



Home Office

Lord Murray of Blidworth
Parliamentary Under Secretary of
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Rt Hon Dame Diana Johnson
Chair
Home Affairs Select Committee
House of Commons
London
SW1A 0AA

24 May 2023

Dear Chair,

The British Nationality (Regularisation of Past Practice) Bill

I am writing to let you know that the Government is today introducing the British Nationality (Regularisation of Past Practice) Bill to resolve a historical issue related to European Economic Area (EEA) nationals.

The issue was highlighted as a result of litigation regarding when an EEA national can and cannot be considered to have been settled under the British Nationality Act 1981. That assessment is central to whether any children born to them are British automatically, and the ability to naturalise or register under certain routes.

Between 1 January 1983 and 1 October 2000, EEA nationals were considered settled if they were living in England, Scotland, Wales or Northern Ireland and exercising a free movement right there. The litigation, while not directly challenging that historical approach, has exposed a legal technicality suggesting it was incorrect. As such, EEA nationals should not have been considered settled on the basis of exercising a Treaty right alone.

You will appreciate that having doubt over people's nationality status is not something we wish to countenance, both given the passage of time and the volumes of people potentially affected. We want people who have been considered British by successive governments based on the previous, accepted policy to be reassured that they will not lose that status.

Legislating quickly and proactively to provide reassurance is the right thing to do and the British Nationality (Regularisation of Past Practice) Bill will confirm in law the previous policy position. This will protect the nationality rights of people born in the UK to parents who were considered settled on the basis of exercising a free movement right, and those who registered or naturalised as British citizens on the basis of that policy.

The Bill also clarifies when EEA nationals could be considered settled on the basis of exercising an equivalent right in Jersey, Guernsey and the Isle of Man, which are classed as part of the UK for nationality purposes.

I want to be clear that this change will not create 'new' British citizens. This is about protecting the citizenship of individuals we have long considered British, by reflecting in

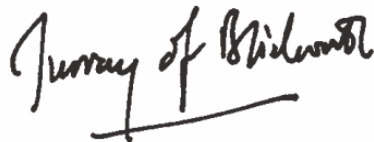
law the position that already existed in established Home Office policy for 40 years under governments of both Parties.

As the Bill will be retrospective and commence immediately upon Royal Assent, once it is passed anyone benefitting from it will always have been a British citizen (or since the date of their naturalisation or registration, if applicable). No one affected will need to take any additional action.

There are a small number of cases where a person born in the UK mainland between 1 January 1983 and 1 October 2000 inclusive has applied for a first-time passport on the basis of the previous policy. Such individuals have already received communication on their applications and HM Passport Office has today started to send out further correspondence advising of the introduction of this Bill and making clear that once this legislation is passed, it will be beyond doubt that the affected customers are British citizens and can be issued a passport.

We look forward to working with you to ensure that this important legislation reaches the statute book to protect the citizenship rights of people long thought to be British citizens.

Sincerely,

A handwritten signature in black ink, reading "Murray of Blidworth". The signature is written in a cursive, flowing style with a long horizontal line extending from the bottom of the word "Blidworth".

Lord Murray of Blidworth
Parliamentary Under Secretary of State for Migration and Borders