

Lord Harper
House of Lords
London
SW1A 0PW

10 November 2025

Dear Mark,

**BORDER SECURITY, ASYLUM AND IMMIGRATION BILL: HOUSE OF LORDS
REPORT**

I am writing further to the debate at Lords Report Stage of the Border Security, Asylum and Immigration Bill on 28 October, where you asked (Official Report 28 October Column 1308) for details about the extent to which this offence creates liabilities for internet service providers, including social media platforms and the effectiveness of the offence.

You asked to what extent internet service providers, including social media platforms are liable if their algorithms or systems promote unlawful immigration services.

The offence is targeted at the people creating or publishing and does not place additional duties on internet service providers. The clauses expressly provide intermediary liability protections for internet services, such as social media platforms and this offence will therefore not impact these platforms.

The offence criminalises the online promotion of unlawful immigration services across all internet service providers – it targets people creating or publishing online material that promotes unlawful immigration services on platforms, such as social media. Where it is known or suspected that the material will be published and has the purpose or will have the effect of promoting unlawful immigration services, it would be in scope of the offence. This may discourage those creating or publishing this content on any platform from doing so, therefore disrupting organised crime groups' use of social media as a means to connect with migrants.

The Online Safety Act 2023 places statutory duties on in-scope companies, including social media platforms in relation to having robust systems and processes in place to mitigate and minimise the risk to users and, of offences taking place through the service, to manage illegal content. They are required to take proportionate steps to prevent users encountering illegal content, including content related to organised immigration crime. These duties include removal of illegal content once they become aware of it and minimising the time it is present on platforms. These duties are already in force and will continue to be enforced by Ofcom. Where companies do not comply with their duties under the Online Safety Act, Ofcom may take enforcement action, including imposing financial penalties of up to 10% of worldwide revenue or £18 million (whichever is greater) and applying business disruption measures. These duties apply to online services, including user-to-user and search services. Such services include but are not limited to

social media platforms, websites and apps. These duties apply to all in-scope services with a significant number of UK users (regardless of where they are based geographically).

You were also interested in understanding how effective the new offence will be in disrupting organised crime groups who advertise unlawful immigration services online, given that much of the activity is assessed to take place overseas.

Introducing this offence will provide law enforcement with an additional tool to prosecute this type of online activity – without needing to link the online material to a specific instance or attempt of unlawful immigration. This will enable easier intervention in comparison to existing legislation and potentially better prosecution outcomes. The effectiveness of the offence will be assessed once it has been implemented through monitoring and evaluation, in line with other measures within the Bill. We recognise that the majority of online material identified is assessed to be posted overseas and that is why the offence has extraterritorial effect – that will enable law enforcement to pursue prosecution of even those committing the offence from overseas.

I look forward to further debate of the Bill as it continues Report stage. I will place a copy of this letter in the library of the House.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'J. Hanson', written in a cursive style.

Lord Hanson of Flint