

**2022 No. 571**

**IMMIGRATION**

**The Nationality and Borders Act 2022 (Consequential  
Amendments) Regulations 2022**

<i>Made</i>	- - - -	<i>23rd May 2022</i>
<i>Laid before Parliament</i>		<i>26th May 2022</i>
<i>Coming into force</i>	- -	<i>28th June 2022</i>

The Secretary of State, in exercise of the powers conferred by section 84(2) and (3) of the Nationality and Borders Act 2022(a), makes the following Regulations.

**Citation, commencement and extent**

**1.**—(1) These Regulations may be cited as the Nationality and Borders Act 2022 (Consequential Amendments) Regulations 2022.

(2) They come into force on 28th June 2022.

(3) They extend to England and Wales, Scotland and Northern Ireland.

**Amendment of the Special Immigration Appeals Commission (Procedure) Rules 2003**

**2.**—(1) The Special Immigration Appeals Commission (Procedure) Rules 2003(b) (“the 2003 Rules”) are amended as follows.

(2) In rule 2(1) (interpretation)—

(a) in the definition of “appellant”, for “or 2E” substitute “, 2E or 2F”;

(b) for the definition of “application to the Commission for review under section 2C, 2D or 2E of the 1997 Act” substitute—

““application to the Commission for review under section 2C, 2D, 2E or 2F of the 1997 Act” means an application to the Commission under, as the case may be, subsection (2) of section 2C, 2D, 2E or 2F of the 1997 Act to set aside a decision to which that subsection applies, and, unless the contrary intention appears, “applying for review” and “application for review” are to be read accordingly;”.

(3) In each of the following, for “or 2E” substitute “, 2E or 2F”—

(a) rule 3(aa) (scope of the 2003 Rules);

(b) rule 6(b) (scope of Part 2 of the 2003 Rules);

(c) rule 10(A1) (Secretary of State’s reply to an appeal);

(d) rule 10A(A1) (further material in relation to an appeal);

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(a) 2022 c. 36.

(b) S.I. 2003/1034, amended by S.I. 2007/1285, 2013/2995, 2015/867 and 2018/736; there are other amendments but none is relevant.

(e) rule 26(a)(ii) (scope of Part 5 of the 2003 Rules).

(4) In rule 8(4A) (time limit for appealing or for applying for review) for “or section 2D(1)(b)” substitute “, section 2D(1)(b) or section 2F(1)(c)”.

### **Amendment of the Immigration (Biometric Registration) Regulations 2008**

**3.**—(1) The Immigration (Biometric Registration) Regulations 2008(a) are amended as follows.

(2) In regulation 2 (interpretation), for the definition of “refugee” substitute, ““refugee” means a person who falls within Article 1 of the Geneva Convention(b);”.

*Tom Pursglove*  
Parliamentary Undersecretary of State  
Home Office

23rd May 2022

### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations make amendments in consequence of certain provisions in the Nationality and Borders Act 2022 (c. 36) (“the 2022 Act”).

Regulation 2 amends the Special Immigration Appeals Commission (Procedure) Rules 2003 (S.I. 2003/1034) as a consequence of amendments to the Special Immigration Appeals Commission Act 1997 (c. 68) (“the 1997 Act”) by section 77 of the 2022 Act. Under the new provisions an applicant may apply to the Special Immigration Appeals Commission (“SIAC”) to set aside a direction by the Secretary of State which relates to a person’s entitlement to enter, reside in or remain in the United Kingdom, or to a person’s removal from the United Kingdom (section 2F(2) of the 1997 Act). When deciding such applications, SIAC must apply the principles which would be applied in judicial review proceedings.

Regulation 3 omits reference to regulation 7 of the Refugee or Person in Need of International Protection (Qualification) Regulations 2006 (S.I. 2008/3048) (“the 2006 Regulations”) from the definition of refugee in regulation 2 of the Immigration (Biometric Registration) Regulations 2008, and in that definition also replaces the reference to Article 1(A) of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951 and the New York Protocol of 31st January 1967 with a reference to Article 1 of that Convention. This is in consequence of the revocation of the 2006 Regulations by section 30(4) of the 2022 Act.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

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(a) S.I. 2008/3048, amended by S.I. 2012/594; there are other amendments but none is relevant.

(b) “Geneva Convention” is defined in regulation 2 of S.I. 2008/3048 and means the Convention relating to the Status of Refugees done at Geneva on 28th July 1951 and the New York Protocol of 31st January 1967.



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