

'We Belong': Briefing for House of Commons Westminster Hall Debate on Fees for registering children as British citizens, 4 September 2018

Young campaigners from Let us Learn and legal experts from Coram Children's Legal Centre, working together on the 'We Belong' campaign, urge you to support our call for an end to the Home Office profiteering on all children who make nationality and immigration applications. The current immigration rules are failing young people who have grown up in the UK and want to stay and contribute to the country they consider home. The high cost of nationality and immigration application fees and the length of time to regularise status have a hugely negative impact on young people who were either brought to the UK as young children or were born here.

Becoming British

Non-British children in the UK can be granted citizenship in several different ways. Under the British Nationality Act 1981, a child is entitled to register as a British citizen if they are born in the UK and live here continuously for the first ten years of their life. A child who is born outside the UK becomes entitled to register as British if at least one parent becomes British or settled before the child turns 18.¹ Other children do not have an entitlement to citizenship, but can become eligible for British nationality by following an immigration route and being in the UK continuously and legally for a set number of years. For children whose parents have most kinds of work or family visas, this period is six years. For young people and children whose status hinges on their human rights, this period jumps to eleven years.²

Of the estimated 120,000 undocumented children in the UK, researchers at the University of Oxford have determined that around 65,000 were born here.³ Some of those 65,000 will live the first ten years of their life in the UK and be eligible to register as British, but tens of thousands will be on a much longer route to citizenship. Coram Children's Legal Centre's 2017 research highlighted that many thousands of those not born in the UK will also remain in the UK long-term, often being granted only short periods of leave to remain despite their long residence in the UK.⁴ These children and young people are on a pathway to citizenship, but will have to wait many years and pay high fees before they become eligible to naturalise as adults. This is the position of many of Let Us Learn's young campaigners.

¹ Adults 'naturalise' to become British; children (under 18) 'register' as British citizens.

² In both of these cases, the child becomes eligible to become British after at least one year of 'settled' status, meaning that they must have been granted either indefinite leave to remain or permanent residence. Because of this, these are the minimum possible periods, and it can take longer in practice to become eligible for citizenship. In all of these cases, individuals are also subject to certain tests including a 'good character' test. Children over ten are subject to the same 'good character' test as adults. For more on 'good character', see research by the Project for the Registration of Children as British Citizens at: <https://prcbc.wordpress.com/research/>.

³ Sigona and Hughes, University of Oxford, 'No Way In, No Way Out' (2012), <https://www.compas.ox.ac.uk/project/undocumented-migrant-children-in-the-uk/>

⁴ Coram Children's Legal Centre, 'This is my home': Securing permanent status for long-term resident children and young people in the UK, 2017 at

Fees: cost and profit

The current cost to register a child as a British citizen is £1,012, of which £640 is profit to the Home Office. These fees go up the moment a young person turns 18: it costs £1,206 to register an adult as British by entitlement (of which £834 is profit) and £1,250 for a person over 18 to naturalise (of which £878 is profit). The Home Office published data states that the cost of processing all of these nationality applications is only £372. It is not clear how fees are calculated or scrutinised, or why certain fees go up year-on-year.

Type of application	2017-18 fee	Cost to Home Office	% profit to Home Office ⁵	% increase since 2014
Limited leave to remain	£1,033	£142	86%	72%
Indefinite leave to remain	£2,389	£243	90%	119%
Citizenship (child)	£1,012	£372	63%	51%
Citizenship (adult registration)	£1,206	£372	69%	80%
Citizenship (adult naturalisation)	£1,250	£372	70%	51%

The cost of applying for the leave to remain required to put a young person who grew up – but was not born in – the UK on a pathway to citizenship is currently £1,533 every thirty months.⁶ **At today's costs, the actual price of citizenship for children who grew up in the UK but were not born here would be at least £9,851.** This is because children and young people must apply for limited leave to remain (£1,033 and a £500 health charge) four times to accrue the ten years of continuous leave necessary to apply for settlement (£2,389), which must be held for a year before applying to naturalise. The same Home Office approach to profit-making as demonstrated by citizenship fees can be seen in the profit margins on immigration fees: the Home Office's published cost of processing an application for limited leave to remain is £142 (a profit margin of 86%) and for indefinite leave to remain is £243 (a profit margin of 90%). The children and young people paying these huge amounts are those that have been recognised by the Home Office or the Courts as having a clear human rights case to remain in the UK. Those that do not meet the thresholds established by the Home Office and the Courts are not granted permission to stay.

Those granted leave will need to plan for fees to increase beyond the rate of inflation, and historically have been informed of the changes with less than a month to prepare and save. This year's increase forced another young mother seen by CCLC to abandon her application for settlement because she could not afford the new fees and pay for her child's citizenship.

⁵ 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

⁶ This includes an NHS surcharged introduced in 2014 at a rate of £200 per year. In February the government trailed plans to double this surcharge at some point in 2018, which would take the overall fees up to £2,033 per person every thirty months.

The government's legal duties towards children

At no point has the government addressed the significant impact it has on individuals trying to make applications based on their human rights, or on children specifically. The government has repeatedly stated its commitment to 'giving due consideration to the United Nations Convention on the Rights of the Child (UNCRC) when developing new policy and legislation' and ensuring that government policies – 'whether they hold direct or indirect consequences– consider children'.⁷ Yet the Impact Assessment for Immigration and Nationality (Fees) Regulations 2018 makes no reference to the children and their rights.⁸ If an immigration application is so prohibitively expensive that it exists in theory only, it is not fulfilling its statutory purpose. It is CCLC and Let Us Learn's view that these fees are set at an unnecessarily high level, infringing human rights. The Home Office approach to charging for citizenship and immigration applications is in 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 upholding children's rights under the UN Convention on the Rights of the Child. Profiteering from children is clearly in breach of this duty.

Amelia

Amelia is 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. She would need to pay a total of £7,144 for her son to become a citizen, and £9,851 for herself. However, these costs increase annually and Amelia 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. There is no legal aid for Amelia or her child at any stage, so she will either have to pay a private solicitor on top of paying the above fees or try to represent herself.

Impact of the current system

- **Young people on the ten-year route to settlement face intolerable worry and stress due to the high cost of application fees and the length of time to settlement.**
- **The constantly increasing cost of leave to remain applications increases the chances of people losing their lawful status because they cannot afford the payments.**
- **Without change, the impact of the current system on young people and families who are settled in the UK could be the next 'Windrush Generation scandal'.**

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 the Prime Minister, "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

⁷ See UN Convention on the Rights of the Child: Written question - HL1585, at <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Lords/2015-07-16/HL1585> and Commitment to UNCRC: Written statement - HLWS197, at <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Lords/2016-10-17/HLWS197/>

⁸ http://www.legislation.gov.uk/ukia/2018/59/pdfs/ukia_20180059_en.pdf

citizenship is not therefore required".⁹ However, for a young person, it is not about benefits and entitlements. It is about shouldering the mental and economic burden that comes with the pursuit of citizenship. This is extraordinarily hard on those who were born or have grown up in the UK. They are the ones who have spent the entirety (or almost the entirety) of their lives integrating into British society. They are educated in the UK, their friends and their family are here, and their hopes for the future lie here. They are British but they cannot afford the process to settlement and citizenship.

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.

Cynthia

Age: 22

Country of Origin: Nigeria

Length of time in the UK: 13 years

I am currently a first-year university student because I was fortunate enough to receive an Article 26 scholarship in 2017. Without this scholarship, I would not have been able to attend university as I do not qualify for student finance. Despite living in the UK since I was 9 years old and feeling British in every way, I am constantly reminded that the government does not believe I belong here. Not being able to continue my studies because I was entitled to student finance after leaving college affected my mental health and I quickly fell into depression. Thankfully, Kent University gave me a scholarship that covers my tuition fees but unfortunately doesn't cover my accommodation which is £6,500 a year. During my first year at university, I haven't been able to focus as I should have done because I am constantly worrying about paying for my university accommodation and my upcoming immigration renewal. If the government increase the NHS surcharge by the end of the year as promised, my total fees will be £2,033. If I am being entirely honest, I'm not sure how I'm going to get the total sum. Being out of status is, however, not something I can afford otherwise I would be subjected to the hostile environment and could potentially be removed from the UK to a place I no longer know. Unfortunately, I haven't been given the same opportunities as most of my university peers as I am in constant state of worry regarding money. This has taken a heavy toll on me and I will battle for the next 8 years to raise the money needed to become settled in the UK. I'm currently surviving financially by working 40 hours in 3 days while attending university which is both physically and mentally draining. 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.

⁹ <https://www.commonspace.scot/articles/12841/snp-slams-extortionate-148-cent-increase-immigration-fees-2014>

Recommendations

Let Us Learn and Coram are calling on the Home Secretary to:

- **Remove the profit element of the fee in all applications children make to the Home Office.**
- **Make an immediate commitment not to increase application fees for limited leave to remain (including the Immigration Health Surcharge) beyond the current level for children and young people.**
- **Commission a review, as a matter of urgency, into the effects of the current route to settlement on young migrants.**
- **Ensure the review involves young people affected to ensure that their experiences and views are fully recognised, and that it considers the impact that the length of the route to settlement and fees required have on individuals, communities and society.**
- **Introduce a shorter, more affordable route to permanent status and stability for all children and young people who have grown up in the UK.**

About Let Us Learn

Let Us Learn¹⁰ is a youth-led campaign group made up of 1,000 migrants aged 16-24, supported by the award-winning charity Just for Kids Law.¹¹ Let Us Learn launched in 2014 in response to a policy 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. For further information please contact:

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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. For more information please contact:

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¹⁰ For more information on our campaign: <http://letuslearn.study/>

¹¹ For more information on Just for Kids Law: <https://www.justforkidslaw.org/>