



Nationality and Borders Act 2022

2022 CHAPTER 36

PART 2

ASYLUM

Priority removal notices

PROSPECTIVE

22 Late compliance with priority removal notice: damage to credibility

- (1) This section applies where—
 - (a) a PRN recipient provided material in response to the priority removal notice served on them,
 - (b) the material was provided late, and
 - (c) a relevant decision is being made.
- (2) This section also applies where—
 - (a) a PRN recipient provided material to the First-tier Tribunal, the Upper Tribunal (when acting in the circumstances mentioned in subsection (9)) or the Special Immigration Appeals Commission,
 - (b) the material should have been provided in response to the priority removal notice served on the PRN recipient but was not,
 - (c) the material was provided late, and
 - (d) a relevant decision is being made.
- (3) A “relevant decision” is being made if—
 - (a) a protection claim or a human rights claim made by the PRN recipient is being considered, or
 - (b) a competent authority is making a reasonable grounds decision or a conclusive grounds decision in relation to the PRN recipient (decisions concerning status as victim of slavery or human trafficking).

Status: This version of this provision is prospective.

Changes to legislation: Nationality and Borders Act 2022, Section 22 is up to date with all changes known to be in force on or before 17 August 2023. 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

- (4) In determining whether to believe a statement made by or on behalf of the PRN recipient, a deciding authority must take account, as damaging the PRN recipient's credibility, of the late provision of the material, unless there are good reasons why it was provided late.
- (5) Tribunal Procedure Rules must secure that, where the First-tier Tribunal or the Upper Tribunal (when acting in the circumstances mentioned in subsection (9)) is making a decision that disposes of proceedings, it must include, as part of its reasons for the decision, a statement explaining—
 - (a) whether it considers that this section applies, and
 - (b) if it considers that this section does apply, how, in making its decision, it has taken account of the fact that the PRN recipient provided the material late.
- (6) Rules under section 5 of the Special Immigration Appeals Commission Act 1997 (SIAC procedure rules) must secure that, where the Special Immigration Appeals Commission is making a decision that determines proceedings, it must include, as part of its reasons for the decision, a statement explaining the matters mentioned in subsection (5)(a) and (b).
- (7) For the purposes of this section, material is provided “late” by the PRN recipient if it is provided on or after the PRN cut-off date.
- (8) In subsection (4) “deciding authority”—
 - (a) in relation to a decision mentioned in subsection (3)(a) means—
 - (i) the Secretary of State,
 - (ii) an immigration officer,
 - (iii) the First-tier Tribunal,
 - (iv) the Upper Tribunal in the circumstances described in subsection (9), or
 - (v) the Special Immigration Appeals Commission;
 - (b) in relation to a decision mentioned in subsection (3)(b), means the competent authority.
- (9) The circumstances are when the Upper Tribunal is acting—
 - (a) under section 12(2)(b)(ii) of the Tribunals, Courts and Enforcement Act 2007 (Upper Tribunal re-making First-tier Tribunal decision on finding of error of law), or
 - (b) in relation to—
 - (i) an expedited appeal within the meaning of section 82A of the Nationality, Immigration and Asylum Act 2002, or
 - (ii) an expedited related appeal within the meaning of section 24 that involves a protection claim or a human rights claim.
- (10) In this section—

“competent authority”, “conclusive grounds decision” and “reasonable grounds decision” have the same meanings as in Part 5;

“priority removal notice”, “PRN cut-off date”, “PRN recipient” and “relevant status information” have the same meanings as in section 20.
- (11) Section 26 makes further provision about the effect of a PRN recipient providing evidence late.

Status: This version of this provision is prospective.

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Commencement Information

II S. 22 not in force at Royal Assent, see [s. 87\(1\)](#)

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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\(12\)](#)