



**Submission to
Joint Committee on Human Rights**

**Human Rights of Children in the Social Care System in England
August 2025**

1. This submission concerns the rights to British citizenship of children in, or in contact with, the social care system; the human rights impact of failing to secure British citizenship; and the role of that system in securing these rights (including of children who may go on to remain in the care of that system into early adulthood).
2. We address specific questions identified in the Committee's Call for Evidence under headings that identify each relevant question (numbered in accordance with the Committee's numbering). Our focus is children's citizenship rights, which are critically connected to children's human rights and best interests (see response to the Committee's questions on ECHR rights (Q1) and UNCRC incorporation (Q2)). Before addressing the Committee's questions, we briefly summarise key matters concerning children's rights to British citizenship to aid understanding of our answers to the Committee's questions and the relevance of the citizenship rights to the Committee's inquiry. After addressing selected questions, we set out recommendations the Committee might consider.

Children's rights to British citizenship

3. The British Nationality Act 1981 (BNA 1981) took effect on 1 January 1983. A primary purpose in its enactment was to create a nationality for the UK. That nationality is British citizenship. As befitted a fundamental resettlement of British nationality law, the bill was preceded by a Green Paper¹ and White Paper² and was the subject of extensive parliamentary scrutiny before its passing, much of which scrutiny concerned the rights of children.
4. This led to the creation of British citizenship based on a principle of connection to the UK.³ In doing this, Parliament abandoned the principle of *jus*

¹ *British Nationality Law: Discussion of Possible Changes*, Cmnd 6795 (April 1977)

² *British Nationality Law: Outline of Proposed Legislation*, Cmnd 7987 (July 1980)

*sol*i (that nationality is acquired by birth on national territory) that had previously applied in British nationality law. It did so because it considered that birth in the UK was insufficient to establish the connection of children born to non-British citizens.⁴ Nonetheless, Parliament recognised that growing up in the UK from birth would connect a child to the UK. It therefore established the right to British citizenship in each of the following circumstances:

- (i) a child born in the UK to a British citizen or settled parent is a British citizen at birth;⁵
- (ii) a child born in the UK acquires an entitlement, during their childhood, to be registered as a British citizen if a parent becomes a British citizen or settled;⁶ and
- (iii) a person born in the UK acquires an entitlement to be registered as a British citizen if they continue to live in the UK up to their tenth birthday (subject to some permitted absences).⁷

5. These various rights reflect Parliament's assessment of connection for the purposes of being identified as belonging to the UK. The significance of a parent being settled is that this gives clear indication that a child's future lies in the UK; and the importance of securing a child's citizenship as early as possible was expressly recognised in the passage of the BNA 1981.⁸ However, a person's connection to the UK is not ultimately dependent on their parents and hence the recognition that growing up here over the first ten years of a child's life will make the child connected here.

6. The BNA 1981 establishes children's rights to British citizenship in other circumstances, including children born outside the UK to British citizens.⁹ It also includes an unfettered discretion for the Home Secretary to register a child as a British citizen.¹⁰ Among important applications of that discretion are circumstances in which a child is a British citizen by birth or has an entitlement to that citizenship but cannot substantiate this.¹¹ The discretion is

³ See, e.g., Cmnd 7987, *op cit*, paragraph 37; and *Hansard* HC, Report, 3 June 1981 : Cols 979-980 *per* Timothy Raison, Home Office Minister of State. The parliamentary intention in creating British citizenship is more fully discussed in *Reasserting Rights to British Citizenship Through Registration*, IANLJ, Vol 34, No 2, 2020, 139-157, Valdez-Symonds & Valdez-Symonds.

⁴ See, e.g., *Hansard* HC, Standing Committee F, 12 February 1981 : Col 41 and 24 February 1981: Col 183 *per* Timothy Raison, Home Office Minister of State; *Hansard* HL, 7 July 1981: Col 662 *per* Lord Belstead, Minister of State

⁵ Section 1(1), BNA 1981

⁶ Section 1(3), BNA 1981

⁷ Section 1(4), BNA 1981

⁸ See, e.g., *Hansard* HC, Standing Committee F, 24 February 1981: Col 183 *per* Timothy Raison, Home Office Minister of State

⁹ Sections 2(1), 3(2) and 3(5), BNA 1981

¹⁰ Section 3(1), BNA 1981

¹¹ See, e.g., *Hansard* HC, Standing Committee F, 24 February 1981: Col 186 *per* Timothy Raison, Home Office

also importantly applied in the case of children brought to the UK at a young age who grow up here having no or little memory of anywhere else or children brought to the UK and taken into care.¹² The overarching consideration in all these cases is that British citizenship is intended to bring together by nationality all the people connected to the UK. British citizenship acquired automatically or by registration reflects this.

The need to clearly distinguish the right to acquire citizenship (including by registration) and naturalisation:

7. The BNA 1981 separately provides the Home Secretary discretion to naturalise an adult migrant to the UK if that person has first been permitted to become settled and meets various other preconditions. Registration and naturalisation are fundamentally distinct.¹³ Registration concerns recognition of a person's connection to the UK. Hence, it is in nearly all circumstances expressly by entitlement, often concerns people born in the UK, and, insofar as it concerns people not born in the UK, largely concerns only childhood.¹⁴ Naturalisation, however, concerns people connected elsewhere who wish to make their connection with the UK.
8. The rights of many children to British citizenship, including many children born in the UK, are however put in jeopardy by widespread misunderstanding of their rights. This includes the continued belief that birth in the UK is sufficient for British citizenship and a British birth certificate is therefore sufficient to establish that citizenship. It includes significant misunderstandings of registration under the BNA 1981, among which is a harmful tendency to treat registration as if it is simply the same as or a part of naturalisation.¹⁵ These misunderstandings influence law, policy, and practice. They underpin the introduction and implementation of fees set far above administrative cost for children and adults to have their citizenship registered;¹⁶ and the introduction of a good character requirement for registration of citizenship by people aged 10 years or older¹⁷ – none of which were permitted or envisaged at the time

Minister of State. The discretion under section 3(1) of the BNA 1981 is more fully discussed in *Reasserting Rights to British Citizenship Through Registration: the section 3(1) discretion to register children*, IANLJ, Vol 37, No 3, 2023, 263-270, Valdez-Symonds & Valdez-Symonds.

¹² Relevant revisions to Home Office policy guidance, *Registration as a British citizen: children*, concerning the application of section 3(1) of the BNA 1981 were made following settlement of five claims before the High Court in which PRCBC assisted the claimant child and following an undisclosed Home Office best interests assessment that followed the judgments in *R (PRCBC & Ors) v Secretary of State for the Home Department* [2019] EWHC 3536 (Admin); [2021] EWCA Civ 193.

¹³ Section 6 and Schedule 1, BNA 1981

¹⁴ Section 4L, BNA 1981 is a relatively new exception that is intended to put right injustices arising from law, policy, or practice, which could include a local authority's failure to act to secure a child's citizenship.

¹⁵ Home Office decisions frequently mischaracterise registration as naturalisation.

¹⁶ This is more fully discussed in *Reasserting Rights to British Citizenship Through Registration: Judicial Review of the Registration Fee*, IANLJ, Vol 36, No 4, 2022, 285-299, Valdez-Symonds & Valdez-Symonds.

¹⁷ This is more fully discussed in *Reasserting Rights to British Citizenship by Registration: the requirement of*

the BNA 1981 was passed.¹⁸ The impact of these misunderstandings and harmful developments in law, policy and practice since that time can and do lead to effective deprivation of British citizenship and the alienation of many children (and the adults they become) in the UK. They belong to this country and identify as so belonging. Under the BNA 1981, they are intended to be recognised as British citizens. Instead, they are treated as if visitors to this country, including in circumstances where they were not only born here but have neither known nor even visited any other place.

9. It is against this background that we answer the following questions of the Committee.

Q1. To what extent are Convention rights protected in the children's social care system (with particular focus on Articles 8 and 14, ECHR)?

10. There have been improvements in recent years in the capacity of the social care system to identify and act on the citizenship rights of children. Since June 2022, the Home Office Citizenship Vulnerable Persons Team (CVPT) has supported local authorities with this; and looked after children have been exempt from the fee to be registered as a British citizen.¹⁹ These are vitally important developments concerning the best interests of children (Article 3, UNCRC) and their human rights, including under Articles 8 and 14, ECHR.

(1) Connection between citizenship rights and human rights

11. The connection between citizenship rights and human rights is twofold.
12. Firstly, the right to a nationality is one of the fundamental rights enumerated in the Universal Declaration of Human Rights (Article 15, UDHR), which includes a prohibition on arbitrary deprivation of a person's nationality.²⁰ The importance of the relationship between a person and *their* country (i.e., their country of nationality) in international human rights law (IHRL) emphasises the need to understand the right to nationality as more than merely a right not to be stateless, but rather as recognition of the importance of nationality in affirming the connection between each person and their country.²¹ In this

good character, IANLJ, Vol 38, No 2, 2024, 125-133, Valdez-Symonds & Valdez-Symonds

¹⁸ A separate requirement of good character for naturalisation long predates the BNA 1981 and was included in its original enactment.

¹⁹ The exemption was introduced by the Immigration and Nationality (Fees) (Amendment) Regulations 2022, SI 2022/296, regulation 2(4)(c)

²⁰ Article 15.2, UDHR

²¹ This is, e.g., implicit in the UDHR Preamble in its recognition of the "peoples of Member States" and expressly reflected in the use of the term "his country" in relation to rights to leave and return to one's own country (Article 13; and Article 10, UNCRC), and to participate in its government and have equal access to its public services (Article 21).

regard, Parliament's decision, in passing the BNA 1981, to found British citizenship on a principle of connection to the UK resonates with IHRL. Obstructing or failing to fulfil a child's right under the BNA 1981 to British citizenship may, therefore, constitute an arbitrary deprivation of nationality; and is certainly capable of constituting a direct interference with the child's private life (Article 8, ECHR) by undermining the child's identity, security and capacity for social engagement.²² Moreover, PRCBC's experience gives clear indication of discrimination (Article 14, ECHR). Children who suffer this deprivation (obstruction and/or failure to fulfil their citizenship rights) are disproportionately of Black or other ethnic minority, and in certain circumstances also disproportionately identifiable by matters relating to social status or disability (particularly as regards mental health).

13. Secondly, the tangible and intangible impact of being without citizenship has significant human rights consequences. As regards the tangible impact, being without citizenship makes a person liable to various immigration powers, restrictions, and exclusions. This can include expulsion from the UK, detention, and restrictions on or exclusions from access to such things as public funds, work, study, healthcare, and housing; and on voting. The intangible impact can include feeling alienated, isolated, and insecure.²³ This tangible and intangible impact can engage various human rights (including Articles 8 and 14, ECHR). It can also make a person more vulnerable to destitution, homelessness, marginalisation, exploitation and mental ill-health, which may compound or extend the human rights impact; and increase the impact of racism and other social harms that the person may experience quite apart from any matter concerning their citizenship rights.

14. We explain more of the connection between citizenship rights and human rights in response to the Committee's question on UNCRC incorporation (Q2).

(2) Local authority practice

15. Notwithstanding recent improvements, PRCBC's experience indicates that local authority practice in securing children's citizenship rights remains variable and often dependent on individual commitment and experience such that good practice falls away when a key individual moves on. Some local authorities also show a lack of urgency even after having identified a child's

²² See, e.g., *Case of Malta v Genovese* (53124/09), [2011] ECHR 1590; and *R (Williams) v Secretary of State for the Home Department* [2015] EWHC 1268 (Admin), paragraph 86. As regards the alienating impact of being without the nationality of one's own country, see *R (PRCBC & Ors) v Secretary of State for the Home Department* [2019] EWHC 3536 (Admin), paragraph 21.

²³ *Ibid*; and note the imperative identified during the passage of the BNA 1981 of providing children a strong sense of security: *Hansard* HC, Standing Committee F, 24 February 1981: Col 177 *per* Timothy Raison, Home Office Minister of State.

need for confirmation of their British citizenship or to be registered as a British citizen; or having provided initial instructions for the child to be legally assisted to secure confirmation or registration. Whatever the reasons for this (whether relating to the individual social worker or more systemic issues at the local authority), the impact is to delay the child securing their citizenship, undermine legal capacity to assist the child, and potentially put the child's citizenship in jeopardy. We discuss the ways in which a child's citizenship may be jeopardised more fully in response to the Committee's question concerning kinship care (Q6), though noting that the risks we there identify also arise in other circumstances including being taken into care, fostered, adopted or remaining with parents.

Q2. If the UN Convention on the Rights of the Child (UNCRC) were to be incorporated into domestic law in England, to what extent would that affect the protection of the human rights of children supported by or in the social care system?

16. UNCRC incorporation would be likely to give greater attention to the duty of public bodies to ensure children's best interests are a primary consideration in all decisions and actions relating to children. It would be likely to extend understanding of that duty (Article 3, UNCRC) as incorporating more than merely a general notion of children's best interests but as including realisation of the entirety of the UNCRC, each of its various articles, the individual rights and responsibilities it enumerates, and the connection between these and their collective purpose in securing safe and healthy childhood and development into adulthood. As such, incorporation would draw closer attention to articles of the UNCRC (not merely Article 3) that have particular significance to children's citizenship rights. In addressing Articles 7, 8 and 40 of the UNCRC in response to this question on incorporation, we also explain the wider connection between citizenship rights and human rights.

(1) Articles 7 and 8, UNCRC

17. Article 7, UNCRC identifies the right to a nationality as among the most immediately pressing matters from birth (paragraph 1); and requires that the UK's nationality laws be implemented (paragraph 2). Article 8, UNCRC supplements this and links it to the matter of identity. Incorporating the UNCRC would, therefore, emphasise the obligation on public authorities (including the Home Office and local authorities) to take action to secure children's rights to British citizenship – an obligation that already arises insofar as the best interests of children (Article 3, UNCRC) are incorporated domestically by such measures as the Human Rights Act (Article 8, ECHR), section 55 of the Borders, Citizenship and Immigration Act 2009, and section

11 of the Children Act 2004. It would achieve this emphasis by expressly incorporating these other relevant articles, which we consider ought in any event to take effect in all consideration of children's best interests (since children's best interests must as a minimum include all the rights and obligations enumerated in the UNCRC).

(2) Article 40, UNCRC

18. Article 40, UNCRC identifies an obligation to promote the rehabilitation of child offenders.²⁴ It goes further than this in that it requires a wider guarantee of respect for the child's human dignity and rights, which must include respect for a child's nationality rights. Article 40, therefore, has especial relevance to matters we raise in response to the Committee's question about the criminal justice system (Q8). For now, we merely note that this provides another example of how UNCRC incorporation would emphasise the obligation identified in the previous paragraph concerning Article 3, UNCRC by expressly incorporating another article (i.e., Article 40) that ought, in any event, to take effect in current consideration of children's best interests.

Q6. What human rights considerations arise from born formal and informal kinship care?

19. There are two key concerns that arise in relation to rights to British citizenship. One relates to formal steps necessary to secure these rights, the other to evidence. These concerns arise for both children born British citizens and children born without British citizenship who later acquire a right to be registered as a British citizen. We deal with the two groups of children in turn under distinct subheadings below.
20. First, we note the following. These concerns have real potential to arise on the transfer of care to kinship care. They also arise in other circumstances, including where a child is taken into care, fostered, adopted, or even remains in the care of a parent. Children are generally dependent on adults (parents or carers) acting in their interests. However, there are many circumstances in which adults fail to act. This may be because they are unaware of the necessity for action, because they are neglectful or even hostile to the best interests of the child, or because the distress of a situation in which care of the child is being transferred obscures the need to act. PRCBC has experienced many circumstances in which children's citizenship is put in jeopardy because adults have failed to act. This includes failures by parents,

²⁴ The application of this under Article 8, ECHR has been affirmed in deportation proceedings, see *Case of Maslov v Austria* (1638/03), [2008] ECHR 546.

kinship carers, foster parents, adoptive parents, and social services. The impact of such failure is often not apparent until many years later.

(1) Children born British citizens

21. Whether a child is born a British citizen depends on where they are born and the status of one or other of their parents. If born in the UK, a child is a British citizen if their parent is then either a British citizen or settled.²⁵ If born outside the UK, a child is a British citizen if their parent is then a British citizen otherwise than by descent.²⁶ In either situation, the parentage and parental status are critical to whether the child is or is not a British citizen at birth. However, many people still wrongly believe that birth in the UK is sufficient to acquire British citizenship and that a UK birth certificate proves someone is a British citizen.

22. If, therefore, children become disconnected from their parents – particularly if that involves or leads to parents being absent, hostile or a threat to the child (or carer) – they may be without access to the means to prove their citizenship. The most common evidential difficulties here concern paternity²⁷ and/or the British citizenship or settled status of either parent at the time of the child's birth. If steps are not taken to secure confirmation of the child's British citizenship before or at the point that care is transferred (or to secure satisfactory evidence of paternity and parental status), the child can be left in a position where they are unable to establish their citizenship. More generally, the longer time is permitted to pass without securing confirmation of citizenship, the greater the risk to the child that evidence may become unavailable.

(2) Children who acquire a right to be registered as British citizens

23. Children who are not born British citizens may nonetheless acquire the right to be registered as a British citizen. Among the most common ways in which that occurs concerns children born in the UK. A child born in the UK without British citizenship acquires the right to be registered as a British citizen, during their childhood, if either parent becomes a British citizen or settled.²⁸ The child also acquires that right if the UK remains their home over the first ten years of their life (subject to a limit on absences over this period).²⁹

²⁵ Section 1(1), BNA 1981

²⁶ Section 2(1), BNA 1981

²⁷ There are several aspects to this. There is the practical matter that maternity is generally confirmed by a birth certificate; and that where a parent has abandoned, neglected, or threatened a child, it is often (though not always) the case that the parent is the father. Moreover, even if a father appears on a birth certificate, this is not necessarily sufficient to establish paternity for the purposes of the BNA 1981; and there are additional legal complications in relation to citizenship rights in the case of some children born out of wedlock.

²⁸ Section 1(3), BNA 1981

24. Registration requires an application to be made to the Home Office. Generally, because registration is by right, such applications need only establish the relevant conditions (e.g., that the child was born in the UK and their parent has since become settled; or that the child was born in the UK and continued living here to their tenth birthday without excess absences) for the Home Office to be required to register the child as a British citizen. Nonetheless, this still requires action to be taken. The same difficulties, therefore, arise for children needing to be registered as British citizens as arise for children needing to confirm the citizenship with which they were born. Other evidential difficulties arise too, such as securing evidence of continuous residence over the first ten years of a child's life. As with other evidence, this can become harder to obtain the longer time is permitted to pass – either because parents are no longer around or willing to assist, or because relevant evidence becomes lost (such as baby books; passports).
25. However, for children whose citizenship must be registered, other barriers to their citizenship rights may arise. Of particular importance are registration fees and a requirement of good character. As regards fees, the exemption of looked after children and the waiver available if the fee is unaffordable are each only available to children.³⁰ On attaining adulthood, a young person who still needs to be registered will be required to pay the fee whether or not they are able to afford it (including in circumstances where they may be without any status in the UK permitting them to work or receive public funds).³¹ We say more about the requirement of good character in response to the Committee's question about the criminal justice system (Q7). We merely note here that failing to act on a child's right to be registered as a British citizen when it first arises can leave the child at risk of becoming prevented from being registered later. This may be because a fee exemption or waiver is no longer available (none apply to adults) or because an offence (custodial or otherwise) is treated as a bar to citizenship by the operation of the character requirement.
26. Some children brought to the UK are or become entitled to be registered as British citizens. Their cases may raise even more complicated evidential demands, which we do not discuss here. However, there is a general discretion to register any child as a British citizen.³² The primary purpose of this provision is to ensure that a child who is connected to the UK can secure their citizenship even if none of the various other provisions of the BNA 1981

²⁹ Section 1(4), BNA 1981

³⁰ Immigration and Nationality (Fees) Regulations 2018, SI 2018/330, paragraph 2(1A) [and table 20A, line 20A.3.1] and paragraph 8 of Schedule 8 (as amended)

³¹ This includes where the person may be unable to work for other reasons such as disability.

³² Section 3(1), BNA 1981

apply or, importantly, can be shown to apply. The discretion has an important application for children brought to the UK at a young age who grow up here and children who are taken into care.³³ These are not the only circumstances in which it applies. However, the discretion is only available in childhood. This, therefore, provides another circumstance in which children can lose rights to citizenship on attaining adulthood.

27. It is vitally important to recall that registration may be necessary for the child born a British citizen but unable to prove that; and registration by discretion may even be important for that child or another child who is unable to prove their entitlement to be registered. PRCBC has often had to resort to registration to secure citizenship rights in these circumstances; and we recall the original parliamentary intention that a significant role of registration by discretion would be to secure children's citizenship in such circumstances.³⁴

Q7. To what extent are children with care experience overrepresented within the criminal justice system? If they are overrepresented, what are some of the driving factors for this?

28. PRCBC's experience indicates overrepresentation within the criminal justice system of children with care experience and suggests at least two causes of this. First, there is the criminalisation of children in the care system for actions that would not be criminalised outside that system. Second, there are links between social deprivation and marginalisation, dysfunctional parenting, learning and mental health disabilities, vulnerability to exploitation, and criminality. It is, however, necessary to raise a further matter. This is the impact of experience of the criminal justice system upon citizenship rights and *vice versa*. We address these three matters separately.

(1) Criminalisation of children in the care system

29. PRCBC's experience includes children reported to the police by carers, including social workers and foster carers, for offences that it is highly unlikely any parent would report. These include damage to property in the home such as where a child has, in frustration or anger, punched a wall, causing damage; and theft of property in the home such as where a child has used a foster parent's credit card without permission. These examples have led to cautions or prosecution and conviction, each of which falling within the implementation by the Home Office of a good character requirement that may bar citizenship.

³³ This is more fully discussed in *Reasserting Rights to British Citizenship Through Registration: the section 3(1) discretion to register children*, IANLJ, Vol 37, No 3, 2023, 263-270, Valdez-Symonds & Valdez-Symonds.

³⁴ See, e.g., *Hansard* HC, Standing Committee F, 24 February 1981: Col 186 *per* Timothy Raison, Home Office Minister of State.

(2) Links between social deprivation and marginalisation, dysfunctional parenting, learning and mental health disabilities, vulnerability to exploitation, and criminality

30. PRCBC's experience confirms others' findings of links between these matters and experience of the care system.³⁵ Children and adults with criminal records assisted by PRCBC have disproportionate experience of the care system and experience of one (and likely several) of such things as social deprivation and marginalisation, dysfunctional parenting, learning and mental health disabilities, and experience of exploitation.

(3) Impact of experience of the criminal justice system on citizenship rights

31. We have previously drawn the Committee's attention to the misunderstanding that underpinned the introduction of a good character requirement for registration as a British citizen.³⁶ We do not repeat that here. However, we emphasise that this has led to circumstances in which people born in the UK, entitled to British citizenship, as connected to the UK as any of their peers, and knowing little or nothing of any other place, are effectively barred from their citizenship. The alienating impact of this is plainly incompatible with the obligation to promote children's rehabilitation (Article 40, UNCRC) and with related purposes of the youth justice system.³⁷ Indeed, the impact is precisely the opposite.

32. For example, PRCBC has represented many children and adults born in the UK, who have always lived here, who first became entitled to British citizenship no later than their tenth birthday (some much earlier than this), who are effectively barred from their citizenship by the implementation of this requirement. In addition to feeling significantly alienated by the refusal to recognise them as citizens just like their peers, decisions to deport them to places they do not know or have never been both exacerbate feelings of alienation, distress and despair and cause them to be excluded from work, study and public funds. This effectively deprives people of vitally important means to develop and mature, support themselves, avoid reoffending including by avoiding others who have exploited them or otherwise encouraged offending, and ever satisfy the requirement of character that has

³⁵ See, e.g., the Lammy Review (2017) identified that a third of all children in prison had spent time in the care system.

³⁶ See our joint June 2019 submission to the Committee's scrutiny of the Draft British Nationality Act 1981 (Remedial) Order 2019 (DBA0007). The Committee's report, *Good Character Requirements: Draft British Nationality Act 1981 (Remedial) Order 2019 - Second Report*, Twentieth Report of Session 2017–19, HC 1943/HL Paper 397, July 2019 addressed 'Good character and children' in chapter 3, noting the absence of justification for the requirement of good character in the case of children who had grown up in the UK and were entitled to British citizen, and recommending that the requirement should not be applied.

³⁷ *Sentencing Children and Young People*, Sentencing Council (2017)

been made a bar to reversing this deprivation of citizenship. Even many years of not offending is treated as insufficient to overcome this bar. PRCBC's experience indicates that deprivation of citizenship for reasons relating to even the most minor of criminal offences and/or sentences (such as a caution) may contribute to alienation that exacerbates the risk of reoffending such that the bar to citizenship, rehabilitation and positive social integration may become inescapable and self-fulfilling.

33. The implementation of this requirement by the Home Office recognises none of the nature and purpose of registration, treats registration as if no different to naturalisation, and makes no real distinction between children and adults or between people with learning and mental health disabilities and people without. It also recognises nothing of the understanding in the criminal justice system and elsewhere of the nature of brain development (and its impact on relevant aspects of maturity) up to the age of 25 years.³⁸

Q8. To what extent is there a clear understanding by organisations, individuals, and public authorities, about statutory duties owed to children in the social care system, as well as the individual entitlements of these children? Do social workers, as well as others involved in providing support to children in care, receive adequate human rights training?

34. Notwithstanding the improvements in practice to which we draw attention in response to the Committee's question on the protection of ECHR rights (Q1), PRCBC's experience indicates that social workers generally receive little or no training in relation to citizenship rights. Wider knowledge and understanding of children's citizenship rights remains relatively poor. There is a persistent misunderstanding of these rights as if they are the same as or part of naturalisation (see paragraph 7, above).

Recommendations

35. Having regard to the foregoing, we would invite the Committee to:

- (I) Recommend the Home Office take steps, in concert with other government departments (such as the Department for Education and the Ministry of Housing, Communities and Local Government), to raise awareness of rights to British citizenship, with especial attention to the importance of securing children's citizenship rights by confirmation or registration of citizenship without delay.

³⁸ *R v ZA* [2023] EWCA Crim 596, paragraph 52

- (II) Recommend the Home Office reappraise its policies and practices, including as these relate to registration fees and implementing a requirement of good character, to ensure that children with rights to British citizenship are not treated as visitors to their own country (i.e., the UK). In doing so, it should clearly differentiate between registration and naturalisation; and ensure that it gives proper effect to its duties to ensure children's best interests are a primary consideration, to promote children's rehabilitation and related purposes of the youth justice system, and to protect against race, disability and other discrimination in the matter of children's citizenship.
- (III) Remake its recommendation that the BNA 1981 be amended to remove the application of a good character requirement to children entitled to British citizenship (and related recommendations); and/or recommend that the statutory requirement be removed altogether (i.e., restoring the position adopted when Parliament created British citizenship when passing the BNA 1981).³⁹
- (IV) Recommend that local authorities develop systems for ensuring that children's citizenship rights and the need to act on them are quickly identified and acted upon when social services are involved in a child's welfare – including, but not limited to, when a child is taken into care, fostered, or adopted. The Home Office should assist local authorities to develop and operate such systems.
- (V) Recommend that the Children's Wellbeing and Schools Bill be amended to remove the disapplication by clause 22(1)(a) of the clause 21 corporate parents' duty in relation to the Home Secretary's nationality functions; and more widely to promote children's citizenship rights among corporate parents and schools.

36. We emphasise that these recommendations are tailored to the Committee's inquiry and do not, therefore, reflect all our concerns or recommendations for changes to law, policy and practice concerning rights to British citizenship.

³⁹ See fn. 36 (above)