



The Rt Hon the Lord McFall of Alcluith
House of Lords
London
SW1A 0PW

6 August 2025

Dear Lord McFall,

I am writing to update you on the implementation of the time-limited pilot agreement, in the form of a Treaty, between the United Kingdom and France to deter irregular journeys from Europe to the UK by small boats and the required Immigration Rules changes and the use of section 22 of the Constitutional Reform and Governance Act to expedite the ratification of the Treaty.

The UK-FR agreement and Immigration Rules

This Government was elected on a manifesto commitment to secure the border and dismantle the Organised Criminal Gangs facilitating the small boat crossings. This demands international cooperation to develop strategic and innovative solutions. To this end, we have negotiated a new arrangement with France which, for the first time since the crossings began in 2018, will mean that people who arrive in the UK illegally via small boat can be returned to France. As part of a reciprocal 1 for 1 arrangement, in return individuals who have applied legally, subject to clear eligibility criteria and stringent security checks will be transferred to the UK. This is the right thing to do and is also an important step towards undermining the business model of the criminal gangs behind these crossings – undermining their claim that people cannot be returned to France and aiming to deter people from paying thousands of pounds to attempt this illegal journey.

The introduction of the UK/European Applicant Transfer Scheme through a change to the Immigration Rules will enable the Government to transfer a controlled number of people from France to the UK who have been through stringent security checks. The numbers will be in line with the number of people returned to France on a reciprocal basis.

The Rules set out who is eligible for the route and the requirements they must meet to be considered. Individuals most likely to be refugees and those most vulnerable to targeting by people smugglers, as well as individuals with a connection to the UK, may be prioritised for consideration to prevent them from seeking illegal journeys at the hands of criminal gangs.

The pilot will be developed to increase the scale and pace over time, and with the ability to trial different approaches. The UK and France will jointly monitor the effectiveness of this pilot and adapt the processes in response throughout the duration to respond to changes in migrant behaviour and to test effectiveness.

Ratification of the Treaty

The Treaty which establishes the pilot agreement and runs until June 2026 has been laid in Parliament today.

Under Section 20 of the Constitutional Reform and Governance Act 2010 (CRaG) a treaty should, after signature, be laid before both Houses for a scrutiny period of 21 sitting days. However, Section 22(1) of CRaG allows a Minister, in exceptional circumstances, to proceed to ratification without the 21-day scrutiny period.

I believe that the circumstances in this case are exceptional. Each month we see completely unacceptable and dangerous small boat crossings, organised by criminal smuggler and trafficking gangs which undermine our border security and put lives at risk. We need to both begin the pilot and increase the scale and pace of its operations as swiftly as possible.

Delaying the implementation of the Treaty would give OCGs an incentive to expedite as many crossings as possible in advance of the Treaty and the pilot coming into force, further increasing risks. If we were to wait until Parliament had returned, and then fulfil the 21 sitting day scrutiny period, we would not be able to ratify and implement the Treaty, and we would not be able to begin rolling out the pilot agreement until the end of October.

I shared this assessment with FCDO Ministers and they have determined in accordance with Section 22(1) that the Treaty should be ratified without the requirements of Section 20 having been met. The Treaty is in force from today having been ratified by France and the UK. The Government will lay a written statement in accordance with Section 22(3)(c) of CRaG immediately after recess.

With best wishes,



Rt Hon Yvette Cooper MP
Home Secretary