

Briefing for House of Lords Motion of Regret Debate on the Immigration and Nationality (Fees) Regulations 2018 and citizenship fees, 12 June 2018

Young campaigners from Coram Children's Legal Centre and Let us Learn call on your support for this motion of regret on the high cost of children's nationality fees. We support this motion and would like to see an end to the Home Office profiteering on all children who make nationality and immigration applications.

The current cost to register a child as a British citizen under section 1(4) of the British Nationality Act 1981 is £1,012 with £372 attributable to administrative costs. The Home Office makes a profit of £640 from children who have an entitlement to British nationality given to them by Parliament.

There is a clear conflict with the statutory duty to safeguard and promote the welfare of children in the exercise of their functions under section 55 of the Borders, Citizenship and Immigration Act 2009, which reflects the UK commitment to the UN Convention on the Rights of the Child. Profiteering from children is clearly in breach of this duty, and this breach doesn't end with children registering as British citizens. Children and young people who have lived in the UK for most of their lives are also barred from status as a result of high fees which exclude them from settlement and citizenship of the country to which they have continually demonstrated their commitment. These fees form a part of the government's 'hostile environment' agenda. At today's costs, although these actually increase annually, each young person we work with will need to pay £9,851 to reach citizenship. They will need to plan for fees to increase beyond the rate of inflation, and to be informed of the changes with less than a month to prepare and save.

The increasingly precarious situation of children and families, perpetuated by the hostile environment, constrains the capabilities of children and young people in striving for a better future. For Prime Minister May, "*A minor who has indefinite leave to remain will have access to benefits and entitlements, which put them on an equal footing to their British citizen peers, so a grant of British citizenship is not therefore required*".¹ However, for a young person, it is not about benefits and entitlements. For us it is about shouldering the mental and economic burden that comes with the pursuit of citizenship. This is extraordinarily hard on those of us who were born or have grown up in the UK. We are the ones who have spent the entirety (or almost the entirety) of our lives integrating into British society. We are educated in the UK, our friends and our family are here, and our hopes for the future lie here. We are British but we cannot afford the process to settlement and citizenship.

¹ <https://www.commonspace.scot/articles/12841/snp-slams-extortionate-148-cent-increase-immigration-fees-2014>

Amelia

Take Amelia, a 24-year-old single mother who has been living in the UK since the age of 12. With one dependent child aged 2, she will have to pay a series of four payments – £3,066 every two and half years – in order to reach settlement in the UK. Even though her child is born in the UK, she will need to pay a citizenship registration fee for him when he is entitled to British citizenship. At today's costs, although these actually increase annually, she will need to pay a total of £7,144 for her son to become a citizen, and £9,851 for herself. She will need to plan for fees to increase beyond the rate of inflation, and to be informed of the changes with less than a month to prepare and save.

Amelia is also unlikely to be able to afford legal advice, so may not be aware that her son is entitled to British nationality under section 1(4) of the British Nationality Act 1981. There is no legal aid for her or her child at any stage. Unless they are otherwise entitled, each child or young person subject to these fees must make four applications, wait ten years and pay over £10,000 before they can obtain citizenship.

Fees: increases and profit margins²

Type of application	Fee for 2017-18	Cost to Home Office	Profit to Home Office	% profit	Increase since 2014
Limited leave to remain	£1,033	£142	£891	86%	72%
Indefinite leave to remain	£2,389	£243	£2,045	90%	119%
Citizenship (child)	£1,012	£372	£640	63%	51%

Lack of information

Children and young people are further disadvantaged by the lack of information they are given about fee increases. The citizenship fee increases annually, usually in early April, but information about the level of increases is often only provided in mid to late March. In 2017, fees increased with only two days' notice. These increases are not subject to any scrutiny, or information about how increases are calculated, and why certain fees go up year-on-year.

We meet and work with young people who simply cannot afford the rapid increase, even where they have been saving up to meet the fees they know they need to pay. This year's increase left another young mother forced to abandon her application for settlement because she could not afford the new fees and pay for her child's citizenship.

² Home Office visa fee transparency data, March 2018, at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/691200/Fees_Unit_Cost_Table_-_April_2018.pdf

Impact of high fees

The 'hostile environment' policy has derailed and disrupted many young lives since 2012. This agenda includes increasingly complicated application processes for immigration applications, steep increases to fees for immigration and citizenship applications, and the toughening of the immigration rules making it harder and more onerous to regularise status based on long residence and the right to a private and family life. Undocumented and documented children and young people are already facing a series of obstacles that are almost impossible to surmount.

Regina, a 22 year old young woman who has lived in the UK all of her life. She was taken into the care of the local authority as a child. Despite repeatedly asking the local authority for her documents, and several commitments from them that they would assist her in applying for her British nationality, she left care with no citizenship, or any form of immigration status. She is now homeless, and unable to find the fee to secure her rights. The only fee waiver available is for an application for time-limited leave to remain and without any proof of her status, Regina cannot work, or rent a property. She is pregnant, and desperately needs documentary proof to prevent her being charged for health-care. Without further action, her child will also be born without citizenship, or a right to stay in the UK.

High-cost fees are completely contrary to the promotion and process of integration. Fees act to divide, distorting the vibrant futures of us – and other young people – caught in the complex net of immigration and nationality entitlements. Fees prevent young people from working, paying tax and contributing economically to society.

These cases are only a small example of the position that we and many children and young people are in. We urge you to support this motion of regret and ask for:

- The removal of the profit element of the fee in all applications children make to the Home Office.
- A commitment to pause fee increases that are beyond the rate of inflation and the reach of normal people.
- Establish an independent assessment of the impact of high fees on young people.
- Ultimately, young people need a shorter, more affordable route to permanent status and stability.
- Ensure that children in England and Wales are able to access free legal advice for citizenship applications and reinstate legal aid for all separated children and young people.

About Let Us Learn

Let Us Learn³ is a youth-led campaign group made up of 900 migrants aged 16-24, supported by the award-winning charity Just for Kids Law⁴. Let Us Learn launched in 2014 in response to a policy change which meant that many of us with insecure immigration status were ineligible to apply for student loans and could not continue our education. Since then, we have continued to campaign on access to student loans but have also focused on the high cost of leave to remain and citizenship applications.

Our campaigns are planned and delivered by young people with lived experience of the UK immigration system. We are devoted to empowering others in similar situations to lead while campaigning to remove the systemic barriers that make it difficult for them to thrive in the country they call home.

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About Coram Children's Legal Centre

Coram Children's Legal Centre (CCLC), part of the Coram group of charities, is an independent charity working in the UK and around the world to protect and promote the rights of children, through the provision of direct legal services; the publication of free legal information online and in guides; research and policy work; law reform; training; and international consultancy on child rights. The Migrant Children's Project at CCLC provides specialist advice and legal representation to migrant and refugee children and young people on issues such as access to support and services. CCLC has undertaken amicus curiae interventions in a number of significant cases, including in the European Court of Human Rights, the Supreme Court and the Court of Appeal, providing assistance to the court on matters of children's rights and best interests.

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³ For more information on our campaign: <http://letuslearn.study/>

⁴ For more information on Just for Kids Law: <https://www.justforkidslaw.org/>