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By Email Only

24 March 2022

Dear Simon

Nationality and Borders Bill: Adoption Guidance Consideration

Thank you for your comments on the revised guidance and I'm glad that we have been able to progress that so quickly and cooperatively.

On the issue of fees, it is our intention that any fee will be assessed with regards to the section of the British Nationality Act 1981 under which the individual would have been, or would have been able to become, a British citizen but for the intervening issue of legislative unfairness; the act or omission of a public authority; or exceptional circumstances relating to the individual. Therefore, as you rightly point out, any of the adoption cases would be expected to be citing s.1(5) as the part of the BNA under which they would have been British citizens, and regardless of which of the three reasons they believe affected that process. As you also say, s.1(5) operates automatically once the adoption is approved with no fee involved, and it is our intention for these cases to be treated in line with that and have no fee attached. That principle would not be affected by which of the three "but for" arguments they seek to rely upon.

A copy of this letter will be placed in the libraries of both Houses.

**Baroness Williams of Trafford
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