



Children's Wellbeing and Schools Bill, HL Bill 84

House of Lords Committee, June 2025

Young people's nationality rights (British citizenship)
Amendment 147 (read with Amendment 152)

BARONESS LISTER OF BURTERSETT

147

Clause 21, page 39, line 21, at end insert—

“(1A) When discharging its duty under subsection (1), the relevant authority must consider the right to British citizenship of looked-after and relevant young people and how that entitlement can be secured to avoid adverse effect on their wellbeing.”

Read with:

BARONESS LISTER OF BURTERSETT
THE LORD BISHOP OF MANCHESTER

152

Clause 22, page 40, line 3, leave out paragraph (a)

Member's explanatory statement

This amendment ensures that the duty, of every relevant authority to looked-after children and relevant young people, contained in section 21(1), also applies when the Secretary of State in exercising immigration, asylum and nationality functions.

BRIEFING

Amendment 147 concerns the rights of young people to British citizenship and the need to ensure young people are aware of their rights and enabled or assisted to act on them.

The relevant clauses of the Bill

Clause 21 of the Bill creates a statutory duty for relevant authorities, which are exhaustively listed or described in Part 1 of Schedule 1 to the Bill. That duty broadly requires these listed bodies, when exercising their duties, to be alert to matters concerning the wellbeing of children and young people up to the age of 25 years who

were looked after children under the care of a local authority at or after their sixteenth birthday. It requires those bodies to consider what services and support they provide to these children and young adults and assist them for the promotion of their wellbeing.

Clause 21 is limited by Clause 22. Among those limitations is the exclusion in Clause 22(1)(a) of anything in relation to immigration, asylum and nationality functions.

Amendment 147 and nationality functions

This briefing and Amendment 147 concern nationality functions, specifically as these relate to the rights of children and young adults to British citizenship such as:

- i. Where a young person, who is a British citizen, for example by birth in the UK to a British citizen or settled parent,¹ and has grown up without ever securing a passport or other confirmation of their right at their birth, may need assistance to have their citizenship confirmed. For the avoidance of doubt, a British birth certificate is not sufficient to establish anyone's citizenship of the UK because, amongst other things, being born in the UK from 1 January 1983 onwards is not sufficient to automatically acquire that nationality.
- ii. Where a young person who is entitled to be registered as a British citizen, for example having been born in the UK and grown up in this country to their tenth birthday,² may need assistance to recognise their need to be registered and to secure this.
- iii. Where a child brought to the UK at a young age may be registered as a British citizen on account of their growing up here connected to this country and/or their future lying here,³ which will include many looked after children (particularly where a full care order has been made). In the case of a child who has lost this opportunity when turning 18 because, for example, a local authority has failed to act, there remains capacity for the young adult to be registered to correct that failure.⁴

The purpose of Amendment 147 is to require that the bodies, to whom Clause 21 applies, take steps to raise their awareness of the rights of children and young adults, to whom they have responsibilities, to British citizenship; and ensure their capacity to support and assist these young people in securing their nationality of the UK (i.e., British citizenship).

As the Project for the Registration of Children as British Citizens (PRCBC) has experienced over many years, the impact on a young person who has grown up in the UK of discovering they are not recognised to be British citizens can be devastating. For some young people the shock is so profound as to cause serious mental illness and/or cause long-lasting loss of confidence and sense of security. As the High Court has itself emphasised, having noted a "*mass of evidence*" presented to it by PRCBC,

¹ Section 1(1) of the British Nationality Act 1981

² Section 1(4) of the British Nationality Act 1981. This is not the only relevant provision concerning young people's rights of registration.

³ Section 3(1) of the British Nationality Act 1981 provides an unfettered discretion to register any child as a British citizen. It has particularly important application for children in care as well as for other children with close connection to this country.

⁴ Section 4L of the British Nationality Act

the impact on children of being unable to access their citizenship rights can be to “*feel alienated, excluded, isolated, “second-best”, insecure and not fully assimilated into the culture and social fabric of the UK.*”⁵ This has a very serious impact on young people’s capacity to thrive, including undermining educational and other capacities and achievements, harming young people’s wellbeing in the present and potentially long into the future.

Bodies – including local authorities – with special responsibility for children and young adults need to understand these matters. They need to be able to support young people experiencing this alienation and, for some, serious assault on their personal identity and sense of belonging. That support needs to include both helping young people to correct that alienation by securing confirmation or registration of their British citizenship; and showing care and empathy with a young person experiencing what, for some, will come as a serious shock that may also affect how they relate to peers and others and make them fearful about this. For young people in care, this alienation will compound feelings of abandonment or rejection that the young person may already be living with by reason of the fact of being in care and the circumstances that have led to that.

The urgency of these matters is increased because the longer time passes without a young person’s British citizenship being confirmed or registered, the greater the risk it may become unattainable. Important evidence may be lost concerning their paternity or early years in the UK. In some instances, some more or less serious indiscretion that attracts the attention of the police and/or youth justice system may occasion the Home Office to decide to block their right to be registered as British.⁶ While this is not the occasion for addressing that particular injustice, it is vital that all concerned with the wellbeing of young people in the UK should understand and act on the need to ensure their rights to British citizenship are secured without delay.

Generally, there is an urgent need for greater awareness-raising and action to support children born and growing up in the UK to secure British citizenship. This was Parliament’s clear intention when creating that nationality by the British Nationality Act 1981. It is a scandal receiving far too little attention that so many people born and raised in this country are growing up and entering adulthood – some now well into adulthood⁷ – deprived of the nationality that is their right, of the country that is their home and, for some, the only place that they know. The impact on wellbeing, including mental health, is dreadful and should be of serious concern to anybody formally concerned with a young person’s welfare.

Amendment 147, therefore, has the modest ambition of emphasising the need for relevant bodies, including local authorities, to ensure they become and remain familiar with these nationality rights and their importance. PRCBC has from time to time seen good practice at a particular local authority in recognising and acting promptly on these rights, only for this to fall away – either because existing knowledge has become out of date or the authority is dependent on the knowledge and commitment of an

⁵PRCBC, *O & A v Secretary of State for the Home Department* [2019] EWHC 3536 (Admin), paragraph 21

⁶ This concerns a good character requirement on young people as young as 10, many of whom were born here, to be registered as a British citizen: section 41A of the British Nationality Act 1981.

⁷ PRCBC’s oldest client is 42 years old, born in the same year that the British Nationality Act 1981 first took effect (i.e., 1983).

individual who has retired or moved on. That is needed to support young people with these rights, including for the young person to secure professional legal assistance.

However, without Amendment 152 – which has wider implications for distinct matters of immigration and asylum affecting several other children and young people – or some similar amendment, Clause 22(1)(a) would render Amendment 147 ineffective.

We are aware of suggestions that have been made on behalf of Government that neither Amendment 147 nor Amendment 152 are needed because the Home Office is subject to a statutory duty concerning children's wellbeing ("the section 55 duty").⁸ There are two difficulties with that suggestion:

- i. First, the section 55 duty applies only to children, not to young adults. Even if section 55 were sufficient alternative to the duty under Clause 21 for children, it would not assist the young adults to whom Clause 21 applies.
- ii. Second, section 55 applies solely to the Home Office. The primary focus of Clause 21 is local authorities and other listed bodies with particular responsibilities towards young people. Section 55 has no application to those bodies.

We note, for example, the still relatively recent establishment by the Home Office of a Citizenship Vulnerable Person Team (CVPT) within its nationality section. We welcome the creation of that team, which clearly has an important role to play in supporting, amongst other things, local authorities to better understand and act on the rights to British citizenship of young people in their care. Section 55 relates to this team and its creation, which are clearly concerned with promoting children's welfare in recognition of the vital importance of nationality rights to their welfare. However, for the Home Office to achieve all that is needed, it also needs local authorities and others providing care and support to young people to know when and how to approach it. That includes with many children and young adults, born in this country, of whom the Home Office will have no prior knowledge or any interaction.

In conclusion, Amendment 147 concerns a critically important matter of young people's wellbeing. It is no accident that the 1989 UN Convention on the Rights of the Child pays particular attention to children's rights to identity and nationality and links the two.⁹ It was equally no accident that when Parliament created British citizenship and established children's rights to it, the minister leading the British Nationality Bill 1980-81 through the other place was very clear on the importance of these rights to children's sense of security.¹⁰

For all these reasons, PRCBC and Amnesty International UK support this amendment to safeguard the interests and wellbeing of young people in the UK by much needed improvement of awareness and capacity to secure their rights to British citizenship.

⁸ Section 55 of the Borders, Citizenship and Immigration Act 2009

⁹ Articles 7 and 8

¹⁰ See e.g. *Hansard* HC, Standing Committee F, 24 February 1981:Col177per Timothy Raison MP, Home Office Minister