

## Written evidence from the Home Office (NBB0074)



Home Office

### Home Office Evidence sets for Stateless Minors

#### The Provision:

- A child born in the United Kingdom will be a British citizen automatically if either of their parents is a British citizen or settled in the UK at the time of the birth. A child who does not become a British citizen automatically can apply for registration once their parent becomes a British citizen or settled, or on reaching the age of 10.
- There is an additional provision for a child born in the UK who has always been stateless, who can apply for registration once they reach the age of five. Under paragraph 3 to Schedule 2 of the British Nationality Act 1981, a child has an entitlement to register if:
  - they were born on or after 1 January 1983
  - they were born stateless
  - they have remained stateless
  - on the date of application, they are under the age of 22
  - they were in the UK or a British overseas territory at the beginning of the period of 5 years ending with the date of application, and in that 5 year period had no more than 450 days absence

#### Evidence sets

- The datasets below come from internal Home Office reports and are based upon Schedule 2 Para 3, applications received between 01-Jan-2005 to 31-Mar-2021 and age parameters of 0-22.
- In 2016, around 40 cases were assessed using this route, in 2017 this increased to over 1,200, Applications have remained high since that point. The table below gives application number by year for the period 2010 to 2020.

**Table: Applications for British citizenship using Form S3 by UK born stateless persons**

Year Received	Form Type	Act	Para	Schedule	No of Cases (rounded)
2010	S3	1981	Para 3	Schedule 2	5

2012	S3	1981	Para 3	Schedule 2	10
2013	S3	1981	Para 3	Schedule 2	5
2014	S3	1981	Para 3	Schedule 2	10
2015	S3	1981	Para 3	Schedule 2	10
2016	S3	1981	Para 3	Schedule 2	40
2017	S3	1981	Para 3	Schedule 2	1265
2018	S3	1981	Para 3	Schedule 2	1775
2019	S3	1981	Para 3	Schedule 2	1240
2020	S3	1981	Para 3	Schedule 2	965

- Post MK the vast majority of applications have come from children whose parents are nationals of two countries – India and Sri Lanka. This reflects the fact that under the citizenship laws of India and Sri Lanka citizenship for a child born in the UK is dependent on the birth being registered at the relevant High Commission. This is relatively unusual – for most countries a first generation born abroad become citizens automatically at birth with the need to register.

### **Impact on Refugee children**

This provision is for those who do not have a nationality. We understand that while many children of refugees do automatically acquire their parents' nationality at birth, they can be prevented from being able to apply for a passport to the authorities of their country of origin. However, such children are not stateless in law and so cannot qualify under the stateless child provisions. Instead, they would need to rely on other existing provisions within British nationality law should they wish to become British. Where a child is born in the UK and lives here until the age of 10, they will have an entitlement to registration under section 1(4), for example.

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