

EXPLANATORY MEMORANDUM TO
THE GLOBAL IRREGULAR MIGRATION AND TRAFFICKING IN PERSONS
SANCTIONS REGULATIONS 2025

No. 902

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Foreign, Commonwealth and Development Office and is laid before Parliament by Command of His Majesty.
- 1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Declaration

- 2.1 Stephen Doughty MP, Minister of State for Europe, North America and Overseas Territories at the Foreign, Commonwealth and Development Office, can confirm that this Explanatory Memorandum meets the required standard.
- 2.2 Abigail Culank, Deputy Director for Sanctions at the Foreign, Commonwealth and Development Office can confirm that this Explanatory Memorandum meets the required standard.

3. Contact

- 3.1 The Sanctions Directorate at the Foreign, Commonwealth and Development Office, Telephone: 0207 008 8553 or email: fcdo.correspondence@fcdo.gov.uk, can be contacted with any queries regarding the instrument.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

- 4.1 The Global Irregular Migration and Trafficking in Persons ('GIM') Sanctions Regulations 2025 are made under the Sanctions and Anti-Money Laundering Act 2018 ('the Sanctions Act') and aim to prevent and combat people smuggling, people trafficking and the instrumentalisation of migration.
- 4.2 The GIM Sanctions Regulations 2025 will support delivering the Government's foreign policy objectives, as well as the Plan for Change, forming part of wider efforts to secure our borders and prevent and combat people smuggling and dangerous irregular migration.

Where does the legislation extend to, and apply?

- 4.3 The instrument extends to the whole of the United Kingdom ('UK').
- 4.4 The territorial application of this instrument is the same as its extent. That is, it applies to the whole of the UK.
- 4.5 The instrument also applies to certain conduct by UK persons where that conduct is wholly or partly outside the UK, and to that same conduct undertaken by any person in the territorial sea adjacent to the UK, as well as in the UK. "UK person" is defined in section 21(2) of the Sanctions Act.

5. Policy Context

What is being done and why?

- 5.1 The UK has a long and positive history of migration. However, unacceptably high numbers of individuals continue to undertake perilous journeys on irregular migration routes. The UK Government is committed to addressing the complex issue of irregular migration, upholding the rule of law, human rights, and protecting national and international security. Irregular migration, people smuggling and the trafficking of people can endanger lives, often taking advantage of the most vulnerable. It can contribute to serious and organised crime, lead to violations of individuals' human rights, and cause instability, undermining international peace and security and UK foreign policy objectives. The GIM Sanctions Regulations 2025 aim to tackle dangerous people smuggling and trafficking in people across the entire smuggling route by imposing costs on the groups and individuals facilitating and enabling this activity. This represents a crucial addition to the Government's broader efforts to tackle irregular migration.
- 5.2 This instrument will enable the Government to designate persons who are involved in people smuggling, trafficking in persons and the instrumentalisation of migration for the purpose of destabilisation, or relevant criminality. Such persons can be designated for the purpose of a travel ban, director disqualification and/or financial sanctions. Designation of these persons is intended to prevent and combat irregular migration.
- 5.3 Migration may also be used by a hostile government, governing body, or group backed by such, as a means of destabilising another country, territory or region. This instrument therefore enables the Government to designate for the facilitation, encouragement or assistance of the movement of persons for the purpose of causing destabilisation of a country, region or territory other than the one which the government in question is in control of. This conduct, commonly referred to as the instrumentalisation of migration, entails the facilitation or manipulation of migratory flows by state or non-state entities, often with the intent to exert pressure, destabilise, or otherwise influence the political or security environment of a targeted territory. It constitutes an emerging form of hybrid threat that challenges the integrity of national borders, the resilience of public institutions, and erodes international norms.
- 5.4 Part 2 of this instrument contains the criteria for involvement pursuant to which a Minister may make a decision to designate a person ("designated person") as being subject to a travel ban, director disqualification and/or financial sanctions.
- 5.5 Part 3 of this instrument sets out the financial sanctions measures that can be imposed on designated persons, and the offences potentially committed if the measures are not adhered to. The financial sanctions that can be imposed under the GIM Sanctions Regulations 2025 consist of an asset-freeze, ensuring a designated person's funds and economic resources (non-financial assets and benefits, such as property or vehicles) are not dealt with, and ensuring that funds and economic resources are not made available to or for the benefit of a designated person, either directly or indirectly.
- 5.6 Part 4 of this instrument outlines the effect of director disqualification sanctions made under this instrument. Such a designation means the designated person is banned from: a) being a director of a UK company; b) being a director of a foreign company that has sufficient connection to the UK, even if it is not registered here, for example, if it carries out business or has assets here; and c) directly or indirectly taking part in or being concerned in the promotion, formation or management of a company.

- 5.7 Part 5 of this instrument outlines the effect of the immigration measures made under this instrument. Designation under regulation 5 of the instrument for the purpose of an immigration measure means that section 8B of the Immigration Act 1971 then applies to the designated person: such a person is subsequently banned from travelling to or via the UK and any permission to stay in the UK that they may have is cancelled. In certain circumstances the Secretary of State may direct that the travel ban does not apply.
- 5.8 Part 6 of this instrument makes provision in respect of exceptions and licences that may apply or be available, as the case may be, in respect of prohibitions and requirements under the GIM Sanctions Regulations 2025. It states that HM Treasury may issue specific licences to permit activity prohibited by Part 3 (Finance) where it is appropriate for a purpose set out in Schedule 2 of the instrument. Schedule 2 outlines the circumstances in which a person can apply for a licence, for example allowing funds to be released in order to pay for basic needs, such as food. For these regulations, a novel licensing ground has been introduced to enable repayment of legitimate payments captured by the designation of a money services business. This licensing ground will allow repayments from designated money services businesses if relevant conditions are met. HM Treasury's Office of Financial Sanctions Implementation provides general information and guidance about licensing.

What was the previous policy, how is this different?

- 5.9 This instrument introduces the world's first dedicated sanctions regime tackling dangerous irregular migration and the trafficking of people, and targeting organised immigration crime.
- 5.10 Previously, the UK had an ability to designate individuals relating to human trafficking under the Global Human Rights ('GHR') sanctions regime, and did so in 2023. However, existing sanctions regimes, including the GHR sanctions regime, did not provide the Government with sufficiently broad powers to tackle whole of route irregular migration and organised immigration crime. The GIM Sanctions Regulations 2025 will support delivering the Government's Plan for Change, as part of wider efforts to secure the UK's borders. This regime will also be a global regime, allowing the UK to target relevant persons and entities wherever they are in the world.

6. Legislative and Legal Context

How has the law changed?

- 6.1 The Sanctions Act establishes a legal framework which enables His Majesty's Government to introduce new sanctions regimes. These regimes can be made for the purpose of compliance with United Nations obligations and other international obligations, as well as for a number of other purposes, including that they further a foreign policy objective of the government of the UK. A sanctions regime enables the imposition of sanctions for the purposes stated in the regime.
- 6.2 As mentioned above, this instrument introduces the world's first dedicated sanctions regime tackling dangerous irregular migration, the trafficking of people and the instrumentalisation of migrants, and targeting organised immigration crime.

Why was this approach taken to change the law?

- 6.3 This instrument will support the Government's Plan for Change, as part of wider efforts to secure the UK's borders, as well progress foreign policy objectives to

disrupt people smuggling, tackle the drivers of irregular migration and protect international peace and stability.

- 6.4 Introducing a new sanctions regime under the relevant legal framework provided by the Sanctions Act was considered the most effective and appropriate way to change the law and is in line with the approach which the Government has taken for associated sanctions measures. This follows the precedent of creating new regimes to address and support foreign policy imperatives and priorities in areas existing sanctions legislation may not offer sufficient coverage, as previously demonstrated through the creation of the Global Anti-Corruption and GHR regimes.

7. Consultation

Summary of consultation outcome and methodology

- 7.1 No consultation has been carried out on this instrument. Consultation was carried out in relation to the Sanctions Act before it was enacted.
- 7.2 There is neither a requirement in the Sanctions Act for public consultation on instruments made under the Act, nor is there any other legal obligation to consult in respect of this instrument. HM Government will continue engagement with stakeholders on the implementation of UK sanctions.

8. Applicable Guidance

- 8.1 In accordance with section 43 of the Sanctions Act, guidance will be published in relation to the prohibitions and requirements.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

- 9.1 A full Impact Assessment has not been prepared for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen. A De Minimis Assessment has been prepared as we have estimated the costs to be beneath the threshold of £10m per annum for a full impact assessment.

Impact on businesses, charities and voluntary bodies

- 9.2 The legislation does not impact business, charities or voluntary bodies.
- 9.3 The legislation does not impact small or micro businesses.
- 9.4 The legislation does not impact the public sector.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

- 10.1 If His Majesty's Government determined that it was no longer appropriate to maintain a sanctions regime or specific sanctions measures, that regime would be removed or amended accordingly. As such, the Minister does not consider that a review clause in this instrument is appropriate.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

- 11.1 This instrument contains only 'non-UN-regulations' within the meaning of section 55(7) of the Sanctions Act and therefore is subject to the made affirmative procedure by virtue of section 55(3). It is laid before Parliament on 22 July and comes into force on 23 July.

12. European Convention on Human Rights

- 12.1 The Minister of State for Europe, North America and Overseas Territories at the Foreign, Commonwealth and Development Office has made the following statement regarding human rights:

“In my view the provisions of the Global Irregular Migration and Trafficking in Persons Sanctions Regulations 2025 are compatible with the Convention rights.”

13. The Relevant European Union Acts

- 13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023.