



Amnesty International UK



Helping people access justice

3 February 2020

By email: public.enquiries@homeoffice.gov.uk

Brandon Lewis
Minister of State
Deputy for EU Exit and No Deal Preparation
2 Marsham Street
London SW1P 4DF

Dear Minister

Re: British citizenship rights & the EU Settlement Scheme

Many children and young people living in the UK, who are EU citizens and/or have EU citizen parents, are also British citizens or have rights to British citizenship.

We are writing because the citizenship rights of these children and young people have been and continue to be overlooked in the construction and operation of your department's EU Settlement Scheme. The scheme encourages them to sign up for an immigration status (settled or pre-settled status) rather than enabling them to establish their British citizenship rights. The potential consequences to the children and young people affected are grave and akin to the injustices and harms exposed in 2018 as having been suffered by the Windrush generation.

These concerns have previously been drawn to your department's attention. In particular, on 5 September 2019, the Project for the Registration of Children as British Citizens (PRCBC) and Amnesty International UK wrote jointly to then Parliamentary Under Secretary of State, Seema Kennedy. A copy of that letter is enclosed. A reply was sent by email from J Nebel on 21 October 2019. The reply gave information about how the department was seeking to improve its communication of the EU Settlement Scheme to the benefit of children. The letter, however, was concerned with barriers to children and young people, particularly those

in care, registering their statutory rights to British citizenship. The reply gave no response to those concerns.

We do not repeat the points set out in the September letter. However, we request a response to them.

We note that the Government was elected on a manifesto committing it to ensure that “*what happened to the Windrush generation... never happens again.*” You repeated that commitment in the Committee stage consideration of the European Union (Withdrawal Agreement) Bill (*Hansard* HC, 7 January 2020 : Col 321). Your department appears to have overlooked or forgotten that a significant aspect of the injustice done to the Windrush generation arose directly out of the failure to ensure thousands of people knew of and were encouraged and enabled to register their statutory entitlement to British citizenship under what was section 7 of the British Nationality Act 1981. That provision was intended to ensure British citizenship for the many British nationals from across the Commonwealth, who had settled in the UK but lost their British nationality by the introduction of the Act (and previous legislation). The Act took effect from 1 January 1983. From 1 January 1988, people now referred to as the Windrush generation, who were yet to be registered, lost their entitlement to British citizenship by registration. For this reason, they remained merely settled in the UK and therefore still subject to UK immigration law and policy.

It is a matter of considerable concern and injustice that years later this is being repeated. Many children and young people, born and grown up in this country, with rights to register as British citizens are losing those rights as described in the September letter. This includes thousands of children and young people whom your department is encouraging to sign up for an immigration status (settled or pre-settled status) that would leave them subject to UK immigration law and policy just as was done to the Windrush generation.

In the circumstances, we urge you to take the actions called for in the September letter; and to take steps more broadly to ensure all children and young people are aware of and can exercise their rights to British citizenship. We would be very pleased to meet with you concerning these various matters.

Sincerely,

Solange Valdez-Symonds
Director, Project for the Registration of Children as British Citizens (PRCBC)

Paddy Kelly
Director, Children’s Law Centre (Northern Ireland)

Dave Miller
Chief Executive Officer, Bristol Law Centre

Clare Hurst
Senior Solicitor, North East Law Centre

Professor Helen Stalford
European Children’s Rights Unit, University of Liverpool

Lucy Yeatman
Director, Liverpool Law Clinic

Steve Valdez-Symonds
Refugee and Migrant Rights Programme Director, Amnesty International UK