



# 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;

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*Status: This is the original version (as it was originally enacted).*

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(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).