



Nationality and Borders Act 2022

CHAPTER 36

NATIONALITY AND BORDERS ACT 2022

PART 1

NATIONALITY

British overseas territories citizenship

- 1 Historical inability of mothers to transmit citizenship
- 2 Historical inability of unmarried fathers to transmit citizenship
- 3 Provision for Chagos Islanders to acquire British Nationality
- 4 Sections 1 to 3: related British citizenship
- 5 Period for registration of person born outside the British overseas territories

British citizenship

- 6 Disapplication of historical registration requirements
- 7 Citizenship where mother married to someone other than natural father

Powers of the Secretary of State relating to citizenship etc

- 8 Citizenship: registration in special cases
- 9 Requirements for naturalisation etc
- 10 Notice of decision to deprive a person of citizenship

Registration of stateless minors

- 11 Citizenship: stateless minors

PART 2

ASYLUM

Status: Point in time view as at 30/01/2023.

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Treatment of refugees; support for asylum-seekers

- 12 Differential treatment of refugees
- 13 Accommodation for asylum-seekers etc

Place of claim

- 14 Requirement to make asylum claim at “designated place”

Inadmissibility

- 15 Asylum claims by EU nationals: inadmissibility
- 16 Asylum claims by persons with connection to safe third State: inadmissibility
- 17 Clarification of basis for support where asylum claim inadmissible

Supporting evidence

- 18 Provision of evidence in support of protection or human rights claim
- 19 Asylum or human rights claim: damage to claimant’s credibility

Priority removal notices

- 20 Priority removal notices
- 21 Priority removal notices: supplementary
- 22 Late compliance with priority removal notice: damage to credibility
- 23 Priority removal notices: expedited appeals
- 24 Expedited appeals: joining of related appeals
- 25 Civil legal services for recipients of priority removal notices

Late evidence

- 26 Late provision of evidence in asylum or human rights claim: weight

Appeals

- 27 Accelerated detained appeals
- 28 Claims certified as clearly unfounded: removal of right of appeal

Removal to safe third country

- 29 Removal of asylum seeker to safe country

Interpretation of Refugee Convention

- 30 Refugee Convention: general
- 31 Article 1(A)(2): persecution
- 32 Article 1(A)(2): well-founded fear
- 33 Article 1(A)(2): reasons for persecution
- 34 Article 1(A)(2): protection from persecution
- 35 Article 1(A)(2): internal relocation
- 36 Article 1(F): disapplication of Convention in case of serious crime etc
- 37 Article 31(1): immunity from penalties
- 38 Article 33(2): particularly serious crime

Interpretation

- 39 Interpretation of Part 2

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PART 3

IMMIGRATION CONTROL

Immigration offences and penalties

- 40 Illegal entry and similar offences
- 41 Assisting unlawful immigration or asylum seeker
- 42 Penalty for failure to secure goods vehicle

Working in United Kingdom waters: arrival and entry

- 43 Working in United Kingdom waters: arrival and entry

Enforcement

- 44 Power to search container unloaded from ship or aircraft
- 45 Maritime enforcement

Removals

- 46 Removals: notice requirements
- 47 Prisoners liable to removal from the United Kingdom

Immigration bail

- 48 Matters relevant to decisions relating to immigration bail

PART 4

AGE ASSESSMENTS

- 49 Interpretation of Part etc
- 50 Persons subject to immigration control: referral or assessment by local authority etc
- 51 Persons subject to immigration control: assessment for immigration purposes
- 52 Use of scientific methods in age assessments
- 53 Regulations about age assessments
- 54 Appeals relating to age assessments
- 55 Appeals relating to age assessments: supplementary
- 56 New information following age assessment or appeal
- 57 Civil legal services relating to age assessments

PART 5

MODERN SLAVERY

- 58 Provision of information relating to being a victim of slavery or human trafficking
- 59 Late compliance with slavery or trafficking information notice: damage to credibility
- 60 Identification of potential victims of slavery or human trafficking
- 61 Identified potential victims of slavery or human trafficking: recovery period
- 62 No entitlement to additional recovery period etc
- 63 Identified potential victims etc: disqualification from protection

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- 64 Identified potential victims etc in England and Wales: assistance and support
- 65 Leave to remain for victims of slavery or human trafficking
- 66 Civil legal services under section 9 of LASPO: add-on services in relation to the national referral mechanism
- 67 Civil legal services under section 10 of LASPO: add-on services in relation to national referral mechanism
- 68 Disapplication of retained EU law deriving from Trafficking Directive
- 69 Part 5: interpretation

PART 6

MISCELLANEOUS

- 70 Visa penalty provision: general
- 71 Visa penalties for countries posing risk to international peace and security etc
- 72 Removals from the UK: visa penalties for uncooperative countries
- 73 Visa penalties under section 71: review and revocation
- 74 Visa penalties under section 72: review and revocation
- 75 Electronic travel authorisations
- 76 Liability of carriers
- 77 Special Immigration Appeals Commission
- 78 Counter-terrorism questioning of detained entrants away from place of arrival
- 79 References to justices of the peace in relation to Northern Ireland
- 80 Tribunal charging power in respect of wasted resources
- 81 Tribunal Procedure Rules to be made in respect of costs orders etc
- 82 Pre-consolidation amendments of immigration legislation

PART 7

GENERAL

- 83 Financial provision
- 84 Transitional and consequential provision
- 85 Regulations
- 86 Extent
- 87 Commencement
- 88 Short title

SCHEDULES

SCHEDULE 1 — Waiver of requirement of presence in UK etc

- 1 Amendments to the British Nationality Act 1981
- 2 (1) Section 4 (acquisition by registration: British overseas territories citizens...
- 3 (1) Schedule 1 (requirements for naturalisation) is amended as follows....
- 4 Consequential amendment

SCHEDULE 2 — Deprivation of Citizenship without notice: judicial oversight

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SCHEDULE 3 — Expedited appeals where priority removal notice served:
consequential amendments

- 1 The Nationality, Immigration and Asylum Act 2002 is amended in...
- 2 In section 85 (matters to be considered on appeal)—
- 3 In section 86 (determination of appeal), in subsection (2), after...
- 4 In section 106 (tribunal procedure rules), in subsections (3) and...
- 5 In section 107 (practice directions)— (a) before subsection (3) insert
—...
- 6 In section 108 (forged document: proceedings in private), in
subsection...
- 7 In section 8 of the Asylum and Immigration (Treatment of...

SCHEDULE 4 — Removal of asylum seeker to safe country

- 1 Amendments to section 77 of the Nationality, Immigration and Asylum
Act 2002
- 2 In subsection (3) of that section, for “subsection (2)” substitute...
- 3 Amendments to Schedule 3 to the Asylum and Immigration (Treatment
of Claimants, etc) Act 2004: introductory
- 4 Amendments consequential on amendments to section 77 of the 2002
Act
- 5 Rebuttable presumption of safety of specified countries in relation to
Convention rights
- 6 In paragraph 5 (in country appeals in cases of removal...
- 7 Safe countries
- 8 In paragraph 2 (countries to which presumptions of safety in...
- 9 In paragraph 20(1) (powers to amend list of safe countries...
- 10 In paragraph 21 (procedure for orders under paragraph 20)—
- 11 Appeal rights
- 12 Omit paragraph 6 (no out of country appeal rights).
- 13 In paragraph 10 (appeal rights where person certified for removal...
- 14 Omit paragraph 11 (no out of country appeal rights).
- 15 In paragraph 15 (appeal rights where person certified for removal...
- 16 Omit paragraph 16 (no out of country appeal rights).
- 17 In paragraph 19 (appeal rights where person certified for removal...
- 18 Consequential amendments
- 19 Transitional provision

SCHEDULE 5 — Penalty for failure to secure goods vehicle etc

- 1 Part 2 of the Immigration and Asylum Act 1999 (carriers’...
- 2 For the italic heading before section 32 substitute “Penalties for...
- 3 Before section 32 (but after the italic heading before that...
- 4 (1) Section 32 (penalty for carrying clandestine entrants) is amended...
- 5 (1) Section 32A (level of penalty: code of practice) is...
- 6 Omit section 33 (prevention of clandestine entrants: code of practice)...
- 7 (1) Section 34 (defences to claim that penalty is due...
- 8 (1) Section 35 (procedure for penalties and objections against
penalties)...
- 9 (1) Section 35A (appeals) is amended as follows.
- 10 (1) Section 36 (power to detain vehicles etc in connection...
- 11 (1) Section 36A (detention in default of payment) is amended...
- 12 (1) Section 43 (interpretation of Part 2) is amended as...

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SCHEDULE 6 — Working in United Kingdom waters: consequential and related amendments

- 1 Immigration Act 1971 (c. 77)
- 2 In section 8 (exceptions for seamen etc), after subsection (1)...
- 3 In section 11 (references to entry etc), after subsection (1)...
- 4 In section 28 (proceedings for offences)— (a) before subsection (1)...
- 5 In section 28L (interpretation of Part 3) —
- 6 In section 28M (enforcement powers in relation to ships: England...
- 7 In section 28N (enforcement powers in relation to ships: Scotland),...
- 8 In section 28O (enforcement powers in relation to ships: Northern...
- 9 (1) Schedule 2 (administrative provision as to control on entry...
- 10 (1) Schedule 4A (maritime enforcement powers) is amended as follows....
- 11 Immigration, Asylum and Nationality Act 2006 (c. 13)

SCHEDULE 7 — Maritime enforcement

- 1 Part 3A of the Immigration Act 1971 (maritime enforcement) is...
- 2 Before section 28M insert— Enforcement powers in relation to ships:...
- 3 In section 28M (enforcement powers in relation to ships: England...
- 4 In section 28N (enforcement powers in relation to ships: Scotland)—...
- 5 In section 28O (enforcement powers in relation to ships: Northern...
- 6 In section 28P (hot pursuit of ships in United Kingdom...
- 7 After section 28P insert— Power to seize and dispose of...
- 8 In section 28Q (interpretation of Part 3A)—
- 9 Schedule 4A (enforcement powers in relation to ships) is amended...
- 10 Before Part 1, insert— PART A1 United Kingdom Introductory (1) This Part of this Schedule sets out the powers...
- 11 In paragraph 1(1)— (a) omit “immigration officers,” and
- 12 In paragraph 4— (a) in sub-paragraph (2) omit “constable or”,...
- 13 In paragraph 6— (a) omit sub-paragraph (5), and
- 14 In paragraph 12(1)— (a) omit “immigration officers,” and
- 15 In paragraph 17— (a) omit sub-paragraph (5), and
- 16 In paragraph 23— (a) omit “immigration officers,” and
- 17 In paragraph 26(3) omit “constable or”.
- 18 In paragraph 28— (a) omit sub-paragraph (5), and

SCHEDULE 8 — Prisoners returning to the UK: Modifications of Criminal Justice Act 2003

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