



Home Office

Rt Hon Yvette Cooper MP
Chair, Home Affairs Committee
House of Commons
London,
SW1A 0AA

Kevin Foster MP
Minister for Future Borders and
Immigration

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04 May 2021

Dear Ms Cooper,

The British Nationality Act 1981 (Immigration Rules Appendix EU) (Amendment) Regulations 2021

I am writing to inform you The British Nationality Act 1981 (Immigration Rules Appendix EU) (Amendment) Regulations 2021 have been laid in Parliament in draft and, subject to approval by a resolution of each House of Parliament, will be signed. The Regulations are being made using the delegated power contained in section 5 of the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020.

The Regulations are being laid in order to protect the nationality rights of children who might otherwise be affected adversely by the 30th June 2021 deadline for applications to the EU Settlement Scheme. We have included in the Immigration Rules the ability for an application to be granted after this date where reasonable grounds exist for the application deadline being missed, which includes a parent who was previously exempt from immigration control. Yet a child may be born before their parent manages to secure leave under the EU Settlement Scheme. The Regulations therefore ensure a child born from 1st July onwards can still become a British Citizen without the need for a separate application when:

- Their parent secures Indefinite Leave under the EU Settlement Scheme after the date of birth following a late application; or
- Their parent secures Indefinite Leave under the EU Settlement Scheme after the date of birth, due to an application submitted by 30th June 2021 only being resolved at a later date

Were we not to amend the British Nationality Act 1981 in this way then the parent not being settled at the time of birth would mean the child not automatically benefitting from automatic acquisition of British Citizenship. The Regulations therefore allow the granting of Indefinite Leave to activate the child's nationality rights.

While I hope this scenario will be one which rarely occurs given the numbers of people who have already applied to the EU Settlement Scheme, the unique nature of the EUSS cohort, and the importance attached to the citizenship rights of children, means it is right to provide a safety net for any child who might otherwise suffer through no fault of their own and where reasonable grounds exist for the late application being made by their parent.

The Regulations and accompanying explanatory memorandum will be available at www.legislation.gov.uk.

I will arrange for a copy of this letter to be placed in the Libraries of both Houses.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Foster', with a large flourish at the end.

Kevin Foster MP
Minister for Future Borders and Immigration