

The Baroness Lister of Burtersett CBE
House of Lords
London
SW1A 0PW

22 October 2025

Dear Baroness Lister,

BORDER SECURITY, ASYLUM AND IMMIGRATION BILL: HOUSE OF LORDS COMMITTEE

I am writing further to the debate in the Lords Committee on 13 October (Official Report 13 October Column 186) to provide further details in relation to the position of children in nationality Good Character guidance, and to thank you for your contribution to the debate.

We take our international obligations very seriously and the good character policy, amended in February 2025, continues to be compliant with those obligations.

In line with Article 31 of the 1951 Refugee Convention, refugees may be refused citizenship if they entered illegally having first travelled across several safe countries, or didn't provide good reason for delaying their asylum claim. Irregular arrivals by small boat are unlikely to have reached the UK without being present in a safe third country beforehand. The good character requirement is applied consistently so that, outside of the defences provided by Article 31, refugees will not be treated more favourably than any other person who has entered illegally, aligning with Article 34 of the 1951 Refugee Convention.

I also would like to reassure you that each citizenship application is already considered on a case-by-case basis considering all positive and negative factors, and citizenship may be granted on an exceptional basis if there are particularly exceptional, compelling, or mitigating circumstances and where necessary to comply with our international obligations.

Some examples of mitigating factors are already outlined in the guidance including the discretion provided for those who arrived in the UK as a child.

The policy already sets out that when assessing immigration breaches, it will normally be appropriate to disregard breaches committed when the person was a child, if it is accepted that the breach was outside of their control. Although cases must be considered on their own merits, given that illegal entry is normally considered outside a child's control, most applicants would not be held accountable for immigration breaches that occurred when they were a minor.

The British Nationality Act 1981 does not define "good character" nor is there statutory guidance; instead, it is governed by published policy guidance which allows the Secretary of State significant flexibility to amend the policy and exercise discretion on a case-by-case basis without requiring parliamentary approval or consultation. Amendments can take effect immediately upon publication on gov.uk, allowing Ministers to respond quickly to changing circumstances and complexities. Given the broad discretion already provided under the British Nationality Act 1981, we feel introducing legislative changes would unnecessarily restrict this flexibility.

Given that character assessments encompass a wide variety of factors which may have taken place at any point during an applicant's life, it is important to ensure clarity both for applicants and decision makers. As such character assessments are made in line with the policy in place at the time of the decision, and we do not consider there should be an expectation that a person will benefit in the future from more generous provisions which may currently exist, but which will no longer exist at the point in time they become eligible to make a further application.

This approach provides assurance that the policy can remain reactive and reflective of current trends and concerns and align with wider immigration system changes should they occur. This position has been taken in previous policy changes including where the good character criminality thresholds were amended in 2022 to align with those in the Immigration Rules.

I look forward to further debate of the Bill as it progresses to Report stage, commencing on 28 October.

I will place a copy of this letter in the library of the House.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'J. Hanson', written in a cursive style.

Lord Hanson of Flint