



Criminal Law Solicitors' Association

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CLSA response to: Sentencing Council Immigration Consultation - 30th September 2026

The Criminal Law Solicitors' Association is the only national association entirely committed to professionals working in the field of criminal law. The CLSA represents criminal practitioners throughout England and Wales and membership of the Association is open to any solicitor - prosecution or defence - and to legal advisers, qualified or trainee - involved with, or interested in, the practice of criminal law. The CLSA is responding to the consultation on behalf of its members.

Question 1: What is your name? **Criminal Law Solicitors' Association (CLSA)**

Question 2: What is your email address? **admin@clsa.co.uk**

Question 3: Are you answering as an individual? If so, are you happy for your name to be included in the consultation response document? **No**

Question 4: If you are answering on behalf of an organisation, group or bench, please provide the name of the organisation, group or bench. **CLSA**

Question 5: Are there any aspects of the draft guidelines that you feel may cause or increase disparity in sentencing? **No**

Question 6: Are there any existing disparities in sentencing of the offences covered in this guideline that you are aware of, which the draft guideline could and should address? **No**

Question 7: Are there any other matters relating to equality and diversity that you consider we ought to be aware of and/or that we could and should address in the guideline? **No**

Question 8: Do you have any other comments on the proposed guidelines that have not been covered elsewhere? **No**

Question 9: Do you have any comments on the proposed culpability factors (including from the perspective of equality and diversity)? **We believe financial gain should somehow be reflected within the culpability.**

We also believe a similar factor should be included in lower culpability as that which has been proposed for the s.24 and 25 offences - Involved due to coercion, pressure, exploitation, slavery or trafficking.

Question 10: Do you have any comments on the proposed harm factors (including from the perspective of equality and diversity)? **No**

Question 11: Do you have any comments on the proposed sentences? • **We consider that longer sentences should be reduced as a better way to deal with the prison crisis. Under both sections, the very lowest harm and culpability has too high of a starting point. For example, under s.24(B1), where an offender only had control of the boat for a short period and death/serious harm was not caused the starting point is 2 years. Even with full credit it will be very difficult to keep any such case in the Magistrates Court for sentence which in turn will impact the significant Crown Court backlog. We would suggest something like a one year and six-month starting point for this category with all other increasing increments similarly reflected.**

Question 12: Do you have any comments on the proposed aggravating factors? **We would suggest including as an aggravating factor 'presence of children' and 'injury caused to more than one person'.**

Question 13: Do you have any comments on the revised culpability factors (including from the perspective of equality and diversity)? **No**

Question 14: Do you have any comments on the revised harm factors (including from the perspective of equality and diversity)? **No**

Question 15: Do you have any comments on the revised sentences? **No**

Question 16: Do you have any comments on the revised aggravating factors? **No**

Question 17: Do you have any comments on the revised mitigating factors? **No**