

Casestudies

Workshop 3: British Citizenship by discretion (section 3(1) BNA 1981) 17 October 2020

Case study 1: Nic (aged 10)



Nic was born in another country and brought to the UK aged 5 by his parents. He has leave to remain. He is under a full care order with no prospect of ever returning to his biological parents. His parents had no lawful status in the UK. His father was extradited to his country of birth to serve a heavy sentence. His mother followed her partner to their country of birth.

The local authority wants you to advise on the best way to protect Nic.

- 1) What registration application form?
- 2) What fee might apply and under what regulations?
- 3) What are the requirements for Nic to be registered?
- 4) What evidence would you submit with his application?
- 5) What might your legal representations include?
- 6) What would you need to establish for Nic to be registered?

Case study 2: Andrea (aged 6)



Andrea was born in the UK. Her mother has leave to remain. At the time of Andrea's birth, her mother was married to someone, who had leave to remain. Andrea's natural father had settled status at the time of her birth. Andrea's birth certificate includes her natural father.

- 1) What if any application for registration does Andrea have by reason of her natural father (under what provision of the British Nationality Act 1981)?

And if relevant:

- 2) What registration application form might she use and under what regulation?
- 3) What fee might apply and under what regulations?
- 4) What are the requirements for Andrea to be registered?
- 5) What evidence might you need to submit on her behalf?
- 6) What would you need to establish for Andrea to be registered?

Case study 3 (Arthur, aged 3)



Arthur was born in the UK. He is aged 3. His birth mother was a British citizen by naturalisation at the time of Arthur's birth. His father is unknown.

Arthur was recently adopted in the UK and his adoptive parents, who are EU citizens with settled status, want advice on Arthur's British citizenship rights. Neither they nor the local authority have any contact with Arthur's birth mother; and neither have any proof of his birth mother's naturalisation.

- 1) What if any further information would you need?
- 2) What advice would you give Arthur?

And if relevant:

- 3) What form might he use and under what provision (if any) of the British Nationality Act 1981 would you advise for him to pursue any citizenship right?
- 4) What fee might apply?
- 5) What are the requirements for Arthur to be registered?
- 6) What evidence might you need to submit on his behalf?
- 7) What would you need to establish for Arthur to be registered?

Case study 4 (Danny, aged 17)



Danny was born in the UK. He will turn 18 in two months' time. He and his mother have leave to remain. He was taken to his parents' country of birth on two lengthy occasions (each over four months duration) during his early childhood for him to receive medical treatment.

What if any registration would you advise him to pursue and under what section(s) of the British Nationality Act 1981?

And if relevant:

- 1) What registration application form might he use and under what provision of the British Nationality Act 1981 might he apply?
- 2) What fee might apply and under what regulations?
- 3) What are the requirements for Danny to be registered?
- 4) What evidence might you need to submit on his behalf?
- 5) What would you need to establish for Danny to be registered?

Case study 5 (Susan, aged 17)



Susan entered the UK as an unaccompanied asylum-seeking child, aged 7. She was granted 5 years Refugee leave. She has lived with the same foster parents from age 10. She and her foster parents want her to have a British passport and want your advice about this.

- 1) What registration application form might you use?
- 2) What fee might apply and under what regulations?
- 3) What are the requirements for Susan to be registered?
- 4) What evidence might you need to submit on her behalf?
- 5) What would you need to establish for Susan to be registered?