



Home Office

Rt Hon Caroline Nokes MP
Minister of State for Immigration

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Robin Walker MP
Parliamentary Under Secretary of State for Exiting the European Union
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Dear Robin

Thank you for your letter dated 15 April regarding automatic settled status and the waiving of fees for citizenship applications for looked after children and care leavers. We have considered the important issues raised by Ms Lewell-Buck.

Ms Lewell-Buck has stated that children in Local Authority care should be granted settled status automatically. The Home Office believes that a declaratory system, whereby a status is granted to a cohort of people without individuals having to take any action and without it being recorded anywhere, risks a repeat of the unfortunate circumstances surrounding Windrush, with individuals unable to evidence their status in future. We would certainly not want to impose such a risk on particularly vulnerable groups like children in care. The Home Office considers applications to the EU Settlement Scheme necessary to ensure that EEA citizens and their family members are able to obtain the UK immigration status which they will need in order to remain here permanently. As you have highlighted, Local Authorities will support children in care to make the appropriate application.

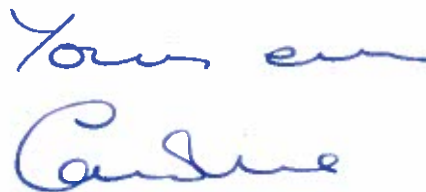
The Home Office also considers that applications for settlement and citizenship are required, rather than conferring this automatically, to ensure that it is the child's (or their guardian's) wish. There may be other considerations such as those where being granted settled status or citizenship in the UK may affect status in another country. It is also important to note that any sort of declaratory system would limit the Home Office's ability to carry out criminality checks before granting immigration status (or citizenship) as it would not be possible to make a blanket grant of leave by statute conditional on criminality checks on an individual. This reduces our ability to protect the public from serious and persistent criminals.

Ms Lewell-Buck suggests that Local Authorities have care plans for each looked after child which record nationality and therefore identifying such children should not be too difficult or onerous to confer automatic status. However, the Home Office does not have access to this information, and therefore relies on local authorities informing us. As highlighted above, this can be done through making an application to the EU Settlement Scheme, or for Leave to Remain, where necessary, with the support of the Local Authority.

Safeguarding the welfare of children continues to be a priority for the Home Office, and one which is taken very seriously. For this reason, the Home Office provides for exceptions to the need to pay application fees for limited and indefinite leave to remain, in a number of specific circumstances. These exceptions ensure that the Home Office's immigration and nationality fee structure complies with international obligations, including in relation to refugees and persons deriving rights under the ECHR and wider government policy and the protection of vulnerable children, such as those in Local Authority (LA) care.

Applying for British nationality is not mandatory and many individuals who have settlement/ indefinite leave to remain (ILR) status choose not to apply. This is because, in addition to lawful permanent residence in the UK, a person with indefinite leave to remain has full access to the UK labour market, education, healthcare and the ability to sponsor family members' residence in the UK.

Should an individual wish to obtain British Citizenship, they are required to submit an application and pay the relevant fee. We constantly strive to achieve the right balance between ensuring that individuals are able to obtain status in the UK and access appropriate services, without adding burden to the taxpayer. I continue to review all fees and consider the representations made in the House and in other fora on child citizenship.

A handwritten signature in blue ink, appearing to read 'Caroline Nokes', is written over a faint, illegible background.

Rt Hon Caroline Nokes MP
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