



## Submission to Justice and Home Affairs Committee

### Settlement, Citizenship and Integration January 2026

#### INTRODUCTION:

1. This submission solely concerns rights to British citizenship, especially rights to that citizenship by registration. Government ‘earned settlement’ proposals (“**the proposals**”) would cause further harm to these rights and the people they belong to. That harm – both the additional harm the proposals would do and that already being done – stems from a fundamental error repeated in Government policy papers.<sup>1</sup> That error is to treat registration and naturalisation as if similar or the same.<sup>2</sup> Naturalisation is important but fundamentally different to registration.
2. We urge the Committee to clearly distinguish between registration and naturalisation and urge the Government to do the same.
3. This error is widespread and longstanding. We, therefore, briefly explain British citizenship and rights to it before addressing several of the Committee’s questions. Those questions are addressed under subheadings corresponding to subheadings by which questions are grouped in the Call for Evidence. We begin with a summary of our primary concern. Recommendations are underlined throughout this submission.

#### SUMMARY OF PRIMARY CONCERN:

4. The proposals would significantly enlarge the population of people born in the UK who grow up here without British citizenship unless their right to be registered with that citizenship is understood and acted upon by their parent (or their social worker, foster parent, guardian or other carer). Birth in the UK is no longer sufficient for a child to acquire this country’s citizenship automatically. The effect of significantly delaying or preventing the settlement of many people,

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<sup>1</sup> [Restoring Control over the Immigration System](#), May 2025, CP 1326 (“**the White Paper**”), [Restoring Order and Control: A statement on the government’s asylum and returns policy](#), November 2025, CP 1418 (“**the Asylum Paper**”), and [A Fairer Pathway to Settlement: A statement and accompanying consultation on earned settlement](#), November 2025, CP 1448 (“**the Proposals Paper**”)

<sup>2</sup> For example, the White Paper states (paragraph 259) that “*settlement in the UK is a prerequisite to becoming a British citizen...*”, which is true of naturalisation but not of registration. Nonetheless, the White Paper then gives data (paragraph 269) on the number of people granted British citizenship, which conflates registration and naturalisation.

who would nonetheless be living in the UK indefinitely and/or permanently, is to cause their children born here to be born without citizenship and so needing their citizenship to be registered.

5. This threatens principles and purposes underpinning British citizenship. The British Nationality Act 1981 (“**BNA 1981**”) was expressly intended to ensure all children born in the UK continue to be recognised as British citizens if the UK continues to be their home because of their connection to this country.
6. Our primary concern with the proposals is that these, and the policy papers relating to them, pay no proper regard to these children and their citizenship rights. The implications of this are made even more serious because sight has been lost of rights to British citizenship by registration over several decades. Children (and the adults they become), who need to exercise these rights to secure the citizenship to which they are entitled, now face various, sometimes insuperable, barriers in law, policy and practice to doing so (barriers introduced without understanding or consideration of the rights and children affected).
7. This constitutes a serious alienation of people who are British by their connection to the UK, their identity, and their statutory rights. This alienation is profoundly harmful. It is contrary to any proper notion of integration and social cohesion. It falls disproportionately on Black and other minoritised people, people with experience of the care system, and other disadvantaged people. It also crosses generations. PRCBC’s experience includes people born in the UK, whose citizenship was not registered in their childhood and whose children have then also been born in the UK without British citizenship.

## **BRITISH CITIZENSHIP AND RIGHTS TO IT:**

8. The BNA 1981 created British citizenship to be the UK’s nationality.<sup>3</sup> A Green Paper<sup>4</sup> and White Paper<sup>5</sup> preceded extensive debate on the bill by both Houses of Parliament.<sup>6</sup> This reflected the constitutional significance of creating a new nationality for the UK (and other fundamental changes to British nationality law).

### ***Ending jus soli and introducing the principle of ‘connection’***

9. In creating British citizenship, Parliament adopted a new principle as the foundation for British nationality. That principle is ‘connection.’<sup>7</sup> Accordingly,

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<sup>3</sup> For further analysis, including how subsequent developments of law and policy have undermined these rights to British citizenship without considering or understanding them and the people affected, see: *Reasserting Rights to British Citizenship Through Registration*, IANLJ, Vol 34, No 2, 2020, 139-157; Vol 36, No 4, 2022, 285-299 (judicial review of registration fee); Vol 37, No 3, 2023 (section 3(1) discretion), 263-270; and Vol 38, No 2, 2024, 125-133 (good character), Valdez-Symonds & Valdez-Symonds

<sup>4</sup> *British Nationality Law: Discussion of possible changes*, April 1977, Cmnd 6795

<sup>5</sup> *British Nationality Law: Outline of proposed legislation*, July 1980, Cmnd 7987

<sup>6</sup> Nonetheless, concern was expressed inside and outside Parliament that the bill received insufficient time in the Commons (where it was considered in Standing Committee F) having regard to its constitutional nature, and its controversy and complexity: e.g., *Hansard* HL, Cols 885, 887 and 948 *per* Lord Aylestone, Lord Boyd-Carpenter and Lord Mishcon respectively

<sup>7</sup> e.g., *Hansard* HC, Report, 3 June 1981 : Cols 979-980 *per* Timothy Raison MP, Home Office Minister

British citizenship is the right of people connected to the UK (as identified by the BNA 1981). In making this new principle, Parliament rejected principles with a long history in nationality law – *jus soli* and *jus sanguinis*.

- a. As regards *jus soli*, Parliament intended to avoid that mere “*birds of passage*” born in the UK but not growing up here should acquire British citizenship without any real connection here.<sup>8</sup>
- b. As regards *jus sanguinis*, Parliament chose to maintain the limit on British citizenship being passed on to successive generations born outside British territory by parents who were themselves born outside the UK.<sup>9</sup>

10. In each case, Parliament recognised that many children, who would not be recognised as British citizens at birth, would nonetheless be or become connected to the UK just like their peers. The principle of connection required more than rights of automatic acquisition at birth in the UK to a British citizen or settled parent<sup>10</sup> or at birth overseas to a British citizen parent otherwise than by descent.<sup>11</sup>

#### ***Rights of registration to fulfil the principle of ‘connection’***

11. Parliament created rights to registration under the BNA 1981 to fulfil the principle of connection. These include the statutory entitlement of children born in the UK to be registered as British citizens either in childhood if a parent becomes a British citizen or settled<sup>12</sup> or at any time from their tenth birthday if they continue to live in the UK to that age whatever their parents’ status.<sup>13</sup> Parliament expected parents of children born in the UK would normally have become settled, or have left the country, long before the child’s tenth birthday.<sup>14</sup> By age ten, a child grown up here would in any event be “*deeply*” connected.<sup>15</sup> It was “*extremely important*” that their connection should be recognised to give them “*as strong a sense of security as possible.*”<sup>16</sup> The clear expectation was that children born and growing up here would be British citizens long before their tenth birthday. The right to be registered arising at that time was therefore a vital backstop but one expected to be needed only exceptionally.

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<sup>8</sup> e.g., *Hansard* HC, Standing Committee F, 12 February 1981 : Col 41 and 24 February 1981 : Col 183; and *Hansard* HC, Report, 3 June 1981 : Col 980 *per* Timothy Raison MP, Home Office Minister

<sup>9</sup> There was also a concern to avoid racial inequality and disharmony that would result from *jus sanguinis*: *Hansard* HC, Standing Committee F, 24 February 1981 : Col 177 *per* Timothy Raison MP, Home Office Minister

<sup>10</sup> Section 1(1), BNA 1981

<sup>11</sup> Section 2(1), BNA 1981

<sup>12</sup> Section 1(3), BNA 1981

<sup>13</sup> Section 1(4), BNA 1981

<sup>14</sup> *Hansard* HL, 7 July 1981 : Col 666 *per* Lord Belstead, Minister

<sup>15</sup> *Hansard* HC, Standing Committee F, 24 February 1981 : Col 183 and 26 February 1981 : Col 230 *per* Timothy Raison MP, Home Office Minister

<sup>16</sup> *Hansard* HC, Standing Committee F, 24 February 1981 : Col 177 *per* Timothy Raison MP, Home Office Minister

12. These rights also include the unfettered discretion under the BNA 1981 for the Secretary of State to register children as British citizens.<sup>17</sup> This enables the connection of children to be recognised in broadly two circumstances. First, where other provisions for acquisition of citizenship specified in the Act are insufficient to account for the child's particular circumstances. This includes children brought to the UK at an early age, who grow up in this country. Second, where an absence of evidence available to the child means they cannot prove they were born a British citizen or are otherwise entitled to that citizenship.<sup>18</sup>
13. Registration is, therefore, formal recognition of someone's connection to the UK. When the Home Secretary registers someone as a British citizen, she is fulfilling their right to that citizenship and the principle of connection that underpins it.

***Naturalisation – entirely distinct from registration***

14. Naturalisation concerns how the Home Secretary may allow an adult migrant to make their connection with the UK by making them a British citizen.<sup>19</sup> It is important but fundamentally different to registration.

**RECENT DEVELOPMENTS IN GOVERNMENT POLICY ON SETTLEMENT AND CITIZENSHIP:**

***Q4. What are the implications of having many long-term residents on temporary visas without access to ILR and/or citizenship?"***

15. Before answering this question, we make two observations:
- a. The Committee asks about policy intentions and what is meant by 'earned settlement' and 'earned citizenship.' We do not address these questions because they clearly relate to the immigration system and naturalisation. However, we emphasise the Government's failure to distinguish between registration and naturalisation risks undermining rights to British citizenship by applying to the former ideas and policies that belong, if they belong anywhere, solely to the latter.
  - b. The Committee also asks about public attitudes and concerns. For similar reasons, we do not address this question but caution that failing to distinguish between registration and naturalisation risks undermining rights to British citizenship and wider public understanding of these.
16. Excluding many long-term residents from ILR (settlement) would significantly enlarge the number of people connected to the UK who are born here without British citizenship. It would, consequently, enlarge the population of children in the UK dependent on their parents or other carers to understand and act on

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<sup>17</sup> Section 3(1), BNA 1981

<sup>18</sup> This is especially important to children separated from parents such as by death, abandonment, abuse, or adoption, if the child's citizenship is not confirmed (or evidence of the child's paternity, the parent's identity or status is not secured) before that separation.

<sup>19</sup> Section 6 and Schedule 1, BNA 1981

their need and right to be registered as British citizens. It would also delay the point at which many of these children could be registered as British citizens. It would be likely to enlarge the population of adults needing to understand and act on their rights to be registered as citizens because, during their childhood, their parents or other carers failed to do so. It would have a similar impact on children brought to the UK in their childhood. This is because settlement of their parent can be a relevant factor in establishing some children's future to lie clearly in the UK and hence their eligibility to be registered as a British citizen.

17. We, therefore, recommend that before pursuing its proposals any further, the Government should undertake a full impact assessment concerning British citizenship, racial equality, and children's best interests. It should establish how any implementation will ensure children's citizenship rights are secured.
18. The Government accepts it must safeguard children who enter adulthood without any immigration status in the UK.<sup>20</sup> While welcome, this commitment falls far short of what is needed. The citizenship rights of all children, whatever their immigration status, should be safeguarded when they enter adulthood without British citizenship (or it being formally confirmed) in circumstances where that citizenship is (or was) their right. To that end:
  - a. Exemption of looked after children from the citizenship registration fee should be extended to care leavers;
  - b. The fee waiver for citizenship registration that is available to children who cannot afford the fee should be extended to registration of adults who cannot afford registration;<sup>21</sup> and
  - c. The Home Office should exercise its discretion to correct past injustice by registering adults as British citizens so children, whose citizenship rights have not been secured by parents or carers, remain able to register after entering adulthood.

## **HISTORICAL AND INTERNATIONAL CONTEXT:**

19. Some questions under this subheading concern the immigration system and naturalisation. We do not answer these questions. However, we caution that faulty international comparisons are often made because these do not compare like with like – such as when comparisons are made between the processes for becoming a citizen or national in the UK and in other countries but without distinguishing between registration and naturalisation in the UK. In this way registration in the UK is wrongly treated as no different from naturalisation and then wrongly compared to naturalisation elsewhere.

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<sup>20</sup> The Proposals Paper, p26 (and see the White Paper, paragraph 267)

<sup>21</sup> This would be one means to fulfil the Government's commitment in the White Paper (paragraph 271) "*...to reduce the financial barriers to young adults, who have lived here through their childhoods, from accessing British nationality.*"

**Q3. In the light of previous errors and failings (such as the Windrush scandal), is the Home Office capable of implementing policy changes?...**

The Windrush scandal arose because the Home Office failed to respect rights of registration as a British citizen. When the BNA 1981 created British citizenship, the Windrush generation – British subjects who had moved to the UK from the Caribbean and other parts of the former Empire and made the UK their home – were identified as among the people connected to the UK. Accordingly, they were provided the right to be registered as British citizens (albeit their statutory entitlement was time-limited to encourage them to act on it).<sup>22</sup> However, the Home Office disseminated discouraging information (even misinforming people that registration would make no difference to them).<sup>23</sup> There is evidence that the Home Office discouraged registration to reduce its workload.<sup>24</sup> Many British people then lost their citizenship rights and became subject to the immigration system in the same way as non-British immigrants.

***Continuing failure to raise awareness, promote and enable registration***

20. The State still promotes no public education about British citizenship and rights to it, including by registration. Many people wrongly believe that being born in the UK makes someone a British citizen and that a British birth certificate establishes someone's citizenship. Many do not know about registration.
21. Many children, therefore, grow up in this country without British citizenship, despite it being their right, because their parents or their carers either do not understand the child is not a British citizen or do not know what needs to be done about that. Children cannot know these things by themselves. They are either too young to have any understanding or have no reason to question such matters unless and until their lives are adversely affected – sometimes devastatingly so – by being refused a passport, refused the opportunity of higher education as a home student, or experiencing some other exclusion or even immigration action (e.g., to detain or deport them). Children with absent or hostile parents and children in care are among those affected.
22. By enlarging the number of people born in the UK without British citizenship, even though this country will be their home and its citizenship their right by reason of their connection to it, the Government's proposals would significantly increase the number of young people and adults harmed in these ways. The failure to educate the public on British citizenship is liable, therefore, to harm many more British people whose citizenship is not secured in their childhood. The Government should undertake to raise public awareness (including in schools and hospitals) to ensure the rights of children to British citizenship are understood and acted upon.
23. The Committee is, therefore, right to reflect on the Windrush scandal. The Government's proposals would similarly and significantly increase the number

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<sup>22</sup> Section 7, BNA 1981

<sup>23</sup> [Windrush Lessons Learned Review](#), March 2020, HC 93 (“WLLR”), p59

<sup>24</sup> WLLR, p59

of people in need of their citizenship being registered. The need to raise public awareness concerning registration of citizenship would be increased. However, the administrative incentive to avoid the work and cost of receiving more registration applications would also be increased.

24. The critical issue, therefore, is not whether the Home Office can implement the policy changes but rather what would be the impact of their implementation. The changes would mean many more children needing their British citizenship to be registered. The impact of barriers to that would fall on more children (we discuss several such barriers in response to a later question).

**Q3. ...Should responsibility for immigration, nationality and citizenship remain with the Home Office and, if not, where should it rest?**

25. Relocating nationality responsibilities from the Home Office cannot of itself solve concerns. What is needed is distinct recognition of rights to British citizenship by registration and action to ensure these rights are fulfilled. That in turn requires a clear separation of functions of registration and confirmation of citizenship from functions relating to immigration and naturalisation.

#### **THE CITIZENSHIP PROCESS:**

26. Some questions under this subheading concern the immigration system and naturalisation. However, they have a different relevance to registration and our answers to these questions solely concerns registration.

**Q5. Is citizenship a right or a privilege? Who is entitled to citizenship?**

27. British citizenship is a fundamental right. It is acquired by right either automatically (e.g., at birth) or by registration. As previously explained, the BNA 1981 establishes when someone connected to the UK who does not have that citizenship (or is not formally recognised as possessing it) is to be registered as a British citizen.

**Q6. Does the Government do enough to promote citizenship?**

28. As explained under the previous subheading, the Government does not do enough to promote British citizenship. The Government should promote understanding of British citizenship, to whom it belongs, on what basis, and what is required of people to whom it belongs (or of their parents or other carers) to ensure their citizenship is secured (especially when it needs to be registered).

**Q1. Is the process for applying for citizenship too complex, or is complexity unavoidable?"**

29. As regards citizenship registration, complexity varies considerably. Some but not all rights to be registered as a British citizen involve legal complexity,<sup>25</sup>

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<sup>25</sup> e.g., sections 4F and 4G, BNA 1981

evidential complexity,<sup>26</sup> or both. Some also involve procedural complexity.<sup>27</sup> Some complexity is unavoidable, but it could and should be reduced. We briefly highlight some of the most significant concerns relating to complexity:

- a. Rights to British citizenship were wrongly treated as matters of immigration law and removed from legal aid scope in 2013. Legal aid should be reinstated to assist with these fundamental rights.<sup>28</sup>
- b. Procedural complexity and excessive evidential demands should be removed from the process by which a child, who cannot afford the fee for registration as a British citizen, may apply for that fee to be waived. For example, for fee waivers, receipt of means-tested social security should be treated as ‘passporting’ and the Home Office should stop routinely demanding extensive evidence of finances of all adults in a household other than the child’s parents.<sup>29</sup>
- c. No fee for registration of British citizenship should be charged at above cost-recovery. Since British citizenship by registration is a right (based on the same connection as those who acquire that citizenship automatically), it is inappropriate for the Government to charge above cost-recovery. This inequality among people connected to the UK, some of whom are effectively taxed for their citizenship, is aggravated if someone is not registered in childhood because there is no fee waiver for adults.<sup>30</sup>
- d. Profound misunderstanding of registration, and to whom it applies, lay behind the introduction of a statutory good character requirement for people aged 10 years or older.<sup>31</sup> This injustice is compounded by the requirement being implemented by the Home Office in the same way it operates a character requirement for naturalisation and far more extensively than was suggested to Parliament when ministers first introduced it.<sup>32</sup> The good character requirement for registration should be repealed. At minimum, and pending repeal, the Home Office should be required to operate it in ways that clearly distinguish between offences in childhood and in adulthood, do not obstruct the rehabilitative aims of the youth justice system, have regard to mental illness and learning disability, have regard to child criminal exploitation and other

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<sup>26</sup> e.g., where someone must show, in some cases years or decades after the event, continued residence in the UK such as under sections 1(4) and 3(2), BNA 1981

<sup>27</sup> This is especially so with online procedures (though these are not mandatory)

<sup>28</sup> [Why legal advice, assistance and representation on British citizenship rights should be brought back within scope of legal aid](#), PRCBC & Amnesty UK, 17 June 2025

<sup>29</sup> [Fee Waiver Applications \(Children’s Citizenship Fee Waiver\)](#), PRCBC & Amnesty UK, September 2024, a submission to the Independent Chief Inspector of Borders and Immigration

<sup>30</sup> PRCBC’s [Briefing for Parliamentarians on Home Office Fees for children registering as British citizens](#), April 2018 discusses this further

<sup>31</sup> See PRCBC & Amnesty UK written submission to the Joint Committee on Human Rights for its scrutiny of the Draft British Nationality Act 1981 (Remedial) Order 2019 ([DBA0007](#))

<sup>32</sup> As discussed in PRCBC [research, briefings, and other material on good character](#)

child abuse, and distinguish between the right to be registered as a British citizen and the discretion to naturalise adult migrants to the UK.<sup>33</sup>

- e. The discretion to register a child as a British citizen is unfettered. There is clear judicial authority that this must not be fettered by applying internal Home Office guidance as if this establishes rigid rules, yet the department repeatedly does just that. Training, supervision, and guidance are needed to assist Home Office decision-makers to understand registration, including by discretion, and its role in ensuring British citizenship is secured for all people connected to the UK, particularly children growing up here.

## **APPLYING FOR CITIZENSHIP AND ITS IMPACT ON INTEGRATION AND SOCIAL COHESION:**

30. The Committee's questions under this subheading largely concern naturalisation. However, some questions bear important yet distinct consideration in relation to registration. Accordingly, solely from the perspective of registration, we address the following questions:

### **Q2. Does the UK have an 'integration problem'?**

31. It is profoundly alienating to people, who identify as British by their connection to the UK, to discover they are not formally recognised as citizens or are unable to secure that citizenship. As the High Court has identified from evidence before it, the impact is to be made to:<sup>34</sup>

*"...feel alienated, excluded, isolated, "second-best", insecure and not fully assimilated into the culture and social fabric of the UK."*

32. In PRCBC's experience, that alienation can be so disturbing as to cause mental health breakdown. It can seriously aggravate experience of racial discrimination. It also creates potentially insuperable barriers to rehabilitation and social integration of many youth offenders born in or brought to this country at an early age if their citizenship is not secured before the intervention of the youth justice system. The young people affected have disproportionate experience of neglect, violence and abandonment, poverty and marginalisation, child criminal and child sexual exploitation, mental health and learning difficulties, and the care system.

33. The principle upon which the UK's nationality is based is also fundamentally undermined by causing substantial numbers of people who identify as British

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<sup>33</sup> The Joint Committee on Human Rights has twice expressed concern at requiring children to demonstrate good character for purposes of their registration as British citizens, see: *Good Character Requirements: Draft British Nationality Act 1981 (Remedial) Order 2019 - Second Report*, Twentieth Report of Session 2017–19, HC 1943, HL Paper 397 (paragraphs 21–30) and *Legislative Scrutiny: Nationality and Borders Bill (Part 1) – Nationality*, Seventh Report of Session 2021–22, HC 764, HL 90, November 2021 (paragraph 41)

<sup>34</sup> *R (PRCBC & Ors) v SSHD* [2019] EWHC 3536 (Admin), paragraph 21

by their connection to the UK, to be without British citizenship. It is a denial by their country (the UK) of their real connection with it.

34. The UK, therefore, has a serious 'integration problem' because it is alienating a sizeable number of British people by the Home Office exercise of its nationality functions and Government failure to raise awareness of rights to British citizenship. PRCBC's experience is that this 'integration problem' passes between generations when someone born (and/or grown up) in the UK without British citizenship gives birth to a child in the UK also born without that citizenship.