



Changes to Home Office guidance on good character requirement for citizenship

1. The Home Office has amended its guidance on how it intends to apply a requirement of good character to applications for citizenship.¹ The guidance now states that an application for citizenship made on or after 10 February 2025 should normally be refused if someone has ever:
 - (i) entered the UK without permission; or
 - (ii) come to the UK without permission by a dangerous journey.²
2. This appears to be a response to criticism of the Government's decision to repeal large parts of the Illegal Migration Act 2023.³ The Government has included repeal of various provisions in the bill it has recently introduced to Parliament.⁴ These include provisions that would bar people from ever being granted citizenship on the basis of coming to the UK in those circumstances.⁵
3. The main effect of the guidance, therefore, is to reproduce the bar to citizenship that the repeal of the Illegal Migration Act 2023 would remove.⁶ The people affected appear to include:
 - (i) refugees who may have come to the UK without permission because there was no other way for them to seek asylum here; and
 - (ii) people who are entitled to British citizenship but enter the UK without permission because they mistakenly believe they do not need permission to do so.⁷
4. However, the affect for refugees is made unclear because the revised guidance includes a broken link to additional considerations for refugees. It is not known, therefore, what may be intended by additional considerations.⁸
5. Guidance is not, however, the same as legislation. It is important that the provisions in the Illegal Migration Act 2023 should be repealed. Repealing them will leave scope for further discussion or litigation about the general effect of the guidance or about how it is to be applied to any particular person.

Amnesty UK and PRCBC, 11 February 2025

¹ *Nationality: good character requirement*, version 5.0, 10 February 2025

² See sections of the guidance on 'Illegal entry' and 'Arriving without a required valid entry clearance or electronic authorisation, having made a dangerous journey'.

³ See e.g., 'Labour eases checks on illegal migrants', *The Telegraph*, 1 February 2025

⁴ Border Security, Asylum and Immigration Bill

⁵ Section 31ff, Illegal Migration Act 2023

⁶ The provisions in the Illegal Migration Act 2023 would, if brought into force, create a statutory bar to certain people being granted citizenship on the basis of how they had come to the UK. The guidance is an attempt to use the existing statutory requirement of good character that applies to many applications for British citizenship as a means to, in effect, bar more or less the same people.

⁷ This includes some children born overseas to British citizens.

⁸ PRCBC and Amnesty UK have written to the Home Office for this to be clarified