



Nationality and Borders Act 2022

2022 CHAPTER 36

PART 6

MISCELLANEOUS

72 Removals from the UK: visa penalties for uncooperative countries

- (1) A country may be specified under this section if, in the opinion of the Secretary of State—
 - (a) the government of the country is not cooperating in relation to the return to the country from the United Kingdom of any of its nationals or citizens who require leave to enter or remain in the United Kingdom but do not have it, and
 - (b) as a result, there are nationals or citizens of the country that the Secretary of State has been unable to return to the country, whether or not others have been returned.
- (2) In forming an opinion as to whether a country is cooperating in relation to returns, the Secretary of State must take the following into account—
 - (a) any arrangements (whether formal or informal) entered into by the government of the country with the United Kingdom government or the Secretary of State with a view to facilitating returns;
 - (b) the extent to which the government of the country is—
 - (i) taking the steps that are in practice necessary or expedient in relation to facilitating returns, and
 - (ii) doing so promptly;
 - (c) such other matters as the Secretary of State considers appropriate.
- (3) In determining whether to specify a country for the purposes of this section, the Secretary of State must take the following into account—
 - (a) the length of time for which the government of the country has not been cooperating in relation to returns;
 - (b) the extent of the lack of cooperation;
 - (c) the reasons for the lack of cooperation;

Changes to legislation: Nationality and Borders Act 2022, Section 72 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

(d) such other matters as the Secretary of State considers appropriate.

(4) In this section—

“cooperating in relation to returns” means cooperating as mentioned in subsection (1)(a);

“country” and “specified” have the same meanings as in section 70;

“facilitating returns” means facilitating the return of nationals or citizens to a country as mentioned in subsection (1)(a).

Commencement Information

II S. 72 in force at 28.6.2022, see s. 87(5)(h)

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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\(12\)](#)