

## Written evidence submitted by Amnesty International UK, Project for the Registration of Children as British Citizens (PRCBC)

### Introduction:

1. The Project for the Registration of Children as British Citizens (PRCBC) is the UK's sole expert organisation with exclusive focus on the rights to British citizenship of children and young people. It provides legal advice and representation to children and young people with especially complex matters of citizenship, support and training to lawyers and people working with children and young people and works to remove barriers in law, policy and practice to the children and young people's exercise of their citizenship rights. The children and young people whom PRCBC assists and represents generally share some or many of the 'vulnerabilities' identified within the Committee's Call for Evidence. Amnesty International UK is the UK section of a global human rights NGO, which has supported PRCBC's advocacy and campaigning work over several years.
2. We welcome the Committee's inquiry into supporting vulnerable adults. Our purpose in making this submission is to draw the Committee's attention to a group of vulnerable young people whose specific circumstances are not merely routinely overlooked but exacerbated by longstanding policy. This group is young British people whose citizenship rights require to be formally registered.
3. The Committee summarises the matters of vulnerability with which it is concerned as follows in its Call for Evidence:

*“[being] exposed to dangers such as substance abuse, criminality, and exploitation, both inside and outside the family... [and] at greater risk of adverse outcomes including severe mental health difficulties, homelessness, physical or mental harm, periods of not being in education, employment or training, and contact with the criminal justice system.”*
4. These various matters can be mutually self-sustaining or aggravating. For example, exposure of young people to criminality, exploitation and neglect may lead to their experiencing mental health difficulties, homelessness, social exclusion and contact with the criminal justice system. These outcomes may also lead to further and more entrenched exposure to what has led to them. The longer such cycles continue, the greater may be barriers to breaking them. Young British people whose citizenship rights require to be registered find themselves in precisely such cycles.
5. The remainder of this submission is divided into three sections:
  - a. Section A identifies the particular group of young people for whom we are concerned in this submission;
  - b. Section B describes the additional vulnerability of this group of young people; and
  - c. Section C makes particular recommendations.

### Section A: Young British people whose citizenship rights require to be registered

6. Thousands of people are born in the UK without British citizenship but grow up in the UK, knowing nowhere else and as strongly connected and identifying themselves with this country as much as any of their peers. Many of these young people do not know they are not British

citizens. They and their parents or carers, including social workers, may wrongly believe that their birth in the UK, evidenced by a British birth certificate, is sufficient to establish their citizenship of the UK.

7. Not only do these young people identify as British. The British Nationality Act 1981 recognises their right to British citizenship. The Act created British citizenship and, while ending the application of *jus soli* in British nationality law, established ‘connection’ as the principle upon which citizenship by right was to be based. While Parliament determined that connection was not shown merely by birth on the territory, it recognised that being born in the UK and growing up here would make that connection. Accordingly, anyone born in the UK, who is not born with British citizenship, acquires the right to that citizenship by at least the age of 10 years if continuing to grow up in the UK. That right, however, needs to be exercised by registration.

### **Section B: additional vulnerability of this group of young people**

8. The Committee’s inquiry concerns vulnerable adults who are or have been exposed to the dangers of, among other things, “*substance abuse, criminality, and exploitation, both inside and outside the family*”. A child or young adult exposed to these dangers, particularly within their family, is unlikely to be receiving the love and care they need, let alone be supported to either understand or act upon their citizenship rights.
9. The Committee’s inquiry concerns harms suffered by vulnerable adults including being put “*at greater risk of adverse outcomes including severe mental health difficulties, homelessness, physical or mental harm, periods of not being in education, employment or training, and contact with the criminal justice system.*” A child or young person harmed in any, let alone several, of these ways is unlikely to be in a position to understand or act upon their citizenship rights.
10. Yet the exposure and harms just described are likely to be significantly compounded by not acting upon the child or young person’s citizenship rights. All that the Committee’s inquiry concerns, constitutes or leads to significant marginalisation of the people affected. Being without the citizenship of your home country and the country with which you identify is its own marginalisation. These causes of marginalisation compound each other. Being without British citizenship puts someone at risk of being treated as if subject to immigration laws and powers; sometimes treated as if not entitled to be or remain in the country. Being socially and economically marginalised leaves someone less financially or otherwise able to take steps to address such treatment.
11. Worse, legislation and Government policy are designed to exacerbate what has just been described. A child as young as 10 years, who is entitled to British citizenship – for example, by reason of having been born and lived in the UK her, his or their entire life – must satisfy the Home Office that she, he or they are ‘good’ in order to exercise the right to citizenship by registration. That requirement is operated to exclude people from their citizenship rights on the basis of past contact with or outcomes of the criminal justice system. Such contact or outcomes are also the basis for action to expel people from the UK, including people who have been born here, lived here their entire lives and are entitled to its citizenship.
12. Deportation orders (i.e. orders of the Home Secretary for the expulsion and exclusion of someone from the UK) are made against young British adults whose citizenship rights require to be registered. This generally leaves the person without formal permission to be in the country and excluded, among other things, from work, study, social welfare and free healthcare (unless it is primary healthcare). The marginalisation of a young British adult in this situation compounds the experience of having discovered – sometimes at the point of approaching adulthood or of completing a period of custody in prison and/or YOI (and not

being released or transferred to an immigration detention centre) – that she, he or they do not have British citizenship.

13. This experience can be profoundly frightening, disorientating, humiliating and alienating. It reinforces or aggravates all the exposure and harms with which the Committee’s inquiry is concerned.

### **Section C: Recommendations**

14. We would invite the Committee to make the following recommendations to address the circumstances of vulnerable adults who are British but without that citizenship and to prevent more British children and young people being made vulnerable or having their vulnerability exacerbated by growing up without that citizenship:

- a. The Home Office, which is the department responsible for matters of British citizenship, should take further steps to raise awareness of citizenship rights. This should be aimed at increasing awareness of the circumstances in which British people (by their connection to the UK and right to its citizenship) need to have their citizenship registered. In this regard, it is welcome that the department has more recently taken steps towards recognising the especial importance of citizenship to children; and indicated a willingness to act on the need for increasing awareness and exercise of rights to citizenship such as by establishing a Citizenship Vulnerable Persons Team (CVPT) *“to ensure that children in care, and those responsible for their care, do not overlook opportunities for British citizenship.”* This needs to be encouraged.
- b. The Home Office should support and encourage all local authorities to take steps to identify and secure the citizenship rights of any child in their care at the earliest opportunity. In this regard, it is welcome that the Home Office has recently exempted all looked after children from the £1,012 fee for registration of citizenship; and established the CVPT. This too needs to be encouraged.
- c. The Home Office should ensure that nobody is charged more than administrative cost (currently assessed as £418) to register their right to British citizenship; and should extend its fee waiver for children who cannot afford the £1,012 fee to adults who cannot afford the £1,206 fee. It should also revise its process and guidance to ensure that this fee waiver is accessible.
- d. The Government should bring legislation to remove the requirement of good character for a person who has a statutory entitlement to British citizenship under the British Nationality Act 1981. This would restore the position originally adopted by the Act. Pending this, the Home Office should revise its guidance on the application of the ‘good character’ requirement for registration of British citizenship so as to ensure, firstly, that rights to British citizenship by registration are not treated in the same way as the discretionary power to make an adult migrant to the UK a British citizenship; and secondly, that the developing character of children and young people is not assessed in the same way as older adults.

15. We would welcome the opportunity to explain any of these matters further for the benefit of the Committee’s inquiry.

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