

Dear Minister

Re: Declarations of incompatibility relating to section 41A (registration: requirement of good character), British Nationality Act 1981

Thank you for your letter to the Project for the Registration of Children as British Citizens (PRCBC) confirming your ongoing commitment to remedying the incompatibilities highlighted by PRCBC in its letter of 8 January 2018. Copies of both letters are appended.

While you have indicated your intention to do so "*at the earliest opportunity*", the relevant declarations have now been outstanding for eight months in the case of that relating to Mr Bangs and approaching seventeen months in the case of that relating to Mr Johnson. In the meantime, people entitled to British citizenship but for the incompatibility are prevented from registering their citizenship leaving them potentially or actually subjected to immigration controls and impeded, or even excluded, from accessing various opportunities, services and rights.

We agree that British citizenship is of especial value. It is reasonable, therefore that people in the situation of Mr Johnson, Mr Bangs and people assisted by PRCBC, excluded from British citizenship to which they are entitled, are owed some greater urgency than has been shown to date in remedying the incompatibility.

Among those assisted by PRCBC and affected by the incompatibility is someone effectively prevented from being registered as a British citizen shortly after his birth by misinformation given to his mother by a British Consulate. Years later he is now prevented from registering his citizenship because of the outstanding incompatibility to which these declarations relate. He has suffered immigration detention and continues to live with significant mental health problems. These are exacerbated by past mistreatment by the Home Office in detaining him and attempting to remove him from the UK, which has already necessitated expensive and protracted litigation, and ongoing frustration at being prevented from registering his citizenship. He remains unjustly subject to immigration control and therefore at risk of the Home Office again exercising powers against him despite his entitlement to British citizenship.

This man's experience and circumstances highlight the urgency of this matter. Accordingly, please would you address the following questions.

While the incompatibility relating to section 41A of the British Nationality Act 1981 remains outstanding, what steps has the Home Office taken or is it taking to mitigate the situation of people prevented from registering their citizenship by reason of the incompatibility?

How is the Home Office ensuring or will it ensure that nobody prevented from registering their British citizenship by reason of the outstanding incompatibility is subjected to immigration enforcement action of any kind (such as detention, deportation or removal, or reporting or tagging requirements)?

What has the Home Office done or will it do to ensure the fullest access it can provide to those opportunities, services and rights (including access to employment, healthcare, study or travel) available to British citizens yet in any way limited for others?

Given that, unlike citizenship, immigration status is a matter delegated by parliament to the Secretary of State, there is clearly scope for the Home Office to mitigate to some degree the continuing and wrongful disadvantage experienced because of the incompatibility. Will, for example,

the Home Office agree to grant indefinite leave to remain, outside the immigration rules and for no fee, to any person currently prevented from registering their British citizenship by the incompatibility for the limited and short time needed to address the outstanding declarations? If not, why not?

Sincerely,

cc Joint Committee on Human Rights
 Independent Chief Inspector of Borders and Immigration