

Status: This version of this provision is prospective.

Changes to legislation: Nationality and Borders Act 2022, Section 25 is up to date with all changes known to be in force on or before 19 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



Nationality and Borders Act 2022

2022 CHAPTER 36

PART 2

ASYLUM

Priority removal notices

PROSPECTIVE

25 Civil legal services for recipients of priority removal notices

- (1) In Part 1 of Schedule 1 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (civil legal services), after paragraph 31 (immigration: accommodation for asylum-seekers etc) insert—

“Immigration: recipients of priority removal notices

- 31ZA (1) Civil legal services provided, to an individual who has received a priority removal notice, in relation to—
- (a) the priority removal notice;
 - (b) the individual’s immigration status;
 - (c) the lawfulness of the individual’s removal from the United Kingdom;
 - (d) immigration detention of the kinds mentioned in paragraph 25(1).

Condition applying to services described in sub-paragraph (1): overall time limit

- (2) Civil legal services described in sub-paragraph (1) may be provided for up to (but no more than) 7 hours.
- (3) If a person who has been provided with civil legal services described in sub-paragraph (1) subsequently receives a further priority removal notice,

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sub-paragraph (2) applies again (so that time spent in providing services following receipt of the earlier notice does not count towards the new limit).

General exclusions

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

Specific exclusions

(5) The services described in sub-paragraph (1) do not include—

- (a) advocacy;
- (b) attendance at an interview conducted on behalf of the Secretary of State with a view to reaching a decision on a claim in respect of the rights mentioned in paragraph 30(1), except where regulations provide otherwise;
- (c) attendance at an interview conducted by the competent authority under the national referral mechanism for the purposes of making a reasonable grounds decision or a conclusive grounds decision;
- (d) services provided in relation to—
 - (i) any private law rights the individual may have (such as rights under employment law or the law of tort), or
 - (ii) any claim for damages in relation to unlawful detention.

Definition

(6) In this paragraph “priority removal notice” means a notice under section 20 of the Nationality and Borders Act 2022.”

(2) In section 9 of that Act (civil legal aid: general cases), after subsection (2) insert—

“(3) The powers conferred by subsection (2)(b) include power to amend paragraph 31ZA of Part 1 of Schedule 1 (immigration: recipients of priority removal notices) so as to alter the time limit applicable to the provision of services described in sub-paragraph (1) of that paragraph (whether generally or in specified cases or circumstances).

(4) The Lord Chancellor may by order make provision as to the operation of any overall time limit applicable to the provision of services described in paragraph 31ZA(1), including in particular—

- (a) provision for determining the time available (not exceeding the overall time limit) for the provision of such services in any individual’s case, or
- (b) provision as to the use that may, or must, be made of some or all of the time available.”

(3) In regulation 11(9) of the Civil Legal Aid (Merits Criteria) Regulations 2013 ([S.I. 2013/104](#)) (qualifying for civil legal services: cases in which merits criteria do not apply), at the end insert “, or

- (e) in relation to any matter described in paragraph 31ZA of Schedule 1 to the Act (immigration: recipients of priority removal notices).”

(4) In regulation 5(1) of the Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013 ([S.I. 2013/480](#)) (exceptions from requirement to make a

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determination in respect of an individual’s financial resources), omit the “and” at the end of paragraph (ka) and, after paragraph (l), insert—

“(m) civil legal services described in paragraph 31ZA of Part 1 of Schedule 1 to the Act (immigration: recipients of priority removal notices).”

Commencement Information

II S. 25 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\(12\)](#)