

**Submission to Justice Committee
Children and Young Adults in the Secure Estate**

INTRODUCTION:

1. We make this submission to draw attention to children and young adults without British citizenship in the secure estate.
2. As explained in this submission, the children and young adults with whom we are concerned include people born in the UK and people brought to the UK at an early age. These children and young adults identify as British and are connected to the UK. Many of them know no other place and several have never been outside the UK. They have rights to British citizenship, which have not been understood or acted upon by parents or carers (such as adoptive parents, foster parents, guardians, and social workers). The consequences seriously exacerbate concerns about access to rehabilitative support and opportunity. Of especial significance is that anyone aged 10 or above is required to satisfy the Home Office of their ‘good character’ for their citizenship to be registered.¹
3. Under distinct subheadings, we briefly identify and explain:
 - a. the citizenship rights of this group of children and young adults and what may cause them to be without citizenship,
 - b. the ‘good character’ requirement,
 - c. the impact on children and young adults in the secure estate, and
 - d. our recommendations to the Committee.

CITIZENSHIP RIGHTS:

4. On 1 January 1983, the British Nationality Act 1981 took effect. This ended *jus soli* in British nationality law. Instead, it established a principle of connection to the UK as the foundation for British citizenship. Accordingly, people born in the UK before that date are British citizens by their birth here.² However, people born in the UK on or after that date are only born with British citizenship if, at their birth, one or other of their parents is a British citizen or settled.³
5. However, ending *jus soli* was not intended to deprive anyone born in the UK of British citizenship unless they were mere “*birds of passage*” – i.e., born to parents who were not staying and so taken to grow up in their parents’ countries of origin or elsewhere.⁴ The Act, therefore, provides rights to be

¹ The rights referred to are set out in PRCBC’s booklet, [Children and their rights to British citizenship](#), November 2022 (updated April 2025).

² The immediate provision by which their citizenship is secured is section 11, British Nationality Act 1981

³ Section 1(1), British Nationality Act 1981

⁴ *Hansard* HC, Standing Committee F, 24 February 1981 : Col 183 *per* Timothy Raison MP, Minister. For more

CYA0008 – Amnesty International UK; Project for the Registration of Children as British Citizens

registered as a British citizen to children born in the UK without that citizenship.⁵ There are two key provisions:

- a. Someone born in the UK without British citizenship is entitled to be registered, during their childhood, as a British citizen if either of their parents has become a British citizen or settled.⁶
 - b. Someone born in the UK without British citizenship is entitled, whatever the status of their parents, to be registered at any time once they have continued living in the UK to age 10.⁷
6. These entitlements were expressly intended to mitigate the impact of ending *jus soli* and so ensure all children born in the UK, who grow up in (and are therefore connected to) the UK, share the security that citizenship provides.⁸ They were also expressly intended to avoid serious harm to “*racial harmony*.”⁹
 7. However, awareness in the UK of citizenship rights is poor. There is no state provision of public education about these rights nor promotion of the need to ensure children whose citizenship must be registered are so registered.¹⁰ Many parents and others still wrongly believe a British birth certificate is sufficient to show someone is a British citizen. Many are unaware of citizenship registration and the need for it. Many children, therefore, grow up without British citizenship unaware either that the country they know as their own does not recognise their citizenship or of what needs to be done to correct that. The children affected are disproportionately among the least privileged in terms of their socio-economic characteristics and experience.
 8. The impact of being without or being treated as without British citizenship similarly affects other children. For example:
 - a. There are children who are born British citizens but cannot prove this. The most usual cause of this is when a child born in the UK becomes estranged from their British citizen or settled parent (whether due to death, abandonment, adoption, domestic violence or some other reason) and cannot secure the necessary evidence of their parentage (particularly paternity) or their parent’s status to establish their own citizenship. Registration on the basis of living in the UK to age 10 can be an important means to secure their citizenship in the absence of that evidence of parentage or parental status at their birth.

detailed analysis, see [Reasserting Rights to British Citizenship Through Registration](#), IANLJ, Vol 34, No 2, 2020, Valdez-Symonds and Valdez-Symonds.

⁵ The Act includes other rights of registration that are equally designed to secure the British citizenship of people connected to the UK.

⁶ Section 1(3), British Nationality Act 1981

⁷ Section 1(4), British Nationality Act 1981

⁸ This was regarded as fundamentally important: *Hansard* HC, Standing Committee F, 24 February 1981 : Cols 177 & 179 *per* Timothy Raison MP, Minister.

⁹ *Hansard* HC, Standing Committee F, 24 February 1981 : Col 177 *per* Timothy Raison MP, Minister

¹⁰ Our experience of this is also identified in the Global Citizenship Observatory report, [Citizenship acquisition by immigrants and their descendants: An international legal comparison](#), European University Institute, 2025, p201.

CYA0008 – Amnesty International UK; Project for the Registration of Children as British Citizens

- b. There are children brought to the UK at an early age, who grow up as connected to the UK as their peers and identifying as British. Some children have no memory of any other place. These children may and should be registered as British citizens, but that must be done in their childhood otherwise the opportunity is lost.¹¹

GOOD CHARACTER:

9. Harms done to children by parents or carers not understanding and acting on their child's citizenship rights are now greatly exacerbated by a statutory requirement of good character. No such requirement was imposed when, after long and detailed scrutiny¹² preceded by a Green Paper¹³ and White Paper,¹⁴ Parliament created British citizenship and rights to it. This was because all rights to British citizenship were created on the same basis – i.e., that people given the right were British by their connection to the UK whether that right was to be fulfilled automatically (e.g., at birth) or required registration.
10. The good character requirement was first introduced for registration of citizenship on 4 December 2006.¹⁵ It was among various measures in the Immigration, Asylum and Nationality Act 2006. It provides that anyone aged 10 or older must satisfy the Home Office of their good character to be registered as a British citizen.¹⁶ During the passage of the Act, the measure received relatively little attention. However, Ministers informed Parliament the requirement was needed to ensure the good character of people “*coming to the UK.*”¹⁷ That was a profound misunderstanding, which has never been corrected. Accordingly, children, whose parents and carers do not act on their rights to be registered as British citizens, can be excluded from those rights if they receive any criminal conviction or police caution. This includes children born in the UK.
11. The Joint Committee on Human Rights is among those who have identified this requirement as “*inappropriate.*”¹⁸ In doing so, they highlighted the inability of the Home Office to provide any justification for applying it to children born and grown up in the UK.¹⁹ The Home Office response to the Committee's report similarly failed to advance any justification. That response also effectively repeated the error of treating the children affected as if they had all

¹¹ The relevant statutory provision is section 3(1), British Nationality Act 1981.

¹² That scrutiny included extensive consideration of the impact of ending *jus soli* on children born in the UK and the need to secure their citizenship rights by registration entitlements. [PRCBC's commentary on the Hansard debates](#) provides further analysis.

¹³ *British Nationality Law: Discussion of possible changes*, April 1977, Cmnd 6795

¹⁴ *British Nationality Law: Outline of proposed legislation*, July 1980, Cmnd 7987

¹⁵ Section 58, Immigration, Asylum and Nationality Act 2006 commenced by SI 2006/2838

¹⁶ The relevant statutory provision is now section 41A, British Nationality Act 1981 (following commencement on 13 January 2010 of section 47(1), Borders, Citizenship and Immigration Act 2009 by SI 2009/2731).

¹⁷ *Hansard* HL, Committee, 19 January 2006 : Col GC279; Report, 7 February 2006 : Col 622; and Third Reading, 14 March 2006 : Col 1198 *per* Baroness Ashton of Upholland, Minister

¹⁸ [Good Character Requirements: Draft British Nationality Act 1981 \(Remedial\) Order 2019 – Second Report](#), Twentieth Report of Session 2017-2019, HC 1943, HL Paper 397, July 2029, chapter 3 ('Good character and children'), para. 26

¹⁹ *ibid*, para. 29

CYA0008 – Amnesty International UK; Project for the Registration of Children as British Citizens

'come' to the UK, ignoring the impact on children born in the UK and entitled to be registered as British citizens.²⁰

12. In applying the good character requirement, the Home Office makes no distinction:²¹

- a. between a person's right to be registered as a British citizen and the department's separate function of considering whether to permit an adult migrant to become British by naturalisation;²²
- b. between children, young adults and older people (even though the youth justice system and medical science each recognise the significance of distinguishing these age groups for reasons clearly related to any reasonable consideration of character);²³ or
- c. between neurodivergent people (including children and young adults) and other people (and no specific consideration is given to experiences of child abuse, neglect or exploitation).

CHILDREN AND YOUNG ADULTS IN THE SECURE ESTATE:

13. A child or young adult in the secure estate, whose British citizenship has neither been registered nor confirmed, is in a profoundly different position from that of other children in the estate. Children and young adults without citizenship or not recognised to have it – even though they may be entitled to it – are treated by the Home Office as 'foreign'.²⁴ They are liable to be excluded from their citizenship rights by the way the Home Office applies the good character requirement. This is contrary to what ministers explained to Parliament when it was first introduced. There are two aspects to that difference:

- a. The requirement is applied to children born in the UK whereas Parliament was told the requirement was needed for people coming to the UK.²⁵
- b. The requirement can be and frequently is applied in respect of any conviction or caution whereas Parliament was told it was needed for particularly serious offences.²⁶

²⁰ [Letter of the Minister of State for Immigration to the Chair of the Committee](#), 23 July 2019, para. 12

²¹ See UKVI guidance, *Nationality: good character requirement*, Version 6.0, 11 February 2025

²² Unlike registration, naturalisation was subject to a requirement of good character from the passing of the British Nationality Act 1981 (as it had been for many decades previously). This reflected that naturalisation is about whether a person connected to another country should be permitted to make their connection with the UK by being made a British citizen.

²³ This is notwithstanding domestic and international duties concerning children's best interests and the obligation to promote and enable their rehabilitation and integration (section 55, Borders, Citizenship and Immigration Act 2009; and Articles 3 & 40, 1989 UN Convention on the Rights of the Child); and principles and purposes underlying the youth justice system, including recognition of the significance of brain development up to age 25 to matters of maturity, emotional regulation, assessment of risk, and appreciation of consequences: *R v ZA* [2023] EWCA Crim 596.

²⁴ Under relevant immigration legislation, these children and young people are formally labelled as 'foreign': section 32(1), UK Borders Act 2007 and section 117D, Nationality, Immigration and Asylum Act 2002.

²⁵ *Hansard* HL, Committee, 19 January 2006 : Col GC279; Report, 7 February 2006 : Col 622; and Third Reading, 14 March 2006 : Col 1198 *per* Baroness Ashton of Upholland, Minister

²⁶ *Hansard* HL, Third Reading, 14 March 2006 : Col 1192 *per* Baroness Ashton of Upholland, Minister

14. When the Home Office applies the requirement, this acts as a long-term or even permanent bar to a child or young person's citizenship rights. It is effectively a deprivation of citizenship. The impact is profoundly alienating for the child or young adult, often because it is both a shock and irrational to them to be treated as foreign notwithstanding their natural perception (and that of others) that they are as British as any of their peers. Their perception accords with the original parliamentary intention in making the British Nationality Act 1981, which was that they are among the people connected to the UK so should have its citizenship.²⁷ Parliament has never formally reconsidered this (let alone done so at anything equivalent to the degree of consideration given in first passing that Act and creating the rights to citizenship it continues to provide).
15. Barring citizenship makes someone liable to the immigration system, including its powers to restrict and exclude such things as work, study and access to public funds and its powers to detain and expel. The impact for some children and young adults in the secure estate, including children and young adults born in the UK, can therefore include the following:
- a. being without any formal status in the UK and so excluded from vitally important rehabilitative opportunities, such as work or study, following any period of custody;
 - b. being restricted to short-term periods of permission to stay in the UK, for which they must apply for extensions every 30 months, and so unable to satisfy a prospective employer or education provider of their ability to make a commitment to work or study beyond the expiry of that permission;
 - c. being made subject to a deportation order, causing any permission to stay in the UK to be cancelled, and so excluded from work or study;²⁸
 - d. being held in custody or transferred to an immigration removal centre at the end of a period of custody;
 - e. being made homeless and without any permitted access to means of providing for themselves because of exclusion from work or study (and from public funds);
 - f. being made dependent on people who may criminally exploit them, including people who have already criminally exploited them, because they are without any permitted access to the means of providing for themselves;
 - g. being made unable to move on with their lives, unable to rehabilitate or demonstrate their rehabilitation, and hence unable to access their citizenship rights (by showing themselves to be of reformed character);

²⁷ For further analysis, see the PRCBC commentary (*op cit*) and *Reasserting Rights to British Citizenship Through Registration (op cit)*. As regards the character requirement, see *Reasserting Rights to British Citizenship Through Registration: the requirement of good character*, IANLJ, Vol 38, No 2, 2024, Valdez-Symonds and Valdez-Symonds.

²⁸ Ordinarily, the making of a deportation order automatically invalidates any immigration status a person may have: section 5(1), Immigration Act 1971. There is an exception to this under section 79(4), Nationality, Immigration and Asylum Act 2002.

CYA0008 – Amnesty International UK; Project for the Registration of Children as British Citizens

- h. becoming in effect permanently alienated by exclusion from their citizenship rights and facing exile by deportation from the UK; and/or
- i. being further alienated and disaffected, with increased prospects of continued criminal association and exploitation.

16. Our experience shows these concerns to disproportionately affect children and young adults who are or have been in care, have grown up in poverty and/or unstable or single parent households, have experienced child neglect, abuse or other violence or exploitation, are neurodivergent, and/or are Black or of another ethnic minority. Our experience, consistent with others' findings,²⁹ indicates these groups of children and young people are disproportionately likely to grow up without the need for their citizenship to be registered or confirmed being recognised or acted on.

RECOMMENDATIONS:

17. The Government should take positive steps to educate the public about citizenship rights and promote understanding and action to secure registration of children entitled or eligible for that. The urgency of this is, as we have explained elsewhere,³⁰ emphasised by the Government's current proposals relating to settlement in the UK, which have the potential to greatly increase the number of children growing up in the UK having been born here without British citizenship and needing to be registered as British citizens.

18. The statutory requirement of good character for registration as a British citizen should be repealed, reaffirming the position adopted by Parliament in passing the British Nationality Act 1981. In this regard, we draw attention to similar recommendations of the Joint Committee on Human Rights in 2019, particularly as these relate to children.³¹

19. Pending such repeal:

- a. the Home Office should amend its guidance and approach to applying the good character requirement for registration. That should include clearly distinguishing between registration and naturalisation, between children, young adults and older people, and between neurodivergent people and others; and
- b. the Home Office should amend its practice so that children and young adults born in the UK, and other young people with rights to British citizenship, are not treated as foreign for the purpose of deportation and/or exclusion from work, study, public funds, or any other matter

²⁹ For example, *The Lammy Review: An independent review into the treatment of, and outcomes for, Black, Asian and Minority Ethnic Individuals in the Criminal Justice System*, September 2017 confirms racial disproportionality in the criminal justice system; but as with other similar research and reporting there is no consideration of the particular circumstances of people whose British citizenship has not been registered or confirmed despite their entitlement or eligibility.

³⁰ See e.g. our joint submissions to the Commons' [Home Affairs Committee](#) and the Lords' [Justice and Home Affairs Committee](#) on the Government's proposals.

³¹ *Good Character Requirements: Draft British Nationality Act 1981 (Remedial) Order 2019 – Second Report*, Twentieth Report of Session 2017-2019, HC 1943, HL Paper 397, July 2019, chapter 3 ('Good character and children'), paras. 26, 29 & 30

CYA0008 – Amnesty International UK; Project for the Registration of Children as British Citizens

that will enable and promote their rehabilitation and positive social participation.

March 2026