

BRIEFING FOR LOCAL COUNCILLORS: CHILD CITIZENSHIP FEES

An estimated 120,000 children living in the UK have neither British citizenship nor immigration permission to be in the UK. More than half of these children were born in the UK or have lived in the UK from a young age. Many of these children have rights to register as British citizens under the British Nationality Act 1981. Several of them are entitled to be registered.

However, often children, their parents, foster parents or social services are unaware that children have these rights. Even those who are aware then face a complex process and a costly, often prohibitive fee.

Amnesty UK Children's Human Rights network is partnering with the [Project for the Registration of Children as British Citizens](#) to campaign for changes to the fee system, and to ensure the young people in question understand their rights in time to claim them.

CHILDREN'S CITIZENSHIP RIGHTS

Under the British Nationality Act 1981 a child is a British citizen by birth if born in the UK to a parent who is a British citizen or has indefinite leave to remain in the UK (or permanent residence) at the time of their birth (s1(1)).

Children born in the UK who are not British citizens at birth have a right to register as British if:

- Their parents become British or get indefinite leave to remain or permanent residence in the UK (s1(3))
- The child has lived the first 10 years of their life in the UK, with absences of no more than 90 days a year (s1(4)) (subject to special circumstances)
- The child is stateless and has been resident in the UK for at least the past 5 years (para 3, Sch. 2)

Children who were not born in the UK may also register at the discretion of the Secretary of State (s3(1)). This should be done for children whose future clearly lies in the UK.

SIGNIFICANCE OF CITIZENSHIP

Citizenship is an important issue for children, which can impact upon many aspects of their lives and their futures, including:

- sense of identity and belonging
- access to funding for higher education
- passport and ability to travel, for example on school trips
- proof of entitlement to work and rent a home
- right to vote and participate in the wider community
- security and stability – without citizenship they remain at risk and subject to immigration rules and powers

FOR ALL CHILDREN

Amnesty International UK
Children's Human Rights Network



THE FEE – A SIGNIFICANT OBSTACLE TO CHILDREN’S RIGHTS

Currently the fee to apply for a child to register as a British citizen is £1,012. This fee is payable by all children who were not automatically British citizens at birth, including those born in the UK and entitled to register as British citizens.

This fee is charged for every application, 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.

There are no exemptions or fee waivers for any children seeking to register, whatever their circumstances.

For children who are in local authority care this means the costs of registration (and a sizeable profit) are taken from local government by central government. This transfer of funds from local to central government is without justification, serves no public benefit and if the local authority is unable to afford it effectively denies a child her or his citizenship rights.

Local authorities have a duty to act in the best interests of children in their care and for many children an application to register as a British citizen is in their best interests, bringing with it a sense of stability and security for the future, as well as many associated rights.

The best interests of the child should be the primary consideration when developing policies or making decisions that affect them. Children should not be prevented from acquiring citizenship to which they are entitled by the charging of an unjustifiable, profit-making fee.

We are asking local councils to confirm that they will raise this issue with the Immigration Minister and to commit to ensuring children in their care are supported to apply for British citizenship.

For more information please contact Amnesty UK Children’s Human Rights Network at childrensnetwork@amnesty.org.uk

FOR ALL CHILDREN

Amnesty International UK
Children’s Human Rights Network

