its geographic location and island status, the UK is often classified as a destination country on the end of some of the main irregular migratory routes into Europe. Some of these routes are detailed below, including how they impact on irregular entries to the UK.

Central Mediterranean route

While the Central Mediterranean route does not lead directly to the UK, movements along this route form part of wider European migration dynamics, as some individuals who enter the EU irregularly (particularly via Italy) may later undertake secondary movement towards northern Europe and the UK.

This route has typically been used by migrants arriving irregularly to Italy and, increasingly since 2025, to Greece (particularly Crete), with smaller numbers also arriving in Malta, from departure points in North Africa (mainly Libya and Tunisia). The International Organisation for Migration (IOM) report that Bangladeshi migrants' primary motivation for migrating to Libya were economic concerns, while nationals from Sudan, the Middle East, and East Africa cited war or armed conflict.

The Balkans route

The Balkans route, which has historically facilitated overland movement into the EU via southeast Europe, also does not lead directly to the UK but forms part of wider European secondary-movement dynamics, as some individuals who enter the EU via this corridor may later move onwards towards northern Europe and the UK. In the 2025 calendar year, Frontex reported a marked decline in detections on the Balkans route estimated at around a 40% reduction compared with 2024, reflecting strengthened border controls and closer operational cooperation in the region, even as migration pressures continued to shift across routes. It is possible that detections on this route are also detected arriving on the Eastern Mediterranean route.

The Eastern Mediterranean route

The Eastern Mediterranean route primarily follows irregular sea and land crossings towards Greece and Cyprus from Türkiye and the eastern Mediterranean. This does, however, remain relevant to wider European migration dynamics and potential secondary movement to the UK. In the 2025 calendar year, Frontex reported that detections on the Eastern Mediterranean route fell overall seeing a 26% reduction in detections across all EU external borders to just under 178,000, the lowest level since 2021. This mirrors broader trends across other routes, although an increase between the Libya-Crete corridor demonstrates how migration pressures can shift quickly between routes.

INSTITUTIONAL ORGANISATION

The response to organised immigration crime requires an integrated and end-to-end response using the entire intelligence, law enforcement and diplomatic system. The Home Secretary, accountable for the overall response to organised immigration crime, sets the strategy and policy direction, ensures that legislation and capabilities are robust and effective, provides agencies with the funding for their operations and holds the system to account for its overall performance against the threat.

The **Home Office** has an important role in stopping organised immigration crime and by extension illegal immigration. Key parts of the department engaged in tackling illegal migration include **Border Force, Immigration Enforcement, Home Office Intelligence (HOI), UK Visas and Immigration (UKVI)** and, more recently, the **Border Security Command (BSC),** which was established in July 2024 to provide strategic direction and mobilise work across operational teams and other UK Government departments to disrupt the organised immigration crime networks who facilitate dangerous small boats crossings.

The **National Crime Agency** (NCA) leads and coordinates the UK law enforcement response to serious and organised crime, including organised immigration crime. The NCA is responsible for developing a single view of the threat, which shapes the NCA's prioritisation of its own operational resources and informs operational activity by law enforcement agencies to disrupt and dismantle criminal networks. The NCA deploys a network of international liaison officers who use their international relationships and operational collaboration to disrupt organised immigration crime overseas.

The **Police** also play an important role, though local forces, through Regional Organised Crime Units, which have specialist capabilities, and though the Organised Immigration Crime Domestic Taskforce, which defines the standards for national policing around organised immigration crime, and supports embedding an improved policing and wider law enforcement response.

The **Foreign, Commonwealth and Development Office (FCDO)** delivers a range of international policy, diplomatic, security, development and programmatic expertise as part of the response to serious and organised crime and illegal migration. This includes, for example, the SOCnet network and Joint Serious and Organised Crime Platforms, the Integrated Security Fund (ISF) and the North Africa Migration and Development programme (NAMAD). FCDO also own the UK's sanctions frameworks, including the Global irregular Migration and Trafficking in Persons sanctions regime, launched in July 2025.

LEGISLATIVE FRAMEWORK

The key primary legislation aimed at tackling illegal immigration into the UK is the Immigration Act 1971. This has been updated and bolstered through other legislation, most recently the Nationality and Borders Act 2022, the Illegal Migration Act 2023, and the Border Security, Asylum and Immigration Act 2025. There are also a number of statutes which are designed to tackle the use of false documents to secure entry.

In addition, the UK created the world's first standalone Global Irregular Migration and Trafficking in Persons Sanctions Regime for the purposes of preventing and combatting people smuggling, trafficking in persons and the instrumentalisation of migration for the purpose of destabilisation. The regulations, made under the Sanction and Money Laundering Act 2018, came into force on 23 July 2025.

Key offences:

Assisting Unlawful Immigration to a Member State or to the UK (facilitation) – section 25 Immigration Act 1971. This offence is used to prosecute people smugglers and carries a maximum sentence of life imprisonment. The offence is committed where a person "does an act which facilitates the commission of a breach of immigration law by an individual who is not a national of the United Kingdom." It applies to acts done whether inside or outside the United Kingdom.

Conspiracy to assist unlawful immigration to a Member State or to the UK under section 1 Criminal Law Act 1977. Where more than one person is involved in people smuggling, they could either be prosecuted jointly for a section 25 offence or they could be prosecuted for conspiracy. Where the conspiracy or the event takes place outside England and Wales, section 1A of the Criminal Law Act 1977 applies. The consent of the Attorney General is required for prosecution in these circumstances.

Illegal Entry and Arrival into the UK – section 24 of the Immigration Act 1971. The Nationality and Borders Act 2022 amended this section to increase sentences to 4 years imprisonment for illegal arrival. The Act also made major legislative changes relating to illegal entry and arrival:

- Broadened the offence of assisting unlawful immigration to apply to assisting a person to *arrive*, not just *enter* without a valid entry clearance.
- Amended facilitation rules so that the prosecution no longer has to prove the assistance was done "for gain" in certain contexts.
- Raised the maximum penalty for people smuggling and facilitation offences from 14 years to life imprisonment.

The Border Security, Asylum and Immigration Act 2025 also created several new immigration-related offences:

- Supply and Handling of Articles – sections 13 and 14: Criminalises supplying, offering to and/or concerned in the supply, or handling and/or concerned in the handling of items (such as engines or vessel-inflation pumps) knowing or suspecting they will be used in illegal immigration offences.
- Collecting Precursor Information – section 16: Criminalises researching, collecting, or possessing information (like tide times or weather reports) that is useful for organising or facilitating an unauthorised journey to the UK.
- Endangerment During Travel – section 21: Introduced a new aggravated offence for individuals undertaking a journey by water (e.g., small boats) whose actions cause, or create a risk of, death or serious personal injury to another person.
- Online Advertising – section 17: Criminalises the online advertising of unlawful immigration services.

False documents
The key offences relating to false documents are as follows:

Possession of false identity documents with improper intention – section 4 Identity Documents Act 2010. The maximum sentence is 10 years imprisonment. An "Improper intent" is defined at section 4(2) as intending to establish personal information about himself or intending to allow or induce another to use it to verify personal information about himself or another.

Possession of apparatus designed or adapted for the making of false identity documents – section 5 Identity Documents Act 2010. The maximum sentence is 10 years imprisonment. This section creates an offence for a person with prohibited intent to make or possess or control, apparatus or any article or material to his knowledge designed or adapted for making false identity documents. "Prohibited intention" is defined at section 5(2) as an intention that they or another will make a false identity document or that the document will be used by somebody to establish/ ascertain/ verify personal information about a person.

Possession of false identity documents etc without reasonable excuse – section 6 Identity Documents Act 2010. The maximum sentence is 2 years imprisonment, as it relates to simple possession where the improper intention cannot be established.

Obtaining or seeking leave to enter or remain by deception and using false representations or documents in immigration applications – sections 24, 24A, and 25 of the Immigration Act 1971.

JUDICIAL FRAMEWORK

Migrant smuggling is a criminal offence triable on indictment in the Crown Court, which is the court which deals with the most serious criminal offences.

Role of the prosecutor and courts
In cases of migrant smuggling, law enforcement will refer a case to the Crown Prosecution Service (CPS) at an early stage of the investigation for early advice, including lines of inquiry, evidential requirements, pre-charge procedures, disclosure management and overall investigation strategy. Where international inquiries are needed, this can be facilitated by the prosecutor at an early stage through Mutual Legal Assistance. However, the Crown Prosecutor cannot direct law enforcement.

The prosecutor will then review all evidence and decide in accordance with the tests set out in the Code for Crown Prosecutors whether a person should be charged with a criminal offence and what that offence should be. Even where the evidence meets the evidential test in the Code, they must still apply the public interest test. Review is a continuing process and prosecutors must take account of any change as the case develops, including what the defence case might be. whether a person should be charged with a criminal offence and what that offence should be. Even where the evidence meets the evidential test in the Code, they must still apply the public interest test. Review is a continuing process and prosecutors must take account of any change as the case develops, including what the defence case might be.

In cases where a person is responsible for piloting a small boat crossing the English Channel with illegal migrants, unless there is evidence of facilitation such as arranging journeys, financial gain, links to organised crime networks or more serious criminality, prosecution will usually be for an offence of aggravated attempt to arrive illegally or the new offence of endangerment introduced by the Border Security, Asylum and Immigration Act 2025. Illegal arrival carries a maximum sentence of 4 years imprisonment and endangerment carries a maximum sentence of 5 years (or 6 years if also linked to the breach of a deportation order). In relation to other passengers on the boat, there will only be charges brought against individuals where there are other aggravating features, such as other offences are committed alongside illegal entry or arrival.

In some instances, there may also be links to other serious offences such as human trafficking, money laundering, obtaining forged and fraudulent documents. Where the evidence supports theses offences, individuals will be additionally charged.

If a defendant pleads guilty, the case will be opened to the Court by the prosecuting advocate, mitigating circumstances will be outlined by the defence, and the case will be adjourned for sentence hearing. In applying sentencing guidelines, an offender who pleads guilty may expect some credit in the form of a discounted sentence. For an early guilty plea, the sentence can be reduced by one third.

Where a defendant pleads not guilty, the case will proceed to trial. The role of the prosecution is to prepare a case for court and to present the evidence and facts of the case, including oral evidence from all witnesses required to attend court. In the Crown Court, the role of the judge is to assist the jury with the law and provide direction on applying it to the facts of the case to the offences charged. Once all the evidence is adduced the jury then decides whether the defendant is guilty or not guilty.

Where defendants are convicted, the matter will usually be adjourned for sentence hearing. Sentencing will be determined by the Judge taking account of the culpability of the defendant, the harm or risk of harm to those being smuggled, and any aggravating and mitigating circumstances. The Sentencing Council is developing dedicated sentencing guidelines for immigration offences. Once published, these will be applied by courts in England and Wales. Until then, the courts will have regard to sentencing decisions that have been made in previous cases.

INTERNATIONAL COOPERATION

International cooperation can be achieved in two ways:

1. Mutual administrative assistance (also known as informal or police to police cooperation) where engagement takes place between law enforcement agencies, for example the exchange of intelligence material.
2. Judicial cooperation, where prosecutorial and judicial bodies formally request assistance by issuing a Mutual Legal Assistance (MLA) request.

Mutual Administrative Assistance

To combat international and serious and organised crime effectively, the NCA deploy International Liaison Officers (ILOs) in strategic locations around the world where their expertise can help disrupt serious criminality, including illegal migration, before it impacts on the UK. The NCA ILO network works closely with local authorities including the police, border & customs officers and security & judicial authorities, to develop intelligence by ensuring information is shared appropriately. They are also able to coordinate law enforcement action in support of UK investigations.

The NCA's UK-based Joint International Crime Centre (JICC) provides the UK National Central Bureau (NCB) for INTERPOL and the UK EUROPOL National Unit. The INTERPOL unit is responsible for international police-to-police cooperation around the world. This includes the facilitation of intelligence exchange between the UK and international partners, the circulation of Notices and Diffusions across 196 INTERPOL member states and the management of police-to-police enquiries through the extensive range of INTERPOL tools and capabilities. The EUROPOL unit serves as the primary liaison between UK law enforcement agencies and EUROPOL, managing cross-border intelligence and coordinating operations across Europe. Complementing this work is the UK's EUROPOL liaison bureau (based at the Hague), a multi-agency team made up of NCA officers and seconded officers from other UK Law Enforcement and Government Departments. Both INTERPOL and EUROPOL provide the NCA with secure access to law enforcement agencies to investigate and share intelligence to combat serious and organised crime with the aim of protecting the public.

Mutual Legal Assistance

The UK is a signatory to a number of bilateral and multilateral treaties, including the 1959 Council of Europe Convention on Mutual Assistance in Criminal Matters, the 1957 Council of Europe Convention on Extradition and the UK-EU Trade and Cooperation Agreement (TCA). The UK does not require a legal basis to provide assistance to an overseas partner and can operate on the basis of reciprocity.

All incoming non-tax related requests to obtain evidence in England, Wales and Northern Ireland should be sent to the United Kingdom Central Authority (UKCA), Home Office, London and to the Crown Office, Edinburgh for all requests pertaining to Scotland.

Evidence and asset recovery requests issued under the TCA must be submitted to the UK on the appropriate forms annexed to the TCA. There is no required format for requests made under other legal basis, however the International Letter of Request format is often utilised.

Please note, the UK is no longer a party to the EIO Directive and there cannot accept a request on the EIO Annex A form.

The UK strongly encourages engagement with UK law enforcement to inform any proposed MLA request. Details of any pre-MLA engagement with UK agencies should be referred to in the MLA request.

Tools

The UK can provide a wide variety of assistance to overseas partners. The UKCA website provides helpful information about the nature of assistance that can be provided to overseas authorities MLA guidelines for authorities outside of the UK - GOV.UK (www.gov.uk)

The UK will require a formal MLA request to provide evidence obtained via coercive measures, such as material to be seized from the search of a premises or a production order for banking information. Material which can be obtained via non-coercive means may be obtained on a police-to-police basis.

Specific types of assistance

Banking information:

The UK does not have a central banking register and therefore details of bank accounts, such as the IBAN, the account holder's personal identifying information and banking organisation are required to enable the UK to provide banking information.

Communication Data:

In the UK, communication data is typically only retained for a period of 12 months. A preservation order can be obtained, by making contact with the NCA G7 team (G7@nca.gov.uk) coordinated by the requesting country's equivalent 24/7 single point of contact team as a signatory to either or both, the Budapest Convention on Cyber Crime or the G7 Roma–Lyon agreement, as soon as it is discovered that communication data located in the UK is required.

Asset Freezing and Confiscation:

For asset freezing and confiscation requests, overseas authorities should engage with UK law enforcement, either via National Crime Agency or CARIN, to identify assets and intelligence prior to submitting a formal request.

Interception of Communications:

The UK is no longer party to any international agreements which expressly allow for the interception of communications under MLA. The central authorities are therefore unable to accept MLA requests for the interception of communications from any country.

Joint Investigation Teams (JITs):

The UK can enter a JIT with any country if there is an international treaty basis. The relevant treaties are:

- Article 20 of the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters 1959
- Article 19 of the United Nations Convention against Transnational Organised Crime ("UNTOC")
- Article 9 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances
- Article 49 of the United Nations Convention against Corruption (UNCAC)

The UK Desk at Eurojust coordinates all UK JITs with other member countries at Eurojust.

Transfer of Proceedings:

The UK can accept a transfer of proceedings on the following basis:

- Article 21 – 1959 European Convention on Mutual Assistance in Criminal Matters.
- Article 47 – UN Convention against Corruption ('UNCAC').
- Article 8 – UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances ('Vienna Convention').
- Article 21 – UN Convention against Transnational Organised Crime 2000 ('UNTOC')
- Reciprocity (on a case-by-case basis).

The UK has a reservation under Article 21 of the 1959 Convention which states that "…the Government of the United Kingdom reserves the right not to apply Article 21". The reservation means the UK are not bound to accept a transfer of proceedings and any decision to accept a transfer will be determined on a case-by-case basis.

The UK strongly encourages engagement with law enforcement, CPS Liaison Prosecutors or the UK Desk at Eurojust to discuss the potential transfer of proceedings before the submission of a formal request, which must be sent to UKCA, for transfers to England, Wales or Northern Ireland, or to the Crown Office, for transfers to Scotland.

Network

The Crown Prosecution Service (CPS), the public prosecution service for England and Wales, maintains a global network of Liaison Prosecutors who support international judicial cooperation by facilitating extradition, mutual legal assistance, asset recovery and other forms of cross-border cooperation. Working closely with overseas prosecutors, judicial authorities and law enforcement partners, they help resolve practical and legal barriers to cooperation, strengthen bilateral relationships, and support the effective investigation and prosecution of transnational crime. The network also assists a range of UK partners, including other prosecuting authorities, law enforcement agencies and government departments, in engaging with international counterparts. The CPS currently has 15 Liaison Prosecutors deployed overseas, supported by three UK-based Roving Liaison Prosecutors who provide coverage for jurisdictions where the CPS does not maintain a permanent overseas presence.
The UK Desk at Eurojust provides law enforcement and judicial cooperation support to the UK and overseas partners. The UK Desk can host coordination meetings which are a valuable tool, enabling real time translation, to discuss the best way to cooperate on cross border investigations and prosecutions. The UK desk can be contacted at LPUK@eurojust.europa.eu

The UK is a member of a number of international networks including the International Association of Prosecutors, the European Judicial Network, the Network of Prosecutors General and Equivalent Institutions in Supreme Courts of the European Union (*NADAL*).

RELEVANT CASES

Mohammad Tajik[4] and Ali Alnour[5]

Afghan national Mohammad Tajik and Sudanese national Ali Alnour were jailed for two years and two years and three months respectively on 10 June 2026. Working with evidence gathered by investigations conducted by UK Immigration Enforcement and the NCA, the CPS charged them with endangering the lives of others during separate sea crossings from France.

[4] Court Case reference number 46ZY1062626
See also: CPS Press Release, 10 June 2026, https://www.cps.gov.uk/national-news-south-east/news/first-sentences-migrants-who-risked-lives-others-during-small-boat

[5] Court Case reference number 00NC2230426
https://www.cps.gov.uk/national-news-south-east/news/first-sentences-migrants-who-risked-lives-others-during-small-boat

A boat piloted by Mohammad Tajik had more than 70 people on board including a toddler and several children. When a Border Force rescue vessel approached, he let go of the tiller leading to the boat drifting around in circles. He later admitted paying €1,500 to a criminal gang for his crossing and knowing that he needed a visa to enter the UK. A vessel piloted by Ali Alnour with 73 other people on board contained no safety equipment such as a radio, flares, first aid kit, tube repair kit, paddles, lights, or navigation aids.

Endangerment is a crime under section 24 (E1A) of the Immigration Act 1971 that makes it an offence to undertake an act that causes or creates a risk of the death or serious personal injury of others during a water crossing to the UK from France, Belgium or the Netherlands. It was inserted into the Immigration Act by section 21 of the Border Security, Asylum and Immigration Act 2025 and came into force on 5 January 2026. The offence carries a maximum sentence of five years in prison, and for those in breach of a deportation order the maximum sentence rises to six years. Tajik and Alnour were the first illegal migrants to be convicted of endangerment after the provisions in the Border Security, Asylum and Immigration Act came into force.

Khedeir Idris Mohamed, Ashari Mohamed, Adam Hussein Khalil Abdul, and Karim Mustafa Mohammed Alda[6]

Each of the defendants had travelled across the English Channel from France on a small boat along with other migrants and were intercepted by the UK authorities. They were identified in each case as piloting the boat for part or all of its journey and were charged with offences under sections 24(D1) or 25(1) of the Immigration Act 1971.

An appeal was lodged by the defendants at the Court of Appeal, where the defence argued that under the Nationality and Borders Act 2022, refugees should not be penalised for illegal entry if they are arriving directly from a country where their life was threatened, provided they present themselves to authorities without delay. The appeal raised a number of challenges which the court considered:

- Whether an offence of facilitating others can be brought where the immigration law was one of arrival;
- Whether the facilitator must be aware or have reasonable grounds to believe that the conduct of passenger migrants who are being facilitated is 'criminal';
- The definition of 'arrival' for the purposes of section 25 offence and whether there are any defences available to the passengers being facilitated.

In March 2023, the Court of Appeal ruled against the defendants. It determined that steering a boat constitutes facilitating unlawful immigration and that refugees without visas or "safe and legal routes" to the UK can still be legally prosecuted for simply arriving by illegal means.

R v Kapoor and others[7]

In this case, a group of five migrant smugglers of Indian nationality furnished several smuggled migrants from Afghanistan with forged documents to enable them to board UK-bound flights,

[6] Neutral Citation Number: [2023] EWCA Crim 211
[7] Neutral Citation Number: [2012] EWCA Crim 435

surrender the documents to an escort mid-flight, and claim asylum upon arrival in the UK. The migrant smugglers travelled to India and purchased flights from Mumbai to London via Bangkok. They boarded the flights to Bangkok and then transferred boarding passes issued in their own names, together with forged Indian passports containing visas to enter the UK, to the smuggled migrants in the transit area of Bangkok airport. These documents enabled the smuggled migrants to board London-bound flights in December 2008. The five accused were charged and convicted of conspiracy to assist irregular immigration. Three of them were convicted of a further similar conspiracy.

Four of the defendants subsequently submitted an appeal to the Court of Appeal. This second case involved an important interpretation and analysis of the requirements of the offence under Section 25(1) of the Immigration Act 1971 which criminalises “facilitating the breach of an immigration law”. The appellants submitted that the relevant 'immigration law' that they had allegedly facilitated the breach of (pursuant to Section 25(1) of the Immigration Act 1971), argued by the prosecution to be Section 2 of the Asylum and Immigration (Treatment of Claimants etc.) Act 2004, was not in fact an 'immigration law'. The court had regard to the case of R v Javaherifard [2006] Imm AR 185 which dealt to some extent with the understanding of the definition of an 'immigration law' for the purposes of the Immigration Act 1971, and further noted that this method of prosecution was a circuitous route to a conviction under Section 25 of the Immigration Act 1971. It was submitted on behalf of the prosecution that this route of prosecution was necessitated by the lack of evidence of any gain on the part of the offenders that would justify a charge under Section 25A (which would otherwise be better suited for the facts of this case).

In 2012, the Court of Appeal maintained the convictions but reduced the penalties; those appellants who received an initial sentence of 6 years saw their sentences reduced to 2 years, and those who had received a sentence of less than 6 years saw their sentences reduced to 21 months.