



Mr Steve Valdez-Symonds
Amnesty International UK Section
The Human Rights Action Centre
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DECS Reference: MIN/1263468/25

25 February 2025

Dear Mr Valdez-Symonds,

Thank you for your letter of 9 January following our meeting on 16 December 2024 about asylum and immigration policy.

Citizenship eligibility

In response to your briefing on deportation, any child born in the UK after 1 January 1983 who was not a British citizen at birth has an entitlement to register as a British citizen if their parent becomes a British citizen or settled in the UK, or if they live here for the first ten years of their life. If a child does not have an entitlement to registration, an application could be made under section 3(1) of the Act, which is at the Home Secretary's discretion. In addition, there are provisions for children born in the UK who would otherwise be stateless to acquire citizenship. It is not unreasonable to expect those wishing to formally become British to meet the statutory requirements, including to be of good character.

The good character requirement is a statutory one, set out in primary legislation and applies to those aged ten and over, aligning with the age of criminal responsibility. The Secretary of State must be satisfied that the applicant is of good character before granting British citizenship on a balance of probabilities, considering all aspects of a person's character.

Character assessments are therefore based on a matrix of factors that will be unique to each applicant and their background, such as their age at the time of offending, rehabilitation efforts, contributions they have made to UK society, engagement in activities indicative of good character, any proportion of their life absent of any indicators of poor character.

Having a criminal record does not necessarily mean that citizenship will be refused, but a person who has not shown respect for, or is not prepared to abide by, the law is unlikely to be considered of good character.

As a general principle, the higher the frequency of offending, sentence length, seriousness or impact of the offending, the higher the level or amount of mitigating evidence required to tip the balance of probabilities towards an outcome of good character. Some types of criminality are unlikely to tip the balance at all. Regardless, the Secretary of State may apply discretion and grant on an exceptional basis if there are particularly exceptional circumstances indicating that they are of good character now despite earlier offending.

There is also no direct connection between good character on one hand and long residence and integration on the other. It is the applicant's conduct during their residency that is the important factor, although it is recognised that a person with a longer period of residency may be in a better position to acquire sufficient positive factors to support an exceptional grant, than a person with a shorter period of residency in the UK.

Decisions to remove someone's British citizenship, also known as deprivation of citizenship, are not taken lightly. Deprivation is used against those who obtained citizenship by fraud, and against the most dangerous people, such as terrorists, extremists and serious organised criminals. It always comes with a right to appeal. Maintaining our national security and keeping the public safe are the Government's top priorities.

Asylum Process

We are restoring order to the asylum system so that every part – border security, case processing, appeals and returns – operate swiftly, whilst investing in a programme of transformation and business improvement initiatives to speed up decision making, including maintaining sufficient resources in place to clear the asylum backlog.

You have also raised the Home Office's decision to temporarily pause decisions on Syrian asylum claims. The Home Office acted swiftly in introducing this pause, whilst we assess the current situation. This was, and remains, a necessary step. We realise that for Syrian nationals who currently have claims in the asylum process, this is an uncertain and for some, an unsettling time. We will, however, continue to register new asylum claims from Syrian nationals in accordance with published policy so that these people have access to the protections afforded to asylum seekers in the UK.

Asylum legislation

The Border Security, Asylum and Immigration Bill will strengthen the UK's response to border security threats and set out the framework within which the Border Security Command will work, acting as a system leader for border security.

The Bill will create new powers to strengthen law enforcement's ability to identify, disrupt and prevent serious and organised crime, including organised immigration crime, through new criminal offences and expanded data-sharing capabilities. These measures are inspired by the approach taken to counter terrorism, enabling earlier intervention against those individuals facilitating organised crime.

The Bill will include repealing provisions in the Illegal Migration Act 2023 and repealing the Safety of Rwanda (Asylum and Immigration) Act 2024. The Government has no plans to repeal the Nationality and Borders Act 2022.

Enforcement and Toxicity

Returns for those who have no right to be here are an important part of ensuring the immigration system works and that the asylum and immigration rules are properly respected and enforced. We expect people with no right to be here to leave the country voluntarily, and we encourage voluntary returns through community engagement via our Voluntary Returns Service which offers financial and practical assistance to help people leave the UK with dignity.

The Home Office will not return an individual while there are claims or legal barriers that would prevent their removal from the UK and until all outstanding representations have been considered, including any Windrush Scheme applications. Individuals are only removed from the UK when the Home Office and, where applicable, the courts deem it is safe to do so.

In respect of enforcement, we are rapidly expanding our work across Government and with law enforcement partners to target, investigate and enforce penalties on unscrupulous employers who illegally employ those with no right to work here. We are not targeting people from foreign countries who have a legitimate right to work in the UK.

Our enforcement efforts are focused on those who are not entitled to work and the employers who enable this and/or exploit those who entered illegally and have no permission to work, or originally entered through a legal route and then overstayed or work in breach of their visa conditions.

Yours sincerely,

A handwritten signature in blue ink, reading "Angela Eagle".

Dame Angela Eagle DBE MP
Minister for Border Security & Asylum