

The Lord Cameron of Lochiel
House of Lords
London
SW1A 0PW

23rd September 2025

Dear Lord Cameron,

BORDER SECURITY, ASYLUM AND IMMIGRATION BILL: HOUSE OF LORDS COMMITTEE

I am writing further to the debate in the Lords Committee on Monday 8th September, where I committed to write about the issue you raised relating to language in Section 72 of the Nationality, Immigration and Asylum Act 2002.

You asked about the phrasing of the amendment to define offences within Schedule 3 of the Sexual Offences Act 2003 as a 'particularly serious crime' for the purposes of exclusion under Article 33(2) of the Refugee Convention. Specifically, you also stated that if the clause was to pass in its current form, the language in Section 72 of the Nationality, Immigration and Asylum Act 2002 would not be uniform and would reintroduce the ambiguity regarding the rebuttable presumptions that was removed by Section 38 of the Nationality and Borders Act 2022.

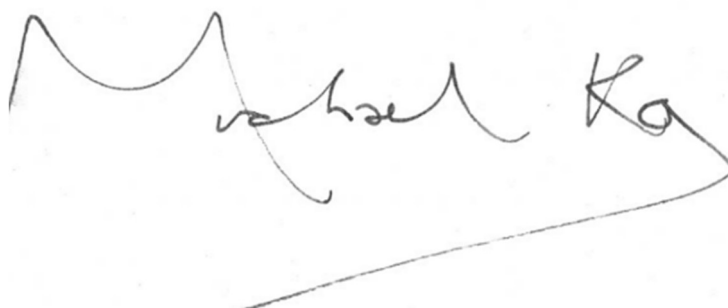
Under current provisions, a 'particularly serious crime' is defined as a conviction that results in a sentence of imprisonment of at least 12 months. This is not subject to a rebuttable presumption because Parliament previously decided that a conviction leading to a sentence of at least 12 months was sufficiently grave to warrant it being defined as a 'particularly serious crime'. Individuals can, however, rebut the presumption that they constitute a danger to the community as a result of that conviction. The existing provision remains unaffected by clause 48 and all cases which involve a custodial sentence of 12 months or more will continue to be handled in the same way.

However, by introducing clause 48, we are widening the definition of a 'particularly serious crime' to include Schedule 3 sexual offences that do not lead to a custodial sentence of 12 months or more. This means that individuals will fall in scope of exclusion from the Refugee Convention, even where they have not received a sentence of 12 months or more, provided their offence is a Schedule 3 sexual offence which attracts notification requirements. To ensure our broader interpretation of a 'particularly serious crime' remains compliant with the Refugee Convention, we have established an additional safeguard that will allow individuals to rebut the presumption that they have committed a 'particularly serious crime' as a result of receiving a conviction for a Schedule 3 sexual offence.

In line with the existing version of section 72, they will also have as well as the ability to rebut the presumption that they constitute a danger to the community. Our view is that both the rebuttable presumptions must remain as a practical measure to ensure that we take as firm approach as possible, whilst at the same time remaining compliant with the obligations placed upon us by the Refugee Convention.

I hope you find this letter helpful. I will also send a copy to all Noble Lords who spoke in the debate and will place a copy in the House library.

Best wishes,

A handwritten signature in dark ink, appearing to read "Michael Katz". The signature is written in a cursive style with a large, sweeping initial "M" and a long horizontal line extending from the end of the name.

The Lord Katz MBE
Lord in Waiting (Government Whip)