

Refugee & Migrant Children's Consortium

Immigration and Social Security Co-ordination (EU Withdrawal) Bill Committee Stage, House of Commons Citizenship Fees Amendment Briefing

Citizenship Fees - Summary

Brexit has had, and will continue to have, a profound impact on the lives of children and young people for many years to come, including hundreds of thousands of European children and young people who were born here, consider this their home and who may also be British citizens. The purpose of the Bill is to end free movement of individuals and families including for the 3.7 million EU nationals currently in the UK who came here to live, work and study freely, understanding that they were welcome and free to do so. The Migration Observatory have estimated that there are currently 1.2 million EU parents and 900,000 EU children residing in the UK¹ This includes an estimated 239,000 UK-born children whose EU and non-EU parents report that their children are UK citizens as well as 285,000 UK-born children whose parents report them as EU citizens

Many of those children and young people who are here already will now be required to acquire 'settled status' or 'pre-settled status' through the EU Settlement Scheme in order to be able to remain in the UK lawfully and to avoid becoming undocumented. Some will already be eligible for British citizenship. 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.
- There is also the right to register as a British citizen at the discretion of the Secretary of State (under section 3(1) British Nationality Act 1981), which disappears once the child has turned 18. There is no way to make use of this discretion as an adult.

However, many children are unable to apply for citizenship in large part due to the exorbitant application fees and the lack of fee waivers² - the fee to apply for a child to register as a British citizen is **£1,012**³. 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.

Children's Citizenship Fees

All citizenship applications incur a fee. This fee for a child to register as a British citizen is £1,012 despite the Home Office calculating an actual processing cost of £372 per application. This means a profit of £640 is made from every child accessing their right to register as a British citizen. It is not clear how fees are calculated or scrutinised, or why certain fees go up year-on-year. There are no exemptions or fee waivers for any children seeking to register, whatever their circumstances.

Looked after children have always been exempt from the fee originally proposed for the settlement scheme, but not for citizenship. For children in care, it is a cost-shift to use the limited local authority resource to pay a Home Office application fee to register a child as a British citizen. However, without the local authority paying the fee no citizenship application can be made, as there is no fee exemption for

citizenship cases. The present cost-shift means that local authorities are de-incentivised to apply for citizenship for children in their care. This is problematic because citizenship can be available to children in care where other immigration routes are closed to them. The stakes in such cases are very high, and bad practice is well-documented: for example, in 2016 Local Government Ombudsman case found that one London Council failed to act appropriately and in a timely manner to help a care leaver regularise her immigration status after she became looked after, and was made to pay out £5,000 in damages.⁴

The RMCC is already concerned that local authorities are not identifying children in their care who need to regularise their status, both EU and non-EU nationals, and not assisting those who are eligible to apply for British citizenship, even though it is their duty as corporate parents to do so. We are also concerned that families may not be able to apply for the most secure form of status for their children when 4 in 10 adults in the UK do not have enough savings to meet one month's rent,⁵ yet the fee that a young person needs to find far exceeds the average monthly rent.

With the fee as it currently stands applying for citizenship will be impossible for many children, even if it is clearly in their best interests to do so. 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 in respect to all his functions including nationality. We would not be adhering to our own principled laws to act in a child's best interests if we do not take this opportunity now to reduce this fee.

The RMCC would urge Parliamentarians to support this amendment and any other amendment which reduces and or waives citizenship fees for children. Where a child is eligible, a permanent and secure immigration status will always be in their best interests. We would urge parliamentarians to act now to ensure this option is accessible to everyone.

Case Study

Freja and Lucas are 10 year old twins from Sweden, who were born in the UK but who were taken into care as infants. The twins' foster carer approached the local authority to ask if they might care for them permanently when they were seven, and the local authority encouraged them to apply for a Special Guardianship Order (SGO). The foster carers became special guardians this year, and now have parental responsibility for the children but are no longer receiving financial support from the local authority.

Freja and Lucas were referred to Coram Children's Legal Centre (CCLC) to assist them to make applications under the EU settlement scheme as part of Private Beta 2. A qualified lawyer at CCLC was able to advise that the twins have the right to register as British citizens by entitlement under section 1(4) British Nationality Act 1981, which is a more secure option for them than applying for 'settled status' under the settlement scheme.

However, there is a fee of £1,012 per child for this and the special guardians cannot afford to pay over £2,000 for the applications. The local authority does not acknowledge that it has any further duties to the family and is stating that it will not pay for the registration fees, despite the twins' obvious wish to become British.

NC45

*** To move the following Clause—**

“Registration as a British citizen

(1) No person, who has at any time exercised any of the rights for which Schedule 1 makes provision to end, may be charged a fee to register as a British citizen that is higher than the cost to the Secretary of State of exercising the function of registration.

(2) No child of a person who has at any time exercised any of the rights for which Schedule 1 makes provision to end may be charged a fee to register as a British citizen if that child is receiving the assistance of a local authority.

(3) No child of a person who has at any time exercised any of the rights for which Schedule 1 makes provision to end may be charged a fee to register as a British citizen that the child or the child’s parent, guardian or carer is unable to afford.

(4) The Secretary of State must take steps to raise awareness of people to whom subsection (1) applies of their rights under the British Nationality Act 1981 to register as British citizens.”

Member’s explanatory statement

This new clause would mean that nobody whose right of free movement was removed by the Bill could be charged a fee for registering as a British citizen that was greater than the cost of the registration process, and would abolish the fee for some children.

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¹ See Local Government Ombudsman, Investigation into a complaint against Royal Borough of Greenwich, reference number: 13 019 1061 (January 2016)

² https://england.shelter.org.uk/_data/assets/pdf_file/0005/960314/Final_summary.pdf

³ <https://www.gov.uk/government/publications/fees-for-citizenship-applications/fees-for-citizenship-applications-and-the-right-of-abode-from-6-april-2018>