



Nationality and Borders Act 2022

2022 CHAPTER 36

PART 6

MISCELLANEOUS

70 Visa penalty provision: general

- (1) The immigration rules may make such visa penalty provision as the Secretary of State considers appropriate in relation to a country specified under section 71 or 72.
- (2) “Visa penalty provision” is provision that does one or more of the following in relation to applications for entry clearance made by persons as nationals or citizens of a specified country—
 - (a) requires that entry clearance must not be granted pursuant to such an application before the end of a specified period;
 - (b) suspends the power to grant entry clearance pursuant to such an application;
 - (c) requires such an application to be treated as invalid for the purposes of the immigration rules;
 - (d) requires the applicant to pay £190 in connection with the making of such an application, in addition to any fee or other amount payable pursuant to any other enactment.
- (3) The Secretary of State may by regulations substitute a different amount for the amount for the time being mentioned in subsection (2)(d).
- (4) Before making visa penalty provision in relation to a specified country, the Secretary of State must give the government of that country reasonable notice of the proposal to do so.
- (5) The immigration rules must secure that visa penalty provision does not apply in relation to an application made before the day on which the provision comes into force.
- (6) Visa penalty provision may—
 - (a) make different provision for different purposes;

Changes to legislation: Nationality and Borders Act 2022, Section 70 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](#)

- (b) provide for exceptions or exemptions, whether by conferring a discretion or otherwise;
 - (c) include incidental, supplementary, transitional, transitory or saving provision.
- (7) Regulations under subsection (3)—
- (a) are subject to affirmative resolution procedure if they increase the amount for the time being specified in subsection (2)(d);
 - (b) are subject to negative resolution procedure if they decrease that amount.
- (8) Sums received by virtue of subsection (2)(d) must be paid into the Consolidated Fund.
- (9) In this section—
- “country” includes any territory outside the United Kingdom;
 - “entry clearance” has the same meaning as in the Immigration Act 1971 (see section 33(1) of that Act);
 - “immigration rules” means rules under section 3(2) of the Immigration Act 1971;
 - “specified” means specified in the immigration rules.

Commencement Information

II S. 70 in force at Royal Assent, see [s. 87\(3\)\(b\)](#)

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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\(12\)](#)