

FOI 505/24-25

19 March 2025

I refer to your email dated 24 February 2025 in which you requested information in relation to offences under section 40 of the Nationality and Borders Act 2022. Your request has been dealt with under the terms of the Freedom of Information Act 2000.

**Freedom of Information Act 2000**

The Freedom of Information Act creates rights of access for any person making a request for information to a public authority. The rights of access are twofold. First, to be informed by the public authority if it holds information of the description specified in the request, and if that is the case, secondly, to be provided with that information. These rights are subject to important limitations, which are designed to achieve a proper balance between the right to know and considerations of law and policy in the broader public interest.

You had asked the following:

*“Since the introduction of Section 40 of the Nationality and Borders Act 2022 (illegal entry and similar offences), I wish to know:*

- 1. How many files have been submitted to PPS?*
- 2. How many prosecutorial decisions have been issued?*
- 3. How many cases resulted in prosecution?”*

In response, please see tables 1-4 below which provide the number of files submitted to the PPS, the number of prosecution decisions issued and the number of Magistrates’ and Crown Court outcomes in respect of s40 of the Nationality and Borders Act from its introduction in 2022 to date.

**Table 1: Files Received by the PPS in Respect of Section 40 of the Nationality and Borders Act 2022 (to 27 February 2025)**

Calendar Year	Number of Cases	Number of Suspects
2022	14	14
2023	43	48
2024	37	38
2025	4	4
<b>Total</b>	<b>98</b>	<b>104</b>

**Table 2: Prosecutorial Decisions Issued by the PPS in Respect of Section 40 of the Nationality and Borders Act 2022 (to 27 February 2025)**

Calendar Year	Indictable or Summary Prosecution	No Prosecution	Total
2022	9	0	9
2023	41	0	41
2024	43	0	43
2025	1	0	1
<b>Total</b>	<b>94</b>	<b>0</b>	<b>94</b>

**Note:** Due to multiple small cell counts, in order to prevent the potential disclosure of personal information, indictable (Crown Court) and summary prosecution (Magistrates' Court) data have been combined. Figures refer to the year in which the decision was issued and may differ from the year the file was received.

**Table 3: Magistrates' Court Outcomes in Respect of Section 40 of the Nationality and Borders Act 2022 (to 27 February 2025)**

Calendar Year	Plead Guilty All, Found Guilty All	Mixed	Total
2022	8	2	10
2023	28	6	34
2024	28	10	38
2025	1	0	1
<b>Total</b>	<b>65</b>	<b>18</b>	<b>83</b>

**Note:** Where court outcomes are mixed, it may be that the defendant was found guilty of another charge not related to the above legislation. Figures refer to the year in which the case was dealt with at court and may differ from the year the file was received / the decision was issued.

**Table 4: Crown Court Outcomes in Respect of Section 40 of the Nationality and Borders Act 2022 (to 27 February 2025)**

Calendar Year	Plead Guilty All, Found Guilty All	Mixed	Total
2023	2	1	3
2024	3	3	6
<b>Total</b>	<b>5</b>	<b>4</b>	<b>9</b>

**Note:** Where court outcomes are mixed, it may be that the defendant was found guilty of another charge not related to the above legislation. Figures refer to the year in which the case was dealt with at court and may differ from the year the file was received / the decision was issued.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review in accordance with our review procedure. You should do this as soon as possible or in any case within two months of the date of this response and you can do so by writing to the Head of Policy and Information, Public Prosecution Service, Belfast Chambers, 93 Chichester Street, BELFAST, BT1 3JR or alternatively by sending an e-mail to [info@ppsni.gov.uk](mailto:info@ppsni.gov.uk). You should state the grounds on which you are requesting the review.

Alternatively, you may wish to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Yours sincerely,

**Information Management Team**  
**Public Prosecution Service**