



**NOTE ON *R (Akinyemi) v Secretary of State for the Home Department* [2026]
EWHC 2388 (Admin)**

1. This claim for judicial review concerns a refusal to register the Claimant as a British citizen – he having made an application for such registration on two alternative bases: (i) section 1(4) of the British Nationality Act 1981 (“**BNA 1981**”); and (ii) section 4L of the BNA 1981.

SUMMARY OF THE KEY FACTS

2. On 1 January 1983, the British Nationality Act 1981 took effect ending the application in [British nationality law of *ius soli*](#) (previously birth in the UK was sufficient to make someone a British national).
3. The Claimant was born in the UK on 21 June 1983 and has never left the country.
4. The Claimant first acquired an entitlement to be registered as a British citizen under section 1(3) of the BNA 1981 in October 1987 when his parents were granted ILR. He was 4 years old. He later acquired a separate entitlement to be registered as a British citizen under section 1(4) of the BNA 1981 in June 1993 when he became 10 years old.
5. However, his parents were unaware that he was not born a British citizen and took no steps to register his citizenship or to inform him, as he grew older, of his need to be registered. The Claimant grew up and entered adulthood wrongly believing himself to be a British citizen by birth.
6. The Claimant has endured several hardships including his mother dying in front of him when he was 16 years old and suffering epilepsy, with his first episode when he was around 19 years old.
7. The Claimant has committed various offences, including offences of causing death by dangerous driving and supply of Class Act drugs. The most serious offences resulted in sentences of imprisonment for periods of 4 years and 42 months respectively. His offending led to a deportation order, which was the subject of a successful appeal following judgments of the Court of Appeal in *R (Akinyemi) v Secretary of State for the Home Department* [2017] EWCA Civ 236; [2019] EWCA Civ 2098. That appeal was finally allowed by the Upper

Tribunal in 2021, which noted that his last conviction had been for an offence of affray in August 2018 and that he had “*made a conscious and deliberate effort to improve his attitude and outlook.*”

8. On 4 December 2006, a statutory requirement was introduced that an application to be registered as a British citizen “*must not be granted unless the Secretary of State is satisfied that the adult or young person is of good character.*” This requirement is now found in section 41A of the BNA 1981.
9. On 28 June 2022, section 4L of the BNA 1981 was introduced to provide the Secretary of State with discretion to register an adult as a British citizen if the person “*would have been, or would have been able to become, a British citizen but for (a) historical legislative unfairness, (b) an act or omission of a public authority, or (c) exceptional circumstances relating to [that person].*” Section 4L(4) provides discretion for the Secretary of State to take that into account.

SUMMARY OF THE CASE HISTORY

10. On 27 March 2023, the Claimant applied to be registered under either section 1(4) or section 4L of the BNA 1981. As regards section 4L, the Claimant relied on the exceptional circumstances of his parents’ failure to apply for his registration and/or to inform him of his need to be registered; and his personal history which gave reason for his not becoming aware of this need.
11. On 4 December 2023, registration was refused. The application under section 1(4) was refused on character grounds. The application under section 4L was refused because, it was said, that his parents’ failure had not “*directly prevented*” him from becoming a British citizen.
12. After a further refusal at an initial internal review stage, an application for judicial review was made and permission granted at an oral hearing on all grounds, with a hearing of the claim before MacDonald J on 7 and 8 July 2026.

SUMMARY OF GROUNDS

13. The Claimant advanced five grounds:
 - 13.1. Grounds 1-3 concerned the refusal of the application under section 1(4). These grounds concerned:
 - (i) a failure to recognise and give effect to the Claimant’s statutory right to citizenship when considering whether to be satisfied of his good character (in this, the Claimant sought to distinguish section 41A concerning the character of a person born and always lived

- in the UK with a statutory right to British citizenship from the separate provision that relates to the character of an adult migrant who seeks to naturalise as a British citizen);
- (ii) a similar failure in the Secretary of State's policy guidance and an unlawfully inflexible approach to past offending in that guidance; and
 - (iii) inadequate reasons for the refusal.

13.2. Ground 4 (and 4B) concerned the refusal of the application under section 4L. These grounds concerned an error in the refusal of construction and/or application of the causal test ('but for') in section 4L.

13.3. Ground 5 concerned both the refusal under section 1(4) and that under section 4L. This ground concerned the infringement of the right to respect for private life (Article 8, ECHR) by the arbitrary denial of citizenship.

THE JUDGEMENT

14. The Claim is dismissed on all grounds. The Claimant is currently considering his position of an application for permission to appeal to the Court of Appeal.

CLAIMANT'S LEGAL TEAM

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21 September 2026