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8 January 2018

Dear Minister

**Re: Independent Chief Inspector of Borders and Immigration recommendations concerning the application of the good character requirement in the registration of young people as British citizens**

In July 2017, the chief inspector published a report of *a short inspection of the Home Office's application of the good character requirement in the case of young persons who apply for registration as British citizens*. In that report, he made two recommendations.

The Home Office response was published on 13 July 2017. It accepted both recommendations and committed to updating guidance to ensure it is appropriate to children, does not wrongly treat children as adults, allows for appropriate use of discretion in children's cases and complies with Home Office duties in respect of children. It committed to publishing the updated guidance by the end of December. We were pleased to see the positive Home Office response to the chief inspector's recommendations, but note the deadline has passed and that, so far, no updated guidance has been published.

The Project for the Registration of Children as British Citizens (PRCBC) has long been aware of many children unable to register as British citizens, including where their registration should be by entitlement, because of the way in which the Home Office applies the good character requirement. In particular, we note the failure to make any

Project for the Registration of  
Children as British Citizens  
(PRCBC) is hosted by Migrants  
Resource Centre



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distinction between children and adults in applying that requirement; and the failure to adopt the approach required by the High Court in *R (SA) v Secretary of State for the Home Department* [2015] EWHC 1611 (Admin).

This seriously and adversely affects these children's welfare, development and opportunities – from leaving them at risk of immigration measures to being denied access to educational, travel and other opportunities and services available to their peers. The following are just some of those consequences of which PRCBC has had direct experience in relation to children and young people entitled to British citizenship: being detained to be removed from the UK; losing their opportunity to register as British on becoming adults and thereafter being treated as illegal migrants ineligible to work, study, access health care and treatment, have a driving licence, open a bank account; and being unable to accept offers of higher education places because they cannot obtain student loans or are ineligible for home student fees.

Please would you urgently address this outstanding commitment, and inform us what has been done to date to meet it and when the guidance will be ready for publication. The absence of action in producing updated guidance is likely to lead not only to the negative consequences on children's welfare, outlined above, but also to further litigation and costs to the public purse. As you may be aware, PRCBC has had to take court action because of the application of the current adult guidance and the sometimes drastic consequences for young people's lives. We hope it will not be necessary to litigate further on this issue.

As the only organisation in the country specialising in advising and assisting children about citizenship, we would be happy to comment on any draft guidance that may be available. We would be happy to meet with you to discuss our experience further.

Yours sincerely

Solange Valdez-Symonds

Solicitor and Director, PRCBC

cc: Independent Chief Inspector of Borders and Immigration  
Law Society Immigration Committee  
Immigration Law Practitioners' Association  
Children's Commissioner for England  
Children's Commissioner for Wales  
Children and Young People's Commissioner Scotland  
Northern Ireland Commissioner for Children and Young People