



Government Bill 262

**House of Commons
Committee of the Whole House
27 & 28 March 2023**

British citizenship

Sadly, almost ever since Parliament created British citizenship by passing the British Nationality Act 1981, there has been a profound lack of respect, understanding or care for the citizenship of the United Kingdom on the part of those charged with its guardianship. The Project for the Registration of Children as British Citizens (PRCBC) was established over a decade ago for this very reason.

This Bill provides another example of that lack of respect or understanding. An example that is or ought to be especially offensive to all British citizens, whose citizenship it robs of legitimacy and equality. The Bill seeks to remove the citizenship rights of people whose identity and connection as British is established by Act of Parliament.¹ The people who are to be deprived of their citizenship rights are all people whose entitlement to that citizenship is provided by the British Nationality Act 1981 for the purpose of making this nation's citizenship the possession of all British people connected to the United Kingdom. Disenfranchising British people in the way this Bill intends is, therefore, an affront to any true notion of citizenship and to any constitutional, democratic or political legitimacy that depends upon it.

It is difficult, in the circumstances, to believe that ministers and their supporters truly understand the Bill they have created.

The people to be deprived of their citizenship rights are largely comprised of two groups, each of whom made up of people entitled to British citizenship. There is a third group, which is solely made up of children.

¹ Many of the relevant citizenship rights are explained in the PRCBC booklet *Children and their Rights to British Citizenship*, which is available here: <https://prcbc.org/wp-content/uploads/2022/11/children-and-their-rights-to-british-citizenship.pdf>

We emphasise citizenship rights. Whereas we do not underestimate the harm that the Bill intends for people who would wish to naturalise as British citizens, naturalisation is a separate matter that we do not address in this briefing.

People born in the United Kingdom

The first group of people the Bill would deprive of their entitlement to citizenship is solely made up of people who were born in the United Kingdom. This group is largely comprised of children. However, it includes adults born here, including people who have lived here their entire lives of several decades. This group of people are caught by the Bill's ambition to expel and permanently exclude from the United Kingdom certain family members.

The deprivation of citizenship rights of people born in the United Kingdom is intended to be done by this Bill *because* of the actions, voluntary or not, of someone else (the child's parent). The child's own identity, personhood and rights are simply ignored.

The deprivation of the child's citizenship right is to be done by the combined effect of clauses 30(4) and 31(1)(a).² These exclude the child's statutory entitlement to be registered as a citizen. Every person caught by the joint operation of these two provisions must be someone born in the United Kingdom. They must also either be someone who has lived in the United Kingdom from birth to at least the age of 10 years (but potentially years or decades longer);³ or someone who, during their childhood, has a parent who either becomes a British citizen or is permitted to stay in the United Kingdom permanently.⁴

People born overseas to British citizen parents

The second group of people the Bill would deprive of their entitlement to citizenship is solely made up of people born overseas to British citizen parents. This group is solely comprised of children. Again, the deprivation of the child's citizenship rights is to be done by the Bill *because* of the actions of someone else (the adult that sent or brought the child to the United Kingdom, including where that was done for purposes of exploiting the child). Again, the child's identity, personhood and rights are effectively ignored.

The deprivation of the child's citizenship rights is to be done by the combined effect of clauses 30(3) and 31(1)(b).⁵ Every child caught by the joint operation of these two provisions must be someone who was born to a British citizen;⁶ and some of the children to be caught by these two provisions may be someone who was born to parents both of whom were British citizens.

Children brought to the United Kingdom

² These provisions combined relate solely to section 1(3) and (4), British Nationality Act 1981

³ A requirement of section 1(4), British Nationality Act 1981

⁴ Alternative requirements of section 1(3), British Nationality Act 1981

⁵ These provisions combined relate solely to section 3(2) and (5), British Nationality Act 1981

⁶ A requirement of both section 3(2) and (5), British Nationality Act 1981

This third group solely concerns children brought to the United Kingdom. The British Nationality Act 1981 provides the Secretary of State with an unfettered discretion to register any child as a British citizen.⁷ A vital purpose of this is to ensure that children who are British by identity and connection are not excluded from citizenship merely because Parliament has been unable to precisely specify every single situation in which that identity and connection is established.

As with the previous examples, the deprivation of the child's citizenship rights is to be done by the Bill *because* of the actions of someone else (the adult that sent or brought the child to the United Kingdom, including where that was done for the purposes of exploiting the child). Again, the child's identity, personhood and rights are effectively ignored.

The deprivation of the child's citizenship rights is to be done by the combined effect of clauses 30(3) and 31(2)(a)(i).⁸ The only children caught by the joint operation of these two provisions are children who, but for the Bill, would have established that their connection is clearly to the United Kingdom, generally on the basis that the child's future clearly lies in the United Kingdom. This is, therefore, yet further example of an offensive and dangerous attitude underpinning this Bill to citizenship and rights to it, not to mention to children.

Other British nationalities

There are similar provisions relating to people who are British by reason of connection to other British territories and with entitlements to citizenship of those British territories – particularly British overseas territories citizenship and British overseas citizenship. Although we have not addressed these directly, the inclusion of these entitlements within the scope of the Bill's provisions for depriving people of citizenship rights is offensive for the same or similar reasons described in relation to British citizenship.

Conclusion

With all due respect to ministers, the inclusion of citizenship rights within the scope of this Bill is profoundly misconceived and harmful. It is especially harmful to children. However, it is equally harmful to British citizenship and the very purpose of that citizenship.⁹ The relevant provisions in this Bill ought to be swiftly abandoned. Moreover, the fact of their ever having been included ought to emphasise the urgent need for Parliament and Government to radically review and revise their understanding and treatment of rights to British citizenship more generally – for the good not only of individual people but for the legitimacy and purpose of the citizenship of this country.

⁷ Section 3(1), British Nationality Act 1981

⁸ These provisions combined relate solely to section 3(1), British Nationality Act 1981

⁹ That purpose is more fully discussed in the PRCBC commentary on the *Hansard* record of the parliamentary debates on the bill that became the British Nationality Act 1981, which is available here: https://prcbc.files.wordpress.com/2019/07/commentary_-hansard-bna-1981- registration aug-2018-2.pdf

Appendix: Proposed Probing Amendments [Bill 262: British citizenship](#)

Clause 30, page 35, after line 29, insert –

“() Nothing in this Act shall exclude any entitlement to British citizenship under the British Nationality Act 1981 of any person born in the United Kingdom or born to a British citizen.”

Clause 30, page 35, after line 29, insert –

“() Nothing in this Act shall exclude any entitlement to British citizenship under the British Nationality Act 1981.”

Purpose

To protect citizenship rights. The second version is technically the better. But the first version is more explicit about the fact that most of what is being done is being done to people born in the UK or born to a British citizen.

Clause 30, page 35, delete lines 34 to 36.

Purpose

To exclude people born in the United Kingdom from loss of their citizenship rights for anything done by or done to one or their parents when that parent entered or arrived in the United Kingdom. The previous amendments on citizenship are technically better.

Clause 31, page 36, delete lines 31 to 32.

Purpose

To remove the exclusion of citizenship rights of people born in the UK whose first 10 years of life is in the UK, or whose parent is permitted to stay permanently or whose parent becomes a British citizen. Possibly less useful an amendment in present circumstances in which there is to be no line-by-line consideration as there would be in a Public Bill Committee.

Clause 31, page 36, delete lines 33 to 34.

Purpose

To remove the exclusion of citizenship rights of people born overseas to one or both parents who is/are British citizens. Possibly less useful an amendment in present circumstances in which there is to be no line-by-line consideration as there would be in a Public Bill Committee.

Note: Consequential amendments to clause 36 would be required to give full effect to the above probing amendments. Ultimately, however, the Bill requires radical revision to remove its illegitimate incursions upon citizenship rights.

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