



Update on confirmation of British citizenship rights following a change in the Home Office position concerning how British nationality law applies to people born to EU citizen parents between 1 January 1983 and 1 October 2000 (inclusive).

This update is provided following a recent meeting with the Home Office organised by the Project for the Registration of Children as British Citizens (PRCBC) and attended by Amnesty International UK, ILPA, the3million and HM Passport Office.

Background:

The change in the Home Office position was first announced during a hearing before the High Court in October 2022. It was confirmed by the subsequent judgment of the court. On 23 March 2023, the Home Office withdrew its public-facing policy that had presented its previous position.

The Home Office has confirmed its intention to take steps to protect the British citizenship of people affected by this change. The steps it intends are:

- to immediately introduce protective operational measures (see below); and
- to, as soon as may be possible, legislate to protect people's citizenship (see below).

Protective operational measures:

The immediate protective operational measures are to:

- continue to respect the right to a British passport of anyone affected by this change to whom it has previously issued either a British passport or some other confirmation of their British citizenship (including processing any application to renew a passport); and
- find ways that may enable a person affected by this change, who has not previously been issued with a British passport or some other confirmation of their British citizenship, to secure British citizenship (or failing that, some other secure status in the UK in the interim).

Legislative intention:

The legislative intention is to amend British nationality law so that what had been understood and applied, up to at least October 2022, by the Home Office concerning

the law between 1 January 1983 and 1 October 2000 should be made law by Act of Parliament.

People affected:

The Home Office has confirmed that it understands that its change of position may affect people born in the UK to EU citizen parents between 1 January 1983 and 1 October 2000, and the children born to these people. It has also confirmed that it understands there may be circumstances in which its change of position may affect some EU citizens who naturalised as British citizens between these dates, and the children born to these people. The steps it is taking and intends to take are to apply to all people affected.

Ongoing court case:

The litigation, to which the High Court hearing in October 2022 relates, continues. Nonetheless, it is the intention of the Home Office to take and implement the steps described above, without waiting for the conclusion of that litigation. This is to secure the British citizenship of all the people affected by the Home Office change of position whatever may be the outcome of that litigation or the time it may take to be finally resolved.

For further reading:

- 21 October 2022: [Letter from PRCBC](#) to Mr Armstrong, Head of Passport and Nationality Policy at the Home Office
- 20 January 2023: The High Court judgment [Antoine Roehrig v SSHD](#)
- 20 January 2023: [PRCBC Practitioner's note](#) on the judgment
- 8 March 2023: [Letter from PRCBC, ILPA and the3million](#) to Mr Armstrong, Head of Passport and Nationality Policy at the Home Office
- PRCBC Booklet: [Children and their rights to British Citizenship](#) (November 2022)