



Project for the Registration of Children as British  
Citizens (PRCBC)  
Web: <https://prcbc.org/>

## **Practitioners' note on Antoine Roehrig (AR) v SSHD: Refusal of Permission to Appeal to Supreme Court**

1. On 31 July 2024, the Supreme Court refused permission to appeal against the decision of the Court of Appeal in [R \(Roehrig\) v Secretary of State for the Home Department \[2024\] EWCA Civ 240](#).
2. This conclusively resolves litigation of AR's challenge to the Home Office interpretation of the meaning of "settled" as given in section 50 of the British Nationality Act 1981.
3. AR was born in the UK on 20 October 2000 to a French mother, who was then exercising EU free movement rights in the UK as a worker. Had AR been born in those circumstances before 2 October 2000, on which day the Immigration (European Economic Area) Regulations 2000, SI 2000/2326 took effect, he would then have been treated by the Home Office as a British citizen.
4. AR's challenge concerned the question whether a parent exercising EU free movement rights at the time of their child's birth in the UK, between 2 October 2000 and 31 December 2020 (inclusive), was settled; and their child therefore a British citizen at birth under section 1(1)(b) of the Act.
5. The courts' final conclusion on that challenge is that a person exercising EU free movement rights in the UK, who had neither permanent residence nor indefinite leave, was, for the purposes of section 50, subject under immigration laws to a restriction on the period for which they may remain. Accordingly, such a person was not settled; and a child born to them in the UK was not born a British citizen (unless the other parent was then a British citizen or settled).
6. This is a disappointing conclusion. The litigation has nonetheless produced a highly significant and positive outcome for, among others, children born in the UK to parents exercising EU free movement rights prior to 2 October 2000. Any doubt as to their acquisition of British citizenship at birth has been removed by the [British Nationality \(Regularisation of Past Practice\) Act 2023](#), which was swiftly introduced and enacted in direct response to this litigation. This gives effect to the position the Home Office had adopted for several decades up to AR's High Court hearing in October 2023 concerning people born before 2 October 2000.

**The Claimant was represented by:** Solange Valdez-Symonds, instructing solicitor, Project for the Registration of Children as British Citizens (PRCBC), Adrian Berry (Garden Court Chambers) and Admas Habteslasie (Landmark Chambers).

We are grateful to Steve Valdez-Symonds for his support and input before and during these proceedings.  
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