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Rt Hon Dame Karen Bradley MP
Chair, Home Affairs Select Committee
House of Commons
Westminster
London
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25 February 2026

Dear Rt Hon Dame Karen Bradley MP,

I am writing to inform you of our plans to commence the provisions in the Sentencing Act 2026 relating to foreign national offenders.

Section 45 of the 2026 Act extends the duty in the UK Borders Act 2007 to make a deportation order in respect of a non-British, non-Irish citizen convicted in the UK of an offence for which they were sentenced to a period of imprisonment of at least 12 months, unless an exception applies (for example, where deportation would breach the person's European Convention on Human Rights (ECHR) rights, or the UK's obligations under the Refugee Convention) to a non-British, non-Irish citizen convicted in the UK of an offence for which they were given a suspended sentence of at least 12 months. These provisions are to be commenced by regulations.

The 2026 Act also provides a presumption to suspend sentences of 12 months or less and the extension of suspended sentences for up to 3 years. It is intended that these provisions will commence on 22 March (two months after Royal Assent). We intend to commence the change to the duty to deport foreign criminals given a suspended sentence of at least 12 months at the same time as the presumption to suspend sentences to ensure that there is no gap in our commitment to deport foreign nationals who commit crimes. At the same time, we intend to commence the changes to the Article 8 public interest considerations in Part 5A of the Nationality, Immigration and Asylum Act 2002 extending the definition of a foreign criminal.

We intend to produce proactive communications ahead of this provision coming into effect.

Yours sincerely,

Alex Norris MP
Minister for Border Security & Asylum