



Project for the Registration of Children as British Citizens

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Note on Jackson v SSHD [2024] EWHC 2012 (Admin)

On 31 July 2024, the High Court (Sweeting J) gave his decision to refuse permission to apply for judicial review following a short oral hearing on 16 May 2024.

Permission to appeal to the Court of Appeal is being sought.

The Claimant was born and has lived in the UK all his life. He is 22 years old. He is seeking judicial review of the Secretary of State's decision to refuse to register him as a British citizen in accordance with his statutory entitlement to be so registered under section 1(4) of the British Nationality Act 1981. The Secretary of State refused to do so on grounds that she was not satisfied of his 'good character' for the purposes of section 41A of the Act.

The grounds upon which the Claimant has sought judicial review concern:

- (1) the distinction between (i) a statutory entitlement of a person born in the UK to be registered as a British citizen and (ii) the Secretary of State's discretion to naturalise an adult migrant as such a citizen;
- (2) the approach taken by the Secretary of State to applying the section 41A requirement of good character without consideration of that distinction;
- (3) a failure to give adequate reasons and/or consider relevant evidence, including expert psychiatric evidence relevant to an assessment of character;
- (4) the incompatibility of the decision with the Claimant's right to respect for private life (Article 8, ECHR); and
- (5) the disability equality impact for the purposes of the Equality Act 2010 and Article 14, ECHR (in the ambit of Article 8), having regard to the psychiatric evidence.

As is usual in a short hearing listed for renewal of the application for permission to apply for judicial review, there was not full argument on each of the grounds. It is respectfully suggested, therefore, that the judgment must be treated with care to avoid any implication that what is said in relation to each ground constitutes a sufficient consideration for the purposes of any conclusive determination of the matters in issue. Inevitably, if the Claimant is in due course given permission to apply for judicial review, there is significantly more to be said on each of these matters.

The Claimant was represented by: Solange Valdez-Symonds, instructing solicitor, Project for the Registration of Children as British Citizens (PRCBC)
Adrian Berry, senior counsel at Garden Court Chambers
2/8/2024