Project for the Registration of Children as British Citizens – written evidence (CCE0079)

Introduction
The Project for the Registration of Children as British Citizens (PRCBC) is a registered charitable company set up in November 2012 in order to raise awareness of registration and the importance of citizenship, as well as to support and increase the number of children and young adults who register as British citizens. We have also encountered several examples of children and young people who acquired British citizenship by birth but are without a passport and facing significant barriers to securing Home Office recognition of their citizenship – particularly where a British or settled parent is no longer contactable or is estranged and refusing to cooperate.

In the near five years of its existence PRCBC has represented over 200 children and young people to register as British citizens, or obtain British passports to prove their status. It has dealt with over 20 judicial reviews of Home Office refusals to register British citizenship. So far all those that have concluded have led to the Home Office registering the child or young person as British. We have advised numerous other individuals and organisations in person, by phone and by email.

Our experience and other research show an increasing number of children and young people have been born and spent all their life in the UK but are not British citizens; and many others have spent all or most of their life that they can remember here. They feel completely British but are not yet formally citizens and face huge barriers to becoming citizens. Very many of these children and young people born in the UK are entitled to register as British citizens. This includes children born in the UK who are stateless and who have an entitlement to register as British citizens. Those children not born here, but whose future clearly lies in the UK, may be registered as British citizens at the discretion of the Home Office. Many of these children, their parents and carers, are unaware of these rights. Children entitled or otherwise able to claim British citizenship are in many cases wrongly described as ‘migrants’ and their need for formal recognition wrongly treated as a matter to be solved by pursuing an immigration status. Depriving them of British citizenship, however, leaves them in a precarious position, subject to immigration law powers for many years and, in several cases, at risk of losing a right to register as British altogether.

The barriers to obtaining citizenship are many:

- Information – many children and young people, and their families, do not know they are not British and, therefore, do not find out about how they might be able to become British
- Legal advice – following the implementation of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, legal aid is not available for advice and representation (unless exceptional case funding is secured) on British nationality law, even for lone children, and many lawyers are insufficiently familiar with it, meaning it can be hard to find out that a right to register exists

---

1 More information about PRCBC on our website, [https://prcbc.wordpress.com](https://prcbc.wordpress.com)
2 For example, COMPAS, at [http://www.compas.ox.ac.uk/media/PR-2012-Undocumented_Migrant_Children.pdf](http://www.compas.ox.ac.uk/media/PR-2012-Undocumented_Migrant_Children.pdf) and executive summary at [http://www.compas.ox.ac.uk/media/PR-2012-Undocumented_Migrant_Children_Executive_Summary.pdf](http://www.compas.ox.ac.uk/media/PR-2012-Undocumented_Migrant_Children_Executive_Summary.pdf)
• Home Office practice – decision-making is poor, unnecessary evidential demands are made and the Home Office often fails to act on information it already holds that would confirm citizenship or an entitlement to it (e.g. the fact of a parent’s British citizenship or settled status) meaning expert legal assistance is often needed

• Fees – the fee for a child seeking to register as a British citizen is £973, well over the £386 the Home Office states it costs to process a registration claim. This means that at least 60% of a child’s registration fee is purely profit. There is no provision for fee waivers and the fee is not refunded if the application is refused. There are other or additional fees that may apply in individual cases.

• Good character – children over 10 have to satisfy the Home Office they are ‘of good character’ even when they would otherwise be entitled to citizenship. The current Home Office policy applied to children applying to register whether by entitlement or discretion is the same policy guidance as for adult migrants wishing to naturalise as British citizens. The normal provisions of the Rehabilitation of Offenders Act 1974 do not apply in relation to nationality and immigration matters, so any caution or conviction as a child can always be considered even after it is treated as spent.

This is the background from which PRCBC is responding to parts of the Committee’s questions 1 and 2.

Question 1

In PRCBC’s experience, British citizenship is of considerable importance to a child and young person’s identity. This is the case both when a child who considers and believes themselves to be British discovers that she or he is not, and when that child or young person is then registered as British. In the intervening period, the sense of not belonging is palpable for a child or young person who discovers themselves to be excluded from rights, recognition and opportunities that she or he had anticipated and which are possessed by her or his peers.

For someone who was born in the UK, or brought to this country at a young age and who may have no recollection of any other place, this feeling of exclusion may be especially powerful.

When PRCBC represents older children, who have grown up here registering as British, we ask them to write to explain why they want to become British. Some of the statements made by these children are reproduced below:

---


4 Requesting a review of a Home Office refusal is £321; confirmation of British citizenship is £234; British passport fee for a child is £46.


“British citizenship is very important for me because not having it has held me back a lot and prevented me from going on journeys with sports teams or even being a part of them. I feel like I can make the most out of having it and contribute to the country in the future. I should have British citizenship as I am a boy who is very integrated and comfortable in British society and as there are no other places I could possibly call home. I should have it in order to better my life and contribute to Britain in the future.”

16-year-old boy, parents from Nigeria, lived in UK since he was two

“Becoming a British citizen is very important for me as this would help me in my plans to study Accounting and Finance in a university. Also accounting companies such as KPMG requires its employees to have unlimited status within the UK, without the citizenship I will not be able to pursue my dreams therefore I would feel I have failed in life. Also, I am very British from heart therefore I always feel awful that I don’t have a British citizenship and when people find out that I do not hold a British citizenship some people instantly see me as an alien and treat me as if am a lesser of a person.”

17-year-old girl, parents from Pakistan, lived in UK since she was six

“As I am not a British citizen, I have felt insecure amongst my friends. Despite being fully integrated within the community and having the same upbringing as them, I feel that I am not seen as sharing the same identity as them. I feel uncomfortable explaining my situation to other people because my friends would expect me to have citizenship already and they would find it unusual if I don’t … if I was a British citizen I would feel more at ease around other people my age. It is important for me be granted British citizenship now so I can feel that I have a rightful place in the country where I grew up and so that I can maintain my current friendships and study. I want to become British because this will bring me more stability in my life. If I was British I would be able to continue my life in the country that I grew up in and remains my home.”

17-year-old girl, parents from India, lived in UK since she was four

“I believe that I am integrated into British society, my understanding of life in the UK, UK society and the UK Economics mean that in the future I hope I will be a valuable asset to the UK. I intend to use all knowledge gained and yet to gain to acquire a job where I will be able to be an active citizen of British society. I intend to continue to grow up here, purchase my own home as well, raise my family in this country as work here.”

17-year-old boy, parents from Nigeria, lived in UK since he was four

“I only imagine my future living in this country, and this is my only home. ... I want to become a doctor to help people from all over the world who live or visit the U.K. ... I am an optimistic and social person but sometimes I do feel worried and stressed out having only been granted Leave to Remain and not British citizenship. I believe that I should be granted British citizenship as I am already integrated into British society and have been living here since I was a child.”

17-year-old girl, parents from Pakistan, lived in UK since she was five

Question 2

British citizenship is not solely acquired by birth or attained through naturalisation. Children’s rights to register as British citizens are not well known and have long been and continue to be overlooked or ignored. This is at the heart of why tens of thousands of children and young people are effectively deprived of British citizenship to which very many are entitled, and others could secure, by registration. There are several reasons why it is vital the Committee does not replicate
this oversight. Firstly, children cannot naturalise. They may register as British citizens. Secondly, and especially important, naturalisation is a matter of discretion whereas for the majority of affected children registration is a statutory right. Whereas the Home Office policy and practice consistently fail to understand or respect the distinction, naturalisation is intrinsically linked to immigration status. Registration is not. Settled status (indefinite leave to remain) is a precondition for naturalisation. Registration by entitlement is of persons born in the UK. Not only have such persons no need for an immigration status, they are not migrants. Thirdly, failing to recognise registration rights of children and young people, or to distinguish this from immigration and adult naturalisation, repeatedly leads to situations in which children’s rights are simply overlooked either because their rights are not recognised as independent of parents or guardians or their citizenship rights are never considered; or both.

The foregoing is a vital consideration, which should underpin the Committee’s consideration of citizenship. We do not make submissions on the other questions on which the Committee are consulting. However, if rights to register as British are not kept firmly in mind, there is a very real risk the Committee will make recommendations in relation to such concepts as ‘civic engagement’, ‘active citizenship’, ‘rights and responsibilities’, which would further exclude and deprive children of British citizenship, including where it is their statutory right.

Any such result would be a serious blow to these children’s best interests, which are already very far from respected, leaving many children and young people in the UK to suffer various deprivations, exclusions and risks by reason of their not having British citizenship even when born in the UK and entitled to obtain it. A child or young person may be deprived of the opportunity to hold a British passport, and thereby to travel overseas. She or he may be excluded from free healthcare, lawful employment, rented accommodation, social assistance or a student loan. She or he may be unable to vote or to pass on British citizenship to her or his child. She or he may be at risk of immigration powers, policies and practices including powers to detain, remove or deport her or him; or being required to make repeated applications for short periods of leave to remain for many years, potentially at significant cost and at risk of prohibitive changes to rules or fees. For many these concerns become increasingly acute at or as adulthood approaches, but for some the impact may be at a much younger age.

Our recommendations

A key over-arching recommendation for the Committee, therefore, is to remove or mitigate the existing barriers to tens of thousands of children and young people in the UK exercising their rights to register as British, and thus to fuller participation in society. This could be done by:

Recommendation 1

The Home Office should ensure that children’s best interests are a primary consideration in its nationality decision-making, and its statutory duty to promote the welfare of children is actively respected in this area of its work.

Recommendation 2

The Home Office should ensure that it does not impose unnecessary and inappropriate evidential hurdles in policy or practice to children exercising their right to register as British or to securing a passport or other formal recognition of their British citizenship. The Home Office should also facilitate a child’s right to British citizenship where it can confirm matters material to the child’s entitlement from its own records (e.g. confirming the nationality or settled status of a parent).
**Recommendation 3**
The Home Office should ensure that its consideration of the ‘good character’ requirement in children’s British citizenship registration respects and relates to the circumstances of children, and does not merely replicate its application of this requirement in adult’s registration or naturalisation cases. Parliament should consider removing this requirement for children’s registration or raising the age at which it applies.

**Recommendation 4**
The profit element should be removed from children’s registration fee in all cases, including where their right to register continues into adulthood. There should be a waiver of the fee for children who cannot afford it.

**Recommendation 5**
Where a child is ‘looked after’ by a local authority, there should be a fee exemption. This would prevent the shifting of costs from central to local government.

**Recommendation 6**
There should be active and effective promotion of the rights of children to register as British citizens.

**Recommendation 7**
There should be legal aid available for children to receive advice and assistance in relation to their citizenship rights.

Solange Valdez-Symonds
Director and solicitor

*6 September 2017*