



Nationality and Borders Act 2022

2022 CHAPTER 36

PART 5

MODERN SLAVERY

66 Civil legal services under section 9 of LASPO: add-on services in relation to the national referral mechanism

(1) Part 1 of Schedule 1 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (civil legal services qualifying for legal aid) is amended as follows.

(2) In paragraph 19 (judicial review)—

(a) after sub-paragraph (1) insert—

“Add-on services in relation to referral into the national referral mechanism

(1A) Civil legal services provided to an individual in relation to referral into the national referral mechanism, in a case where the Director has determined the individual qualifies for any services described in sub-paragraph (1) that are of a description to which sub-paragraph (1B) applies (and has not withdrawn the determination).

(1B) This sub-paragraph applies to services in relation to any immigration or asylum decision (or failure to make a decision) against which there is no right of appeal.”;

(b) after sub-paragraph (2) insert—

“(2A) Sub-paragraph (1A) is subject to the exclusions in Part 2 of this Schedule.”;

(c) after sub-paragraph (8) insert—

“Add-on services described in sub-paragraph (1A): specific exclusions

(8A) The add-on services described in sub-paragraph (1A) do not include—

Status: This is the original version (as it was originally enacted).

- (a) advocacy, or
- (b) attendance at an interview conducted by the competent authority under the national referral mechanism for the purposes of a reasonable grounds decision or a conclusive grounds decision.”

(3) In each of paragraphs 25, 26, 27 and 27A (various immigration matters)—

- (a) after sub-paragraph (1) insert—

“Add-on services in relation to referral into the national referral mechanism

(1A) Civil legal services provided to an individual in relation to referral into the national referral mechanism, in a case where the Director has determined the individual qualifies for any services described in sub-paragraph (1) (and has not withdrawn that determination).”;

- (b) after sub-paragraph (2) insert—

“(3) Sub-paragraph (1A) is subject to the exclusions in Part 2 of this Schedule.

Add-on services described in sub-paragraph (1A): specific exclusions

(4) The add-on services described in sub-paragraph (1A) do not include—

- (a) advocacy, or
- (b) attendance at an interview conducted by the competent authority under the national referral mechanism for the purposes of a reasonable grounds decision or a conclusive grounds decision.”

(4) In paragraph 30 (immigration: rights to enter and remain)—

- (a) after sub-paragraph (1) insert—

“Add-on services in relation to referral into the national referral mechanism

(1A) Civil legal services provided to an individual in relation to referral into the national referral mechanism, in a case where the Director has determined the individual qualifies for any services described in sub-paragraph (1) (and has not withdrawn the determination).”;

- (b) after sub-paragraph (2) insert—

“(2A) Sub-paragraph (1A) is subject to the exclusions in Part 2 of this Schedule.”;

- (c) after sub-paragraph (3) insert—

“Add-on services described in sub-paragraph (1A): specific exclusions

(3A) The add-on services described in sub-paragraph (1A) do not include—

- (a) advocacy, or
- (b) attendance at an interview conducted by the competent authority under the national referral mechanism for the purposes of a reasonable grounds decision or a conclusive grounds decision.”

Status: This is the original version (as it was originally enacted).

- (5) In paragraph 31A (immigration, citizenship and nationality: separated children)—
(a) after sub-paragraph (2) insert—

“Add-on services in relation to referral into the national referral mechanism

(2A) Civil legal services provided to an individual in relation to referral into the national referral mechanism, in a case where the Director has determined the individual qualifies for any services described in sub-paragraph (1) (and has not withdrawn the determination).”;

- (b) after sub-paragraph (3) insert—

“(3A) Sub-paragraph (2A) is subject to the exclusions in Part 2 of this Schedule.

Add-on services described in sub-paragraph (2A): specific exclusions

(3B) The add-on services described in sub-paragraph (2A) do not include—

- (a) advocacy, or
(b) attendance at an interview conducted by the competent authority under the national referral mechanism for the purposes of a reasonable grounds decision or a conclusive grounds decision.”

- (6) In Part 4 of Schedule 1 to that Act (interpretation) after paragraph 7 insert—

“8 In this Schedule—

“civil legal services provided to an individual in relation to referral into the national referral mechanism” means—

- (a) advice on the national referral mechanism, or
(b) other civil legal services in connection with accessing that mechanism,

provided to an individual before a reasonable grounds decision has been made in relation to that individual;

“competent authority” (in relation to the national referral mechanism) means a person who is a competent authority of the United Kingdom for the purposes of the Council of Europe Convention on Action against Trafficking in Human Beings (done at Warsaw on 16 May 2005);

“national referral mechanism” means the national framework (known as the National Referral Mechanism) for identifying and referring potential victims of modern slavery and ensuring they receive appropriate support;

“reasonable grounds decision” and “conclusive grounds decision” have the same meaning as in Part 5 (modern slavery) of the Nationality and Borders Act 2022 (see section 69 of that Act).”

- (7) Any amendment made by this section describing add-on services that may be provided to an individual where the Director of Legal Aid Casework has made a relevant determination does not apply to a determination made before the amendment comes into force.