

## Draft amendments: Nationality and Borders Bill

September 2021

- Amendment 1 - Civil legal services for immigration matters
- Amendment 2 - Civil legal services for those liable to removal or deportation
- Amendment 3 - Civil legal services in relation to removal directions

### Amendment 1: Civil legal services for immigration matters

In Part 1 of Schedule 1 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (civil legal services), after paragraph 31A (immigration, citizenship and nationality: separated children) insert:

#### **“31B Immigration, citizenship, removal and deportation**

- (1) Civil legal services provided to an individual in relation to
- (a) the individual’s entitlement to enter or remain in the UK under the Immigration Acts or the European Union (Withdrawal Agreement) Act 2020, including as to whether the individual is a British citizen or otherwise has the right of abode in the UK,
  - (b) a relevant application,
  - (c) the individual’s liability to removal from the United Kingdom under section 10 Immigration and Asylum Act 1999,
  - (d) the lawfulness of the individual’s removal from the United Kingdom,
  - (e) the individual’s liability to deportation from the United Kingdom under section 3 of the Immigration Act 1971, or
  - (f) the making of a deportation order under section 5 of the Immigration Act 1971.

(2) A relevant application is—

- (a) an application made by the person for the grant of entry clearance, leave to enter or leave to remain in the United Kingdom (whether under or outside the immigration rules), or
- (b) an application made by the person for registration or naturalisation under the British Nationality Act 1981 as—
  - (i) a British citizen,
  - (ii) a British overseas territories citizen,
  - (iii) a British overseas citizen, or
  - (iv) a British subject.

#### *Exclusions*

(3) Sub-paragraph (1) is subject to the exclusions in Parts 2 and 3 of this Schedule.

#### *Definitions*

(4) In this paragraph—

*“entry clearance”* has the same meaning as in the Immigration Act 1971;

*“immigration rules”* has the same meaning as in the Immigration Act 1971;

*“leave to enter”* and *“leave to remain”* are to be construed in accordance with the Immigration Act 1971;

*“the Immigration Acts”* has the same meaning as in section 61 of the UK Borders Act 2007.

## **Amendment 2: Civil legal services for those liable to removal or deportation**

In Part 1 of Schedule 1 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (civil legal services), after paragraph 31A (immigration, citizenship and nationality: separated children) insert:

### **“31B Immigration, citizenship and nationality: persons liable to removal or deportation**

(1) Civil legal services provided to an individual who is a person liable to removal or deportation in relation to

- (a) a relevant application,
- (b) the person’s liability to removal from the United Kingdom under section 10 Immigration and Asylum Act 1999, or
- (c) the person’s liability to deportation from the United Kingdom under section 5 of the Immigration Act 1971.

(2) For the purposes of this section:

- (a) a person is liable to removal if the person is a person to whom section 10 of the Immigration and Asylum Act 1999 applies;
- (b) a person is liable to deportation if the person is a person to whom section 3(5) or section 3(6) of the Immigration Act 1971 applies.

(3) A relevant application is—

- (a) an application made by the person for the grant of entry clearance, leave to enter or leave to remain in the United Kingdom (whether under or outside the immigration rules), or
- (b) an application made by the person for registration under the British Nationality Act 1981 as—
  - (i) a British citizen,
  - (ii) a British overseas territories citizen,
  - (iii) a British overseas citizen, or
  - (iv) a British subject.

#### *Exclusions*

(3) Sub-paragraph (1) is subject to the exclusions in Parts 2 and 3 of this Schedule.

#### *Definitions*

(4) In this paragraph—

*“entry clearance”* has the same meaning as in the Immigration Act 1971;

*“immigration rules”* has the same meaning as in the Immigration Act 1971;

*“leave to enter”* and *“leave to remain”* are to be construed in accordance with the Immigration Act 1971.

### **Amendment 3: Civil legal services in relation to removal directions**

Clause 22, page 25, line 1: after “priority removal notices” insert “or notice of removal directions”

Page 25, line 5, after “priority removal notices” insert “or notice of removal directions”

Page 25, line 7, after “priority removal notice” insert “or notice of removal directions”

Page 25, line 8, delete “the” and substitute “any”

Page 25, line 20, after “removal notice” insert “or further notice of removal directions”

Page 25, line 42, replace “Definition” with “Definitions”

Page 25, line 44, after “2021” delete “.” and replace with “and “notice of removal directions” means a notice under section 43 of that Act.”

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