

Status: This version of this provision is prospective.

Changes to legislation: Nationality and Borders Act 2022, Section 66 is up to date with all changes known to be in force on or before 20 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 5

MODERN SLAVERY

PROSPECTIVE

66 Civil legal services under section 9 of LASPO: add-on services in relation to the national referral mechanism

(1) Part 1 of Schedule 1 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (civil legal services qualifying for legal aid) is amended as follows.

(2) In paragraph 19 (judicial review)—

(a) after sub-paragraph (1) insert—

“Add-on services in relation to referral into the national referral mechanism

(1A) Civil legal services provided to an individual in relation to referral into the national referral mechanism, in a case where the Director has determined the individual qualifies for any services described in sub-paragraph (1) that are of a description to which sub-paragraph (1B) applies (and has not withdrawn the determination).

(1B) This sub-paragraph applies to services in relation to any immigration or asylum decision (or failure to make a decision) against which there is no right of appeal.”;

(b) after sub-paragraph (2) insert—

“(2A) Sub-paragraph (1A) is subject to the exclusions in Part 2 of this Schedule.”;

(c) after sub-paragraph (8) insert—

“Add-on services described in sub-paragraph (1A): specific exclusions

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(8A) The add-on services described in sub-paragraph (1A) do not include—

- (a) advocacy, or
- (b) attendance at an interview conducted by the competent authority under the national referral mechanism for the purposes of a reasonable grounds decision or a conclusive grounds decision.”

(3) In each of paragraphs 25, 26, 27 and 27A (various immigration matters)—

- (a) after sub-paragraph (1) insert—

“Add-on services in relation to referral into the national referral mechanism

(1A) Civil legal services provided to an individual in relation to referral into the national referral mechanism, in a case where the Director has determined the individual qualifies for any services described in sub-paragraph (1) (and has not withdrawn that determination).”;

- (b) after sub-paragraph (2) insert—

“(3) Sub-paragraph (1A) is subject to the exclusions in Part 2 of this Schedule.

Add-on services described in sub-paragraph (1A): specific exclusions

(4) The add-on services described in sub-paragraph (1A) do not include—

- (a) advocacy, or
- (b) attendance at an interview conducted by the competent authority under the national referral mechanism for the purposes of a reasonable grounds decision or a conclusive grounds decision.”

(4) In paragraph 30 (immigration: rights to enter and remain)—

- (a) after sub-paragraph (1) insert—

“Add-on services in relation to referral into the national referral mechanism

(1A) Civil legal services provided to an individual in relation to referral into the national referral mechanism, in a case where the Director has determined the individual qualifies for any services described in sub-paragraph (1) (and has not withdrawn the determination).”;

- (b) after sub-paragraph (2) insert—

“(2A) Sub-paragraph (1A) is subject to the exclusions in Part 2 of this Schedule.”;

- (c) after sub-paragraph (3) insert—

“Add-on services described in sub-paragraph (1A): specific exclusions

(3A) The add-on services described in sub-paragraph (1A) do not include—

- (a) advocacy, or

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- (b) attendance at an interview conducted by the competent authority under the national referral mechanism for the purposes of a reasonable grounds decision or a conclusive grounds decision.”

(5) In paragraph 31A (immigration, citizenship and nationality: separated children)—

- (a) after sub-paragraph (2) insert—

“Add-on services in relation to referral into the national referral mechanism

- (2A) Civil legal services provided to an individual in relation to referral into the national referral mechanism, in a case where the Director has determined the individual qualifies for any services described in sub-paragraph (1) (and has not withdrawn the determination).”;

- (b) after sub-paragraph (3) insert—

“(3A) Sub-paragraph (2A) is subject to the exclusions in Part 2 of this Schedule.

Add-on services described in sub-paragraph (2A): specific exclusions

- (3B) The add-on services described in sub-paragraph (2A) do not include—

- (a) advocacy, or
- (b) attendance at an interview conducted by the competent authority under the national referral mechanism for the purposes of a reasonable grounds decision or a conclusive grounds decision.”

(6) In Part 4 of Schedule 1 to that Act (interpretation) after paragraph 7 insert—

“8 In this Schedule—

“civil legal services provided to an individual in relation to referral into the national referral mechanism” means—

- (a) advice on the national referral mechanism, or
- (b) other civil legal services in connection with accessing that mechanism,

provided to an individual before a reasonable grounds decision has been made in relation to that individual;

“competent authority” (in relation to the national referral mechanism) means a person who is a competent authority of the United Kingdom for the purposes of the Council of Europe Convention on Action against Trafficking in Human Beings (done at Warsaw on 16 May 2005);

“national referral mechanism” means the national framework (known as the National Referral Mechanism) for identifying and referring potential victims of modern slavery and ensuring they receive appropriate support;

“reasonable grounds decision” and “conclusive grounds decision” have the same meaning as in Part 5 (modern slavery) of the Nationality and Borders Act 2022 (see section 69 of that Act).”

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- (7) Any amendment made by this section describing add-on services that may be provided to an individual where the Director of Legal Aid Casework has made a relevant determination does not apply to a determination made before the amendment comes into force.

Commencement Information

- II** S. 66 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\(12\)](#)