



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

Changes to legislation: Nationality and Borders Act 2022 is up to date with all changes known to be in force on or before 10 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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

Changes to legislation: Nationality and Borders Act 2022 is up to date with all changes known to be in force on or before 10 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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

Changes to legislation: Nationality and Borders Act 2022 is up to date with all changes known to be in force on or before 10 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- 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

Changes to legislation: *Nationality and Borders Act 2022 is up to date with all changes known to be in force on or before 10 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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...

Changes to legislation: Nationality and Borders Act 2022 is up to date with all changes known to be in force on or before 10 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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

Changes to legislation:

Nationality and Borders Act 2022 is up to date with all changes known to be in force on or before 10 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- s. 52(7) words inserted by [2023 c. 37 s. 58\(4\)\(a\)](#)
- s. 53(1)(a)(iv) words inserted by [2023 c. 37 s. 58\(4\)\(b\)](#)
- s. 54(6)(a) word omitted by [2023 c. 37 s. 57\(11\)\(a\)](#)
- s. 56(1)(b) substituted by [2023 c. 37 s. 57\(12\)](#)
- s. 6162 excluded by [2023 c. 37 s. 22](#)
- s. 61(2) words inserted by [2023 c. 37 s. 28\(7\)](#)
- s. 62(2) words inserted by [2023 c. 37 s. 28\(8\)](#)
- s. 63(1) word substituted by [2023 c. 37 s. 29\(2\)\(a\)](#)
- s. 63(1) words inserted by [2023 c. 37 s. 29\(2\)\(b\)](#)
- s. 63(3)(f) substituted by [2023 c. 37 s. 29\(4\)\(a\)](#)
- s. 65 excluded by [2023 c. 37 s. 22](#)
- s. 65(3) words inserted by [2023 c. 37 s. 28\(11\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 54(6)(c) and word inserted by [2023 c. 37 s. 57\(11\)\(b\)](#)
- s. 63(2A) inserted by [2023 c. 37 s. 29\(3\)](#)
- s. 63(3)(fa)(fb) inserted by [2023 c. 37 s. 29\(4\)\(b\)](#)
- s. 63(5A)(5B) inserted by [2023 c. 37 s. 29\(5\)](#)
- s. 63(8) inserted by [2023 c. 37 s. 28\(9\)](#)
- s. 65(8A) inserted by [2023 c. 37 s. 28\(12\)](#)