



## **Briefing for debate entitled *'Fees for registering children as British citizens'***

*11.30am, Tuesday 4<sup>th</sup> September 2018, Westminster Hall.*

### **Key messages:**

- The right to register as a British citizen is an important right for children in the UK yet due to exorbitant, ever-increasing fees, this right is entirely out of reach for thousands of children living in disadvantaged and low income families.
- Requiring a child to pay £1,012 for a citizenship registration which they are entitled to by law, is unfair and unjust; it disadvantages children from poor families who cannot afford to pay this fee and therefore cannot establish and exercise a right that is already theirs.
- The Children's Society has continually raised concerns that the 'hostile environment' policy agenda developed over recent years, not only affects many migrant children but British citizens as well. An increasingly complicated process for immigration and citizenship applications, steep increases to fees for applications and no legal aid has meant that thousands of young people are forced to remain undocumented or are unable to establish their British citizenship, including those who are in the care of local authorities.
- Rather than tackling irregular migration, the 'hostile environment' agenda has in many ways done the opposite; by preventing children from being able to register as British citizens it is perpetuating their precarious status, in some cases leaving children, young people and families at risk of destitution, exploitation and social exclusion, unable to get work, go to university and thrive like their peers.

### **Why is citizenship important for children?**

Children have a unique right to register as British citizens based on certain conditions related to where they were born, where they have grown up and their parents' acquired status or nationality. However, many children are unable to do this in large part due to the exorbitant application fees, no options for fee waivers and no legal aid to receive advice and support for this process. This means they are prevented from vital protections that citizenship affords them such as freedom from immigration control, access to student finance and loans, employment, health services, other vital benefits and opportunities to thrive as they reach adulthood. Not being able to establish their citizenship also damages young people's sense of identity, belonging and leads to social exclusion.

### **How many children are affected?**

The government's rhetoric around immigration in recent years has broadly relied on a dichotomy that individuals are either in the UK 'legally' or 'illegally', however, in reality the process of determining someone's immigration status or whether they are British citizens, is complex and often requires specialist legal advice, particularly where children are concerned. This is particularly true in families with mixed immigration histories. For example a child who is born in the UK and has lived here for 10 years can register as British by entitlement, regardless of the status of their parents. For children who are in the care of local authorities and may not have contact with their parents, understanding their rights and entitlements can be extremely difficult. There are currently no publicly-available figures on precisely how many children have a right to register as British citizens (either by entitlement or discretion). Research by the University of Oxford has estimated that

there are around 120,000 irregular migrant children in the UK, and over half of them were born here<sup>1</sup> which suggests that many of these will have a right to register as British citizens<sup>2</sup>. However, a lack of free legal advice coupled with soaring registration fees has meant that this right is out of reach to many children living in disadvantaged, low income families. We believe that this is at its core an issue of fairness and justice, which disadvantages children from poor families who cannot afford to help their children establish and exercise a right that is already theirs.

### **What are the costs that children are facing?**

Since 2013, children's citizenship registration fees have increased by 50% from £673 in 2013/14 to £1,012 in 2018/19<sup>3</sup> (of which £372 is said to constitute the cost of administration and £640 is profit to the Home Office<sup>4</sup>). In addition, given the complexity of this area of law and as legal aid is currently not within scope for citizenship applications, young people need to pay legal fees which can run into several thousand pounds if there is an appeal. Whilst we welcome the government's recent commitment to bring legal aid back into scope for unaccompanied and separated children for immigration matters<sup>5</sup>, children within families and young adults will generally not be able to benefit from legal aid in immigration matters unless further policy reforms are made.

### **How does this policy relate to children's rights legislation?**

This policy runs contrary to domestic and international children's rights legislation. Under Section 55 of the Borders, Citizenship and Immigration Act 2009, the Secretary of State has a duty to safeguard and promote the welfare of children with respect to all his functions including nationality. The government continually emphasises that it takes the welfare of children seriously yet in setting out its impact assessment of the latest increases to the fees, it makes no mention of how these increases will impact on children, many of whom will be unable to exercise their rights due to the prohibitively high fees. Furthermore, the Home Office has not published a children's rights impact assessment of how this policy affects children's rights under the UN convention on the rights of the child (UNCRC), including every child's right to preserve his or her identity, including nationality (Article 8)<sup>6</sup>.

### **The Children's Society is calling on the Government to:**

- Remove the profit-making element from children's citizenship and immigration applications
- Introduce fee waivers for all citizenship and immigration applications involving children and young people for those who cannot afford to pay the high fees
- Fee waivers on all applications should also apply for children and care leavers who are looked after or supported by local authorities so as to avoid a cost shift from central to local government

### **Questions to the Minister**

- What assessment has the Minister made of the impact of rising citizenship and immigration fees on children's welfare and long term outcomes?
- What assessment has the Minister made of the number of undocumented children living in the UK or will she commit to commissioning research into this area?
- Has the Minister conducted an Equality Impact Assessment of how the rising fees affect individuals by protected characteristics?
- What proportion of children who registered as British citizens were from BAME backgrounds?

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<sup>1</sup> Sigona, N., and V. Hughes. (2012). [No Way Out, No Way In: Irregular Migrant Children and Families in the UK](#). University of Oxford.

<sup>2</sup> For details on the legal pathways for registering children as British citizens, see the PRBC briefing: [https://prbc.files.wordpress.com/2018/06/fees\\_briefing\\_revised\\_june\\_2018.pdf](https://prbc.files.wordpress.com/2018/06/fees_briefing_revised_june_2018.pdf)

<sup>3</sup> This increase has been higher for those registering under the same provisions but once they have turned 18: from £753 to £1,206 between 2013/14 and 2018/19 – 60%

<sup>4</sup> See source in PRBC briefing: [https://prbc.files.wordpress.com/2018/06/fees\\_briefing\\_revised\\_june\\_2018.pdf](https://prbc.files.wordpress.com/2018/06/fees_briefing_revised_june_2018.pdf)

<sup>5</sup> <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2018-07-12/HCWS853/>

<sup>6</sup> [https://downloads.unicef.org/uk/wp-content/uploads/2010/05/UNCRC\\_united\\_nations\\_convention\\_on\\_the\\_rights\\_of\\_the\\_child.pdf?\\_ga=2.121778955.1871512895.1535750916-2059078688.1535750916](https://downloads.unicef.org/uk/wp-content/uploads/2010/05/UNCRC_united_nations_convention_on_the_rights_of_the_child.pdf?_ga=2.121778955.1871512895.1535750916-2059078688.1535750916)