



Rt Hon Caroline Nokes MP
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Sent by e-mail: public.enquiries@homeoffice.gsi.gov.uk

Dear Minister

Re: Nationality applications

From 10.00 am today, your department has sent out a series of email updates concerning nationality applications. We are writing because several of these updates contain the significant misrepresentation that specified nationality applications must be made online. The relevant text in the email updates reads:

“10:00am, 22 March 2019: You must now apply online.”

There is no power in law to mandate that nationality applications must be made online. The British Nationality (General) Regulations 2003, SI 2003/548 (as amended) merely require, at paragraph 1 of Schedule 1, that:

“An application shall be made in writing...”

Section 41(1)(b) of the British Nationality Act 1981 empowers the Secretary of State to prescribe the manner in which applications may or must be made. That power is exercisable by making regulations. The relevant regulations are the British Nationality (General) Regulations 2003. As detailed above, those regulations do not mandate that an application be made online.

Project for the Registration of Children as British Citizens
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Accordingly, the email updates your department has sent out misrepresent the law. Any enforcement of that misrepresentation would be unlawful.

Prompted by these email updates, we have been alerted to online changes that have removed the paper forms for making nationality applications. Links for making applications online have been substituted for the paper forms that previously were available to be downloaded. Although the online information states that the online process is an alternative to use of the forms that have been removed, the email updates your department has sent contradict this and the forms are unavailable.

Please would you, therefore, urgently:

- (a) issue correction to the email updates?
- (b) confirm by reply, online and direct to anyone who has received today's email updates that there is no requirement that applications are made online; and that no application will be treated as invalid or otherwise rejected by reason of not being made online?
- (c) make available online the relevant paper forms that have been removed, which the online information states are an alternative to making an application online?
- (d) correct the online information to remove the implication that either the paper form or online process must be followed (neither is mandated by the regulations)?

The email updates containing this misrepresentation risk causing considerable distress. They suggest a profound procedural change has been made overnight with no warning. The nationality applications that they relate to are of obvious importance to the people making them. Moreover, some of these applications concern statutory rights and entitlements that are time-limited – e.g. those contained in section 1(3) and section 3(1), which do not continue beyond a person's reaching majority age. Thus, for example, a person who is nearing the age of 18 and has made an application under either of these provisions around this time may be extremely worried that your department may treat her, his or their application as invalid, particularly if there would no longer be time to make a new application because she, he or they have now turned or are about to turn 18.

Yours sincerely



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