



Sebastian Valdez-Symonds
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Human Rights Action Centre
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7th May 2020

Dear Ms Valdez-Symonds,

Thank you for your letter of 3 February to the Rt Hon Brandon Lewis MP about British citizenship rights and the EU Settlement Scheme. I am replying as the Minister for Future Borders and Immigration. I am sorry for the delay in responding to your letter.

We have always been clear the EU Settlement Scheme is for EEA and Swiss citizens resident here and their family members. The online application process for the scheme makes it clear British citizens cannot apply, and the system seeks to prevent them from doing so. If, however, during the caseworking process it becomes apparent an applicant is a British citizen, their application is treated as void and we write to them to explain this.

If a child (or their parent or carer acting on their behalf) believes they may be a British citizen, or may be entitled to register as one, this can be checked by following the guidance available at:

<https://www.gov.uk/check-british-citizenship>.

More information about British citizenship can be found here:

<https://www.gov.uk/browse/citizenship/citizenship>.

Information about the guidance available for citizenship applications can be found here:

<https://www.gov.uk/government/collections/citizenship-guidance>.

You referred to your letter of 5 September 2019. The issues you raised there about the Legal Aid, Sentencing and Punishment of Offenders Act 2012 and the availability of nationality and immigration advice for children and young people are matters for the Ministry of Justice.

You also proposed children in care should be exempt from citizenship fees. As you will be aware, there is ongoing litigation in relation to child citizenship fees. The Home Office will await the outcome of this process before commenting further, though we continue to consider carefully the judgment from the Administrative Court.

Citizenship is not necessary to enable individuals to live, work or study in the UK and a grant of indefinite or limited leave to remain will enable lawful residence and confer appropriate access to benefits and services. The Home Office keeps fees under review,

but fee waivers are already available for applications made under specified human rights routes and local authorities are able to pay for a citizenship application on behalf of a child in their care, where this is in the child's best interests, recognising this needs to be considered on a case-by-case basis.

You raised concerns about children and young people in the care system who wish to apply for British citizenship, and in particular about the documentation to be provided in support of such an application. I understand you recently met senior policy officials at the Home Office and highlighted these issues, and they are going to set up a meeting with UK Visas and Immigration to discuss this matter further.

Where the EU Settlement Scheme is concerned, the Home Office has engaged extensively with relevant stakeholders, such as the Department for Education, the Local Government Association, the Ministry of Justice, the Association of Directors of Children's Services and equivalents in the devolved administrations, to understand and address the needs of looked after children and care leavers and to ensure they are supported. It has been agreed nationwide, local authorities and (in Northern Ireland) health and social care trusts are responsible for making an application on behalf of an eligible looked after child for whom they have parental responsibility by way of a court order. Responsibilities to sign post and support have also been agreed in relation to those children for whom there is no court order, but for whom the local authority has a clear interest in supporting the best interests of the child, for example children accommodated by the local authority, care leavers and children in need.

Guidance has been issued to local authorities regarding their role and responsibilities for making or supporting applications for looked after children, including where the child may be a British citizen. Guidance is regularly reviewed to ensure its effectiveness for front-line local authority staff. A refreshed version of the guidance for local authorities in relation to looked after children will be published on GOV.UK shortly. We have also been holding regular teleconferences specifically for local authority staff responsible for making EU Settlement Scheme applications for looked after children, in order to support them and provide a direct point of contact for them within the Home Office. These are set to continue.

I am grateful to you for raising these important issues.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Foster', with a flourish at the end.

Kevin Foster MP
Minister for Future Borders and Immigration