

Written evidence submitted by Amnesty International UK and Project for the Registration of Children as British Citizens (RTS4685)

1. This joint submission is solely concerned with the impact of the proposed changes to routes to settlement¹ upon rights to British citizenship of children born in the UK and of children brought to the UK at an early age. Before finalising this submission, we have read and considered the Government's latest proposals on settlement set out in its current consultation.²
2. With that focus, we consider the following two questions in the Call for Evidence:
 - 2.1. What is the likely impact of longer routes and stricter requirements for settlement? (While this question focuses expressly on impact upon migrant households, for reasons we address in this submission that focus is too narrow.)
 - 2.2. What potential effect could changes to eligibility for settlement have on integration?
3. This submission is divided into the following sections:
 - 3.1. **Summary:** paragraphs 4 to 7 provide a summary of the concerns addressed in this submission.
 - 3.2. **Children and their rights to British citizenship:** paragraphs 8 to 18 briefly explain key provisions of the British Nationality Act 1981 (BNA 1981) that will be significantly affected by the proposals; and paragraphs 13 to 16 highlight the key misunderstanding in the Government's White Paper³ that relates to the concerns addressed in this submission.
 - 3.3. **Impact of longer routes to settlement for parents:** paragraphs 19 to 32 address the Question in the Call for Evidence on impact of longer more restrictive routes to settlement – in doing so we note that it is not only migrant parents or migrant households affected by these proposals.
 - 3.4. **Effect on integration:** paragraphs 33 to 37 address the Question in the Call for Evidence on the impact of the proposals on integration.
 - 3.5. **Comparisons with other countries:** paragraph 38 briefly explains why in relation to the specific matters raised in this submission it may be unsafe to make comparisons for the purpose of responding to the Question in the Call for Evidence concerning evidence from other countries.
 - 3.6. **Recommendations:** paragraph 39 makes recommendations arising from the matters raised in this submission.

¹ Indefinite leave to enter or remain each constitute settlement (a right to permanent residence).

² *A Fairer Pathway to Settlement: A statement and accompanying consultation on earned citizenship*, CP 1448, November 2025

³ *Restoring Control over the Immigration System*, CP 1326, May 2025

Summary

4. The British Nationality Act 1981 (BNA 1981) created the nationality of the UK (British citizenship) and based this on a principle of connection to the UK. The right to British citizenship is therefore provided to people identified as connected to the UK. The Act, as befitted a new constitutional settlement of British nationality law, was the culmination of a process spanning two Parliaments and Governments, including a Green Paper, a White Paper, and protracted and detailed consideration of a Government bill by each House of Parliament. The BNA 1981 ended *jus soli* (meaning birth in the UK ceased to be sufficient to acquire British nationality) to avoid British citizenship being acquired by children born in the UK who did not grow up here. However, the Act purposefully protected the rights of children born in the UK who did grow up in the UK. This was itself the subject of detailed consideration in each House. The clear aim was to ensure that ending *jus soli* did not deprive these children of British citizenship by securing their British citizenship at the earliest opportunity. Particular significance was given to settlement in the UK of a child's parents. Accordingly:
 - 4.1. A child born in the UK to a settled parent is a British citizen at birth.⁴
 - 4.2. A child born in the UK acquires an entitlement to be registered as a British citizen, during their childhood, if a parent becomes settled (or a British citizen).⁵
 - 4.3. A child born in the UK who lives in the UK up to the age of 10 acquires an entitlement to be registered as a British citizen (whatever the status of their parents).⁶
5. The proposed changes would significantly increase the number of children who are born in the UK without British citizenship even though their futures lie here. This would be caused by delaying or obstructing their parents from becoming settled. More children born in the UK without British citizenship would also reach the age of 10 before first acquiring an entitlement to be registered as citizens. Again, this would be caused by delaying or obstructing their parents from becoming settled. These consequences would, as is more fully explained in this submission, increase the number of children (and adults) for whom the right to be registered as a British citizen by reason of birth in the UK and continued residence to age 10 is of such importance. The impact of existing barriers to these children's citizenship rights notwithstanding their entitlement to British citizenship would also increase. The alienation caused by this would also increase. We have witnessed over several years the considerable harm and alienation that is already caused to children, and the adults they become, by existing barriers to their citizenship rights, which the proposals threaten to increase.
6. The proposed changes would also increase work and costs to the Home Office, local authorities, and other public and private bodies – i.e., work and costs to fulfil people's right to British citizenship; and/or to address the impact of their remaining without that citizenship upon various matters of ordinary life in the UK. The most immediate reason for increased work and costs would be the increased number of children growing up in the UK without British citizenship having been born here.

⁴ Section 1(1)(b), BNA 1981

⁵ Section 1(3), BNA 1981

⁶ Section 1(4), BNA 1981

7. For reasons addressed in this submission, there is an urgent need to repair the injustice and alienation already caused by too little understanding or respect for rights to British citizenship, particularly by registration under the Act. Implementing the proposed changes would emphasise this urgency by increasing still further the number of people affected by this lack of understanding and respect for the UK's nationality. This is necessary to fulfil an original purpose that not only remains good but has never formally been revisited. That purpose, concerning the creation of rights to be registered as a British citizen in childhood, was clearly expressed by the Minister who steered what is now the BNA 1981 through Parliament:⁷

"This is the fundamental position that we have adopted. We believe that it is extremely important that those who grow up in this country should have as strong a sense of security as possible."

Children and their rights to British citizenship

8. On 1 January 1983, the BNA 1981 took effect. This Act created a new nationality specific to the United Kingdom and the people connected to it. That nationality is British citizenship.

Children born in the UK:

9. In creating British citizenship, Parliament ended *jus soli* (the principle whereby nationality is acquired by birth on the territory) as a basis for acquiring British nationality. Parliament decided that mere birth in the UK would be insufficient to establish the connection to the UK of someone born to parents who were not British citizens if it were unclear whether the newborn child's future would be in the UK or elsewhere. However, Parliament was acutely aware that many children of migrant or non-citizen parents would grow up in the UK and hence be as connected to this country as their peers. The BNA 1981, therefore, establishes various rights of children born in the UK to British citizenship. Of particular importance are:
 - 9.1. Children born in the UK to a British citizen acquire British citizenship at birth.⁸
 - 9.2. Children born in the UK to a settled parent acquire British citizenship at birth.⁹
 - 9.3. Children born in the UK to a parent who becomes a British citizen or settled acquire a statutory entitlement to be registered as a British citizen during their childhood.¹⁰
 - 9.4. Children born in the UK acquire a statutory entitlement to be registered as a British citizen if this country remains their home through their first ten years of life.¹¹
10. The clear intention was that children born in the UK should secure British citizenship as soon as it becomes clear their connection is to the UK, or their future lies here. This was made express during the passage of the British Nationality Bill 1980-1981. Settlement of a parent is, therefore, of especial importance because it indicates the parent's future is clearly set in the UK. The child, if not already connected to the UK (e.g. because they are too young), will become connected because they will be growing up here identifying as British. At the time, it

⁷ Hansard HC, Standing Committee F, 24 February 1981 : Col 177 *per* Timothy Raison MP

⁸ Section 1(1)(a), BNA 1981

⁹ Section 1(1)(b), BNA 1981

¹⁰ Section 1(3), BNA 1981

¹¹ Section 1(4), BNA 1981

was clearly contemplated that parents would normally become settled long before a child reached the age of 10 years.

11. Fulfilment of this intention depends on public and official understanding of the following matters. First, that birth in the UK is insufficient to secure British citizenship. Second, that a British birth certificate does not establish citizenship. Third of children's rights to be registered as a British citizen. Fourth of the vital importance of acting on these rights. PRCBC's work has contributed to raising awareness about all these matters. Nonetheless, many thousands of children continue to grow up in the UK effectively deprived of British citizenship because of insufficient understanding and respect for these matters – including policy decisions to withdraw access to legal aid, introduce high and above cost-recovery fees for registration, and general lack of awareness of citizenship rights.

Children brought to the UK:

12. The BNA 1981 establishes (a) when children born outside the UK to British parents acquire British citizenship at birth¹² and (b) circumstances in which such children may acquire an entitlement to be registered as British citizens.¹³

General discretion to register children as British citizens:

13. The Act also includes general discretion for the Home Secretary to register any child as a British citizen if she thinks fit.¹⁴
14. Among the children for whom this discretion is especially important are children brought to the UK at an early age, who grow up here identifying as British much like their peers who were born here. The questions that arise in an individual child's case are whether the child has become connected to the UK and/or whether the child's future clearly lies here. However, these questions fall to be considered on a case-by-case basis according to the evidence and facts. That parents have become settled may be especially important because it clearly indicates that the child's future lies in the UK.

The Government's White Paper:

15. The White Paper states:¹⁵

"We will introduce reforms to citizenship to align to earned settlement reforms, building on the expansion of the Points-Based System to settlement and citizenship."

16. The paragraphs immediately preceding this proposal assert "*a longstanding principle that citizenship in the UK, like settlement, is a privilege and not a right*"¹⁶ and conflate acquisition of citizenship by registration with naturalisation when referring to the number of people "*granted British citizenship*."¹⁷

¹² Section 2(1), BNA 1981

¹³ Section 3(2) and (5), BNA 1981

¹⁴ Section 3(1), BNA 1981

¹⁵ *Restoring Control over the Immigration System*, May 2025, CP 1326, paragraph 270

¹⁶ *Ibid*, paragraph 268

¹⁷ *Ibid*, paragraph 269

17. The Government is in danger of repeating past and continuing mistakes that wrongly treat registration and naturalisation as a British citizen as akin to each other or essentially the same. However, registration is generally by express statutory entitlement. It is not a mere privilege but very clearly a right – a right established by Parliament following a long and careful process of consideration of British nationality law. Its purpose is to secure, by right, the citizenship of people identified as connected to the UK in circumstances where other provisions for acquisition of citizenship are inadequate to achieve that. The provisions outlined in this submission concerning children born in the UK, which were expressly to ensure that ending *jus soli* did not deprive British children of their citizenship, provide one example of how registration is intended to fulfil that purpose.
18. Accordingly, although we welcome the express indication that the Government will consider reducing “...financial barriers to young adults, who have lived here through childhood, from accessing British nationality”, it remains necessary for the Government to correct its misunderstanding of citizenship rights (which arises from wrongly conflating registration and naturalisation). Any failure to do so in the context of its proposals on settlement (and on ‘earning’ citizenship)¹⁸ will perpetuate – and significantly worsen – the injustice and alienation already experienced by people with rights to British citizenship. If so, far from putting right “appalling injustices [done to] members of the Windrush community,” as the Government intends,¹⁹ it will repeat these injustices by continuing to deprive, disproportionately Black and other ethnically minoritised British people of their citizenship rights.²⁰ The Government’s current consultation barely recognises the circumstances of children born in the UK, merely stating that it “will take full account of the appropriate pathways to settlement and citizenship” of these and other children.²¹ On its face, this statement indicates a continued failure to understand, still less respect, the British citizenship rights of these children and the origin and purpose of these rights.

Impact of longer routes to settlement for parents

19. It is useful to separately consider children born in the UK and children brought to the UK.

Children born in the UK:

20. Delaying or obstructing the settlement of parents may have two immediate impacts on children born in the UK.
- 20.1. It will increase the number of children born in the UK without British citizenship. Children born during the period in which parents are further delayed or prevented from becoming settled will be born without British citizenship. The number of children needing to be registered as British citizens will increase accordingly.
- 20.2. It will delay the point at which many more children born in the UK, who need to be registered as British citizens are able to do so (because their parents’ settlement is delayed).

¹⁸ *Ibid*, paragraphs 259-271

¹⁹ *Ibid*, paragraph 161

²⁰ This is more fully addressed in [Amnesty UK’s October 2018](#) submission to the Windrush Lessons Learned Review and [Amnesty UK’s 2020 submission](#) to the Joint Committee on Human Rights inquiry on Black people, racism and human rights.

²¹ *A Fairer Pathway to Settlement, op cit*, p7

21. The combined effect of these two impacts is to significantly increase the importance of registration on the basis of being born in the UK and continuing to live here over the first ten years of a child's life.²² But for the exercise of this statutory entitlement to be registered as a British citizen, many more people will grow up in the UK alienated from their country of birth, identity, and connection. If parents or carers are unaware, unable or simply fail to act on this right to British citizenship, many more people will experience the shock of discovering, most likely in later childhood or early adulthood, that their home country does not recognise them as belonging to it in the same way as their peers. This could cause them to lose their citizenship rights (either because their particular right to be registered is limited to their childhood or because of the effect of barriers described below).
22. For several of these people, this shock is likely to be exacerbated by new barriers to their capacity to repair this situation. These barriers include Home Office fees, evidential difficulties, and lack of Legal Aid.

Fees

23. Fees to be registered as a British citizen are set far above the cost to the Home Office of fulfilling its statutory duty of registration. When the BNA 1981 was passed, there was no power to set fees above cost-recovery and it was not contemplated that the Home Office would do so. Legislation was passed in the mid-2000s to permit the Home Office to charge various fees above cost-recovery.²³ The focus was immigration-related fees.²⁴ While citizenship registration fees were included within the range of Home Office fees affected, no distinct consideration was given to registration, which was accordingly and wrongly treated as if it was merely one of the department's many immigration functions (none of which concern entitlement to British citizenship, nor generally any entitlement).
24. This is an injustice in itself since registration of children born in the UK by statutory entitlement is intended to ensure that ending *jus soli* does not deprive any of the children born and connected to the UK of this country's nationality. It is, therefore, intended to preserve equality between these children whether their citizenship is acquired at birth or by their later registration. That equality is undermined, however, by the Home Office use of its statutory duty of registration as an opportunity to raise funds to pay for the immigration system. It adds to the alienation of those affected who learn that, unlike their peers, their country's recognition of them comes at a price.
25. Registration fees are currently £1,214 for children and £1,576 for adults.²⁵ The Home Office assesses that its costs of registration are £575.²⁶ Looked after children are exempt from these

²² Section 1(4), BNA 1981

²³ Section 42, Asylum and Immigration (Treatment of Claimants, etc.) Act 2004; sections 51 and 52, Immigration, Asylum and Nationality Act 2006; and section 20, UK Borders Act 2007. These provisions have been replaced by sections 68 to 70A, Immigration Act 2014.

²⁴ See, e.g., the debates on what became section 20, UK Borders Act 2007: *Hansard* HL, 18 July 2007 : Col GC78ff (in which the minister expressly identified the fees as concerning people using the immigration system); and *Hansard* HL, 11 October 2007 : Col 414ff (in which the minister made reference to end-to-end migration).

²⁵ Table 19 of Schedule 8 (lines 19.2.1 and 19.3.1), Immigration and Nationality (Fees) Regulations 2018, SI 2018/330 (as amended). The adult fee includes the £130 fee for attending the required citizenship ceremony.

fees.²⁷ Children who can satisfy the Home Office of their inability to pay may have these fees waived.²⁸ However, there are no such fee exemptions or waivers for adults, including young adults who remain in care. Fees, therefore, become a major financial barrier for people on reaching adulthood if their citizenship has not been secured in their childhood by a parent or carer.

Evidential barriers

26. A person's entitlement to be registered as a British citizen must be proven by evidence. Where this entitlement arises under section 1(4) of the BNA 1981, it is necessary to show that the person was born in the UK and continued to live in the UK up to their tenth birthday with no absences of more than 90 days in each of their first ten years. A birth certificate will establish the person was born here. Demonstrating the person has continued to live here without excess absences can prove more difficult, the more so the longer time is permitted to pass by a parent or carer without acting on the entitlement once a child has reached age 10.
27. There are two aspects to the barriers that arise over time concerning the evidence that may be needed – such as baby books, school records, passports, etc. – to prove the person's continued presence was without any or any excess absence:
 - 27.1. Evidence may simply become lost or inaccessible so that it is impossible to prove this.
 - 27.2. Evidence may become so hard to access that it requires significant assistance and time to recover. This includes legal assistance and time which may be prohibitively costly.

Legal Aid

28. Rights to British citizenship were removed from legal aid scope in 2013.²⁹ This was done without proper understanding or consideration of these rights, which were generally and wrongly treated as if matters of immigration or naturalisation.³⁰
29. This means it is significantly more difficult for someone (or their parent or carer) to secure legal advice and assistance to understand their rights to British citizenship or act on them.

Children brought to the UK:

30. The likely impact on children brought to the UK is less predictable. However, since settlement of either a parent or the child can be a relevant factor in showing the child's future to lie in the UK, delaying or obstructing this is likely to either delay or deprive some of these children of

²⁶ Home Office visa fees transparency data

²⁷ Table 20A of Schedule 8 (line 20A.3.1), Immigration and Nationality (Fees) Regulations 2018, SI 2018/330 (as amended)

²⁸ Paragraph 8 of Schedule 8, Immigration and Nationality (Fees) Regulations 2018, SI 2018/330 (as amended)

²⁹ Part 1, Legal Aid, Sentencing and Punishment of Offenders Act 2012, commenced on 1 April 2013

³⁰ See PRCBC and Amnesty UK joint briefing to the Ministry of Justice and Legal Aid Agency, [*Why legal advice, assistance and representation on British citizenship rights should be brought back within scope of Legal Aid*](#), June 2025

the opportunity to be registered as British citizens. They may either have to wait longer to show their futures lie in the UK by reason of their or their parents' settlement; or face increasing evidential demands (and hence cost) of demonstrating their connection and future in the UK without their or their parents' settlement (and with the possibility of increased risk that an application is refused). The children affected will not ordinarily, having been born outside the UK, have any continuing statutory entitlement to be registered if they reach adulthood before acquiring British citizenship. These young people will become dependent on naturalisation as the sole means to do so. This would then make them subject to various statutory preconditions for applying to be naturalised³¹ in addition to ending any opportunity to secure a fee waiver if they cannot afford the fee (currently £1,735).³²

Conclusion:

31. The proposed changes would mean many more children born in this country would not acquire British citizenship at birth notwithstanding their future clearly lies here and they grow up with the same connection to the UK and British identity as their peers. The barriers to registration – the means by which Parliament intended that these children would not be alienated by the ending of *jus soli* – would, therefore, affect many more people. The number of British people effectively deprived of their citizenship by these barriers is already extensive and the capacity to prevent or correct that deprivation is inadequate. The impact of increasing the number of people affected by this is of grave concern.
32. The proposed changes would also be likely to affect many children brought to the UK at a young age – either delaying the point at which they could register, increasing the evidential demands to establish their connection and future lying in the UK, or preventing their registration and making them dependent on naturalisation as the sole means of acquiring British citizenship in their adulthood.

Effect on integration

33. The matters we raise in this submission already create insecurity for and alienate many people in ways that undermine the very purposes of the BNA 1981. The proposals have real potential to exacerbate this insecurity and alienation considerably – both extending its duration and impact upon some people; and increasing the number of people who suffer it. We do not here repeat the ways – outlined in the previous section (on the impact of longer routes to settlement of parents) – in which the number of people affected or the length of time for which they are affected would be increased. Instead, in this section we provide further explanation of the alienation that is caused.
34. The insecurity and alienation to which we draw attention is profound in both its practical and psychological impact. The High Court has acknowledged, on the strength of “*a mass of evidence*” that children who identify as British but are effectively deprived of British citizenship:³³

³¹ Schedule 1, BNA 1981

³² Table 19 of Schedule 8 (line 19.1.1), Immigration and Nationality (Fees) Regulations 2018, SI 2018/330 (as amended). This includes the £130 fee to attend the required citizenship ceremony.

³³ *R (PRCBC & Ors) v Secretary of State for the Home Department* [2019] EWHC 3536 (Admin), paragraph 21

“...feel alienated, excluded, isolated, ‘second-best’, insecure and not fully assimilated into the culture and social fabric of the UK.”

35. This feeling is often entrenched by significant events in a child’s life that mark them out as different. This includes being without a passport that enables them to join their friends and peers on school trips abroad or having to travel on such trips on a non-British passport and being singled out by having to pass through a different immigration queue that may also take longer to pass immigration control. It includes facing unexpected financial or legal barriers to moving on to higher education with their friends and peers.
36. However, this insecurity and alienation does not end in adulthood. Indeed, it is liable to become more not less pronounced the longer someone continues to be excluded from citizenship of the country in which they have lived from birth or from an early age. It is exacerbated by the tangible effect of being without citizenship, which makes someone liable to various immigration powers and exclusions – for example being required to repeatedly and regularly apply for permission to live and work in one’s own country; and being at least formally liable to powers of detention and removal from the country. This indignity is further exacerbated by the high cost of permission applications³⁴ and would be worsened by the proposals on settlement, which would prolong the period in which even people who have lived all their adult life and most, and in some cases all, their childhood in the UK may be required to apply for periods of temporary permission to stay before being permitted to even settle. That possibility of settlement presumes a capacity to pay large fees because, although there is some potential to secure fee waivers for temporary permission, there are no fee waivers for indefinite leave to remain.³⁵
37. This insecurity and alienation crosses generations. People born in the UK or brought here at a young age, whose citizenship rights are not secured in their childhood, in turn have children born in the UK without British citizenship – facing the same barriers as their parents to securing the citizenship that Parliament intended should be theirs. Moreover, this insecurity and alienation falls disproportionately on Black and other minoritised people. Parliament foresaw that the rights to be registered as a British citizen would be of especial importance for Black and other minoritised people in the UK when it passed the BNA 1981. It expressly recognised the importance of these rights for individuals and for good race relations.

Comparisons with other countries

38. We make no comparison with other countries in this submission. Among the reasons for this is that different countries have different rules and laws regarding their nationality. In our experience, significant misunderstandings are likely to arise by making comparisons that do not properly compare like with like. This is especially so when comparisons are made between the purpose and effect of British nationality law concerning registration of British citizenship (which concerns rights to British nationality of people identified as having connection to the UK) with naturalisation laws in other countries (or in the UK) that have no equivalent purpose or effect.

³⁴ An application for 30 months leave to remain (other than for specified categories) currently incurs a fee of 1,321 and a health charge of £2,587.50 under table 6 of Schedule 2 (line 6.1.1), Immigration and Nationality (Fees) Regulations 2018, SI 2018/330 (as amended) and under Schedule 1, Immigration (Health Charge) Order 2015, SI 2015/792 (as amended) respectively.

³⁵ An application for indefinite leave to remain currently incurs a fee of £3,029 under table 8 of Schedule 2 (line 8.1.1), Immigration and Nationality (Fees) Regulations 2018, SI 2018/330.

Recommendations

39. The following recommendations are limited to matters that arise most directly from the Government's proposed changes to routes to settlement as these affect children's rights to British citizenship:

39.1. Before finalising and implementing any proposed changes, the Government must clearly distinguish between:

- (i) registration, including statutory entitlements to be registered as a British citizen; and
- (ii) naturalisation.

39.2. The Government must undertake an assessment of the impact of its proposals on children's best interests, specifically including their rights to British citizenship.

39.3. The Government must undertake a race equality impact assessment of its proposals, specifically including children's rights to British citizenship.

39.4. The Government must review its current practices and policy in order to remove and reduce barriers to children's rights to British citizenship. The need for it to do so does not arise from its proposed changes to routes to settlement but is increased by those proposals. Particular attention should be given to:

- (a) raising awareness of British citizenship, its importance and rights to it (including statutory entitlements to be registered as a British citizen);³⁶
- (b) bringing advice and assistance in British citizenship rights back into scope for Legal Aid;³⁷ and
- (c) ending above cost-recovery fees for rights to registration and ensuring that people are not deprived of rights to British citizenship by profit making fees.

³⁶ PRCBC seeks to raise awareness including through publication and dissemination of its booklet, [*Children and their rights to British citizenship*](#) (last updated April 2025), but this is not a task that should not be left a small charity.

³⁷ As called for by PRCBC and Amnesty UK's joint briefing to the Ministry of Justice and Legal Aid Agency, [*Why legal advice, assistance and representation on British citizenship rights should be brought back within scope of Legal Aid*](#), June 2025