



Children's Wellbeing and Schools Bill, HL Bill 135

House of Lords Report, January 2026

Corporate parent's wellbeing duty: Amendment (rights to British citizenship)

LORD MORAES

BARONESS LISTER OF BURTERSETT

Clause 22, page 40, line 8, leave out subsections (1) and (2) and insert—

“(1) If the duty under section 21(1) would require anything of the Secretary of State that is already required by section 55 of the Borders, Citizenship and Immigration Act 2019 (duty regarding the welfare of children), then the duty under section 21(1) does not apply to the Secretary of State.

(2) In the exercise of—

(a) the duty under section 21(1) of this Act (insofar as it applies), and

(b) the duty under section 55 of the Borders, Citizenship and Immigration Act 2019,

the Secretary of State must ensure that nationality functions in relation to the acquisition of British citizenship by statutory right are distinguished from other nationality and immigration functions.”

Member's explanatory statement

This amendment would ensure there is no duplication of duties on the Secretary of State while ensuring that (i) the duties on corporate parents under section 21(1) concerning the wellbeing of young people include appropriate consideration of and attention to matters of nationality rights and other matters of status in the UK; and (ii) it is made clear, for these purposes, that statutory rights to British citizenship must not be wrongly categorised or treated as if matters of immigration or discretion.

Introduction

The Project for the Registration of Children as British Citizens (PRCBC) and Amnesty International UK support this Amendment in the names of Lord Moraes and Baroness Lister of Burtersett. It concerns the vitally important matter of formal status.

Our especial concern is that children and young people who are entitled or are eligible to be registered as British citizens¹ should have these rights acted on. For a variety of reasons, many children – including many children in care – grow up in the UK entitled to British citizenship but without it. Some children even grow up with British citizenship but with nobody having done anything to have this confirmed. As PRCBC knows only too well, the consequences for many of these children can be devastating – at the worst extremes losing rights to citizenship altogether or becoming unable to exercise them. Children cannot do anything to prevent this happening to them. They are dependent on adults to act in their interests – whether parents or corporate parents.

The Amendment is, therefore, intended to ensure that nothing in Clause 22(1) excludes proper and effective consideration of these matters of citizenship and status in the corporate parents' duty that Clause 21 is to introduce. In Committee, the Earl of Effingham spoke on a similar amendment then moved by Baroness Lister of Burtersett. He neatly summarised why rights to British citizenship must not be excluded from the scope of that corporate parents' duty:

*"...corporate parenting means providing the best possible care, safeguarding and support, ensuring that children thrive and have opportunities to reach their full potential. It involves actively promoting their well-being, health and education, and preparing them for adulthood, mirroring what a responsible parent would do. As such, Amendment 147 seeks to ensure that local authorities must consider the rights of looked-after children to British citizenship, which is exactly what a responsible parent would indeed do."*²

The Minister offered three responses to this. They are addressed in turn below. However, none of them provides any answer to the Earl of Effingham's succinct summation of the role of any responsible parent, including a corporate parent.

(1) The existing statutory duty on the Home Secretary:

The Minister emphasised the importance of section 55 of the Borders, Citizenship and Immigration Act 2009. She comprehensively described this section as requiring:

*"...the Home Secretary to make arrangements for ensuring that immigration, asylum and nationality functions are discharged 'having regard to the need to safeguard and promote the welfare of children who are in the United Kingdom.'"*³

There are two immediate reasons why this response is inadequate. First, section 55 is a duty that rests solely on the Home Secretary. It does not apply to any of the corporate parents to whom the new duty is to apply. Second, section 55 applies only to children. It does not apply to any of the care leavers to whom the new duty is to apply.

Nonetheless, the Amendment recognises the importance of section 55. It makes express that there is to be no duplication of duties falling on the Home Secretary. However, it ensures that

¹ See PRCBC booklet on Children and their rights to British citizenship [HERE](#)

² *Hansard* HL, Committee, 19 June 2025 : Col 2184

³ *Hansard* HL, Committee, 19 June 2025 : Col 2185 *per* Baroness Smith of Malvern

care leavers, to whom the new corporate parents' duty is to apply, are not left without the protection of any statutory duty altogether in relation to their citizenship or other status. It also ensures that the new duty will apply to corporate parents of children in support of, not in competition with, the Home Secretary's own statutory duty towards the same children.

An example may help to show why this is so important. There is no reason for the Home Office to even be aware of an eleven-year-old child taken into care, who was born in the UK and has never left the country. That child will have been entitled to British citizenship since at least the age of ten. The Home Secretary's section 55 duty would apply *if and only if* her department was in some way engaged in that child's life – such as if the child's corporate parent were to make the formal application that is necessary for the child to receive the citizenship to which they have a right. If, however, the corporate parent does nothing, there is simply nothing on which the Home Secretary's separate duty can bite. In this – as in many other scenarios – it is the corporate parent on whom the duty must fall to ensure the child's right to citizenship is acted on.

(2) Ongoing Government reflection on how to secure children's status:

The Minister also referred to further consideration that is underway:

*"The Government are reflecting on the requirement to support children in gaining certainty about their legal status, in particular in gaining citizenship, and taking further steps to consider looked-after children's and care leavers' interests..."*⁴

As the Minister made clear, as with the section 55 duty, that further consideration concerns the role and responsibilities of the Home Secretary – including in relation to fees for children to exercise their rights to be registered as British citizens.⁵

It is very welcome that the Government are considering what further steps can be taken by the Home Office to amend their policy and practice so as to better secure children and young people's citizenship rights – including those of care leavers. This Amendment would support any such further steps. It would ensure that corporate parents considered and acted on whatever new or revised policy or practice was implemented at the Home Office to secure these rights. If the Government is committed to making improvements to fulfil the intention that children and young people acquire British citizenship in circumstances where the British Nationality Act 1981 provides them a right to this, it can immediately make some advancement in that regard by supporting this Amendment to this Bill. Doing so will not preclude any of the other further consideration it is giving. Rather, it will improve the prospects that any further change it may make will be fulfilled in practice.

(3) Current practice among local authorities:

Finally, the Minister emphasised the key role of local authorities in identifying and acting on children's citizenship rights. In this regard, she assured the House:

⁴ *Hansard* HL, Committee, 19 June 2025 : Col 2185 *per* Baroness Smith of Malvern

⁵ *Hansard* HL, Committee, 19 June 2025 : Col 2186 *per* Baroness Smith of Malvern

“A lot of day-to-day work is going on in this area. As I have already suggested, all that work and support for those children is not exempted by this provision in the Bill; it is only with respect to the functions that I have already talked about.”⁶

PRCBC recognises and welcomes steps taken in recent years to improve local authority and Home Office practice in relation to children’s citizenship rights. Nonetheless, PRCBC’s experience remains that the citizenship rights of many children – including many children in care – are not understood or acted on. While there is real improvement in some local authority practice, that improvement is far from uniform. In many local authorities where there has been improvement, this often appears to depend on individuals without whom – whether because they move on or are not involved in a particular child’s care – the practice can revert to what it was previously. In other local authorities there remains no or little evidence of improvement.

In any event, if the Government wishes to support good practice, it can do so by supporting this Amendment. This would provide real statutory support for the good practice the Government highlights and encouragement to achieve that good practice consistently – across all corporate parents. Sadly, the Government appears to be doing the very opposite of encouraging good practice in restricting the corporate parents’ duty by the exclusions in Clause 22(1). It is signalling, for example, that corporate parents need not take children and young people’s citizenship rights as seriously as various other matters vital to their current and future wellbeing. To mirror the succinct expression of the Earl of Effingham: *That is exactly the opposite of what a responsible parent should do.*

⁶ *Hansard* HL, Committee, 19 June 2025 : Col 2186 *per* Baroness Smith of Malvern