

Status: This version of this provision is prospective.

Changes to legislation: Nationality and Borders Act 2022, Section 23 is up to date with all changes known to be in force on or before 19 April 2024. 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



Nationality and Borders Act 2022

2022 CHAPTER 36

PART 2

ASYLUM

Priority removal notices

PROSPECTIVE

23 Priority removal notices: expedited appeals

(1) After section 82 of the Nationality, Immigration and Asylum Act 2002 insert—

“82A Expedited appeal to Upper Tribunal in certain cases

- (1) This section applies where —
 - (a) a person (“P”) has been served with a priority removal notice,
 - (b) P has made a protection claim or a human rights claim on or after the PRN cut-off date but while the priority removal notice is still in force, and
 - (c) P has a right under section 82(1) to bring an appeal from within the United Kingdom (see section 92) in relation to the claim.
- (2) The Secretary of State must certify P’s right of appeal under this section, unless satisfied that there were good reasons for P making the claim on or after the PRN cut-off date (and P’s right of appeal may not be certified if the Secretary of State is satisfied that there were good reasons).
- (3) If certified under this section, P’s right of appeal under section 82(1) is to the Upper Tribunal instead of the First-tier Tribunal (and any appeal brought pursuant to such a right is referred to in this section as an “expedited appeal”).

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- (4) Tribunal Procedure Rules must make provision with a view to securing that expedited appeals are brought and determined more quickly than an appeal under section 82(1) would, in the normal course of events, be brought and determined by the First-tier Tribunal.
 - (5) Tribunal Procedure Rules must secure that the Upper Tribunal may, if it is satisfied that it is the only way to secure that justice is done in the case of a particular expedited appeal, order that the appeal is to be continued as an appeal to the First-tier Tribunal and accordingly is to be transferred to that Tribunal.
 - (6) In this section, “priority removal notice” and “PRN cut-off date” have the same meanings as in section 20 of the Nationality and Borders Act 2022.”
- (2) In section 13(8) of the Tribunals, Courts and Enforcement Act 2007 (decisions excluded from right to appeal to the Court of Appeal), after paragraph (b) insert—
- “(bza) any decision of the Upper Tribunal on an expedited appeal within the meaning given by section 82A(3) of the Nationality, Immigration and Asylum Act 2002 (expedited appeal against refusal of protection claim or human rights claim).”
- (3) Schedule 3 makes amendments consequential on this section.

Commencement Information

II S. 23 not in force at Royal Assent, see [s. 87\(1\)](#)

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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\(12\)](#)