



**Amnesty International UK**

21 September 2020

**By email: [public.enquiries@homeoffice.gov.uk](mailto:public.enquiries@homeoffice.gov.uk)**

Kevin Foster  
Parliamentary Under Secretary of State  
Home Office  
2 Marsham Street  
London SW1P 4DF

Dear Minister,

**RE: Power to waive citizenship ceremonies**

We are writing about the Secretary of State's power under section 42(6) of the British Nationality Act 1981 to disapply the requirement that an oath is made at a citizenship ceremony for an adult to register or naturalise as a British citizen.

We, therefore, write firstly to invite the Secretary of State to exercise her power under section 42(6) to disapply the requirement. This should be done immediately. Indeed, for the reasons we have set out in this letter, it should have been done long before now.

We also write to request information relating to the impact of the requirement at this time.

The relevant parts of the section provide:

***"42 Registration and naturalisation: citizenship ceremony, oath and pledge***

*(1) A person for full age shall not be registered under this Act as a British citizen unless he has made the relevant citizenship ceremony oath and pledge specified in Schedule 5 at a citizenship ceremony.*

(2) *A certificate of naturalisation as a British citizen shall not be granted under this Act to a person of full age unless he has made the relevant citizenship oath and pledge specified in Schedule 5 at a citizenship ceremony.*

...

(6) *Where the Secretary of State thinks it appropriate because of the special circumstances of a case he may –*

*(a) disapply any of subsections (1) to (5), or*

*(b) modify the effect of any of these subsections.”*

We are aware of several people whose registration or naturalisation has been and continues to be long and indefinitely delayed. This is because the coronavirus pandemic and measures taken in response to it have meant that ceremonies cannot proceed. While we understand that the impact may not be the same in all local authority areas, we are aware that ceremonies are not going ahead in at least several areas.

### **Disapplying the ceremony requirement**

The pandemic is clearly a ‘special circumstance’ within the terms of section 42(6). As the Secretary of State expressly recognises in the guidance accompanying her application forms for registration and naturalisation:

*“Becoming a British citizen is a significant life event. Apart from allowing you to apply for a British citizen passport, British citizenship gives you the opportunity to participate more fully in the life of your local community.”*

As the Secretary of State will further recognise, British citizenship is important to a person for several tangible and intangible reasons. For example, it provides the right of abode (freedom from immigration controls), full voting rights and is of particular significance to a person’s sense of security, identity and belonging in the UK. In the case of registration (which is a right), delay may also mean that a child born to the person whose ceremony is delayed is thereby born without British citizenship. Moreover, some of the people awaiting registration of their right to British citizenship remain without any formal status recognising their lawful presence in the UK. In the circumstances, it is wrong to delay recognition of a person as a British citizen for an indefinite and/or extended period of time.

The ceremony is not required for children to register as British citizens. However, a child may become required to attend a ceremony if the child turns 18 before his, her or their application is determined by the Secretary of State.

The Secretary of State must also recognise that the provisions, under which an adult may register as a British citizen, are by way of statutory entitlement. The only exception is in some limited citizenship where a person may apply to register after having previously renounced his, her or their British citizenship). It is especially wrong, therefore, to delay recognition of a person’s registration. Indefinite and/or

extended delay frustrates the will of Parliament in legislating for this statutory right of the person.

Whereas naturalisation is not a statutory entitlement, it is also inappropriate for it to be subject to indefinite and/or extended delay. Such delay is to undermine the purpose of naturalisation, which is to both recognise and facilitate the integration of an adult who has come to and settled in the UK by welcoming and accepting their wish to become a British citizen.

We also note that naturalisation is the primary means by which the Secretary of State has undertaken to right the injustice done to members of the Windrush generation. Decades previously, her department deprived people of their statutory entitlement to register as British citizens by, for example and as recorded in the report of the *Windrush Lessons Learned Review*, wrongly discouraging people from exercising that right and incorrectly advising people that it would make no difference to them whether or not they did so. It would be an especial injustice if this means by which the Secretary of State has offered to remedy that loss of British citizenship is further delayed after all the years of deprivation that have preceded it.

Finally, we draw to your attention the risk that delaying registration and naturalisation now will have an impact upon registration and naturalisation of people in future. We are concerned that any backlog of persons needing to attend a ceremony will be likely to delay the ceremonies of people, whom the Secretary of State is yet to decide are entitled to British citizenship or should be naturalised (whether because their applications are outstanding or yet to be made). These people face being delayed behind people who are now unable to attend a ceremony if they will be required to do so when ceremonies resume.

In the circumstances, we must ask the Secretary of State to exercise her power under section 42(6) to end the delay to registration and naturalisation during the pandemic (unless a person wishes themselves to delay in order to attend a ceremony when that may be possible).

### **Impact of the ceremony requirement**

As regards the impact of this requirement, would you please answer the following questions:

- 1) In how many local authority areas are there currently no ceremony services being provided; and in how many such areas have there been no such services provided since 23 March 2020?
- 2) In how many local authority areas is there currently reduced provision of ceremony services; and in how many such areas has there been reduced provision since 23 March 2020?
- 3) Could the Secretary of State please also disclose what information she has obtained to assess the level of provision of ceremony services across the UK?
- 4) On 23 March 2020, how many people were then awaiting a ceremony to conclude their registration or naturalisation?

5) How many people are now awaiting a ceremony to conclude their registration or naturalisation? Of these people, how many are currently unable to do so because no ceremony service is available to them?

We look forward to hearing from you.

Sincerely,



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



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