

Frequently Asked Questions (FAQs) on the *PRCBC & Ors* case on Home Office fee for children to register as British citizens

30 May 2021

These FAQs provide an update following the decision of the Court of Appeal on 18 February 2021 in [PRCBC & O v Secretary of State for the Home Department \[2021\] EWCA Civ 193](#). The information provided here is limited. The Court of Appeal has granted permission to appeal to the Supreme Court, and so the case is ongoing. When it has been finally decided by the Supreme Court, it will be possible to consider its wider implications. The information here is not intended as legal advice on any individual case. If you need such advice, you should approach a specialist adviser.

1) Who and what is the *PRCBC & Ors* case about?

The case was originally brought in the [High Court](#) by *Project for the Registration of Children as British Citizens* (PRCBC) and two children, O and A, to challenge the current fee of £1,012 for each child as unlawfully high. In the Court of Appeal, child A was no longer a party.

The case is about children with rights to register as British citizens under the British Nationality Act 1981; and the fee charged by the Home Office for them to register.

More information about children's rights to register is available from [information leaflets](#) on PRCBC's website.

2) What did the *PRCBC & Ors* case decide?

PRCBC and the children made two main legal arguments:

1. The Home Office acted unlawfully in setting the fee because it did not consider the best interests of the children affected.
2. The law does not allow such a high fee.

The Court of Appeal agreed with the High Court in accepting the first argument. It ruled that the fee of £1,012 charged to children to register as British citizens is unlawful because it has been set by the Home Office without any consideration of the best interests of the children affected.

But the Court of Appeal rejected the second argument. It ruled that the Court of Appeal had previously decided this issue in another case ([Williams v SSHD](#)) in favour of the Home Office and it therefore had to follow its own ruling.

3) What is happening with the case now?

The Court of Appeal's decision means that the Home Office should reconsider the level of the fee for children to register as British citizens. The Home Office has not applied to appeal against the Court of Appeal's decision. It should fully assess the impact of the fee upon children, consider making exceptions and waivers and ensure any fee is set with proper regard to children's best interests.

The Court of Appeal has allowed PRCBC & O to appeal its decision on the second argument to the Supreme Court.

4) What can the Supreme Court decide?

The Supreme Court can:

- decide to accept the second argument (that the law does not allow such a high fee); or
- it can reject that argument

5) How long will the next court stage take?

The Supreme Court will hear the appeal of PRCBC & O on 23 and 24 June 2021. We will provide more information on [PRCBC's website](#) as it becomes available.

6) I want to register my child as a British citizen. What is the Home Office fee now?

At this time, the fee remains at £1,012.

7) Does every child applying to register have to pay the fee?

No.

Children do not have to pay the fee if they would have been born a British citizen had their father been married to their mother at the time of their birth; and their birth was before 1 July 2006. See, for example, Mateo's circumstances in [this comic](#) and the general section of the [information leaflets](#) on PRCBC website.

From 6 April 2020, there is a Home Office fee waiver for a child born on or after 1 July 2006 who was not born a British citizen because their mother was married to someone other than their father.¹

8) I am a local authority with a child in my care. Do I have to pay the fee for the child to register as a British citizen?

Yes, unless the exception mentioned above (question 7) applies to you.

9) I have already registered my child as a British citizen and paid the fee. Will the case of PRCBC & Ors mean I can get reimbursed?

The case of PRCBC & Ors is not a case about reimbursement. So far, the Home Office has not reduced the fee, let alone agreed to make reimbursements.

10) Should I now wait to apply for my child to be registered as a British citizen?

¹ For this purpose, it has also made available a non-mandatory form UKF (M): <https://www.gov.uk/government/publications/form-ukf-m-guidance>

It is important for any child with a right to register as a British citizen to register as promptly as possible. If in doubt, you should get legal advice from a specialist in British citizenship law on your child's individual circumstances.

11) Does the PRCBC & Ors case apply to the fee for adults to register as British citizens?

No. However, if the appeal of PRCBC & Ors to the Supreme Court is successful, this could have some implication for the fee for adults with a right to register.

12) Does the PRCBC & Ors case apply to the fee for adults to naturalise as British citizens?

No.

13) What is the difference between registration and naturalisation?

Naturalisation is only for adult migrants in the UK applying to become British citizens.

Registration is the process for all children applying for British citizenship. It is also the process for adults who have a right to register as British citizens.

More on this distinction is available from [PRCBC's note](#) about the case.

14) Does the PRCBC & Ors case apply to Home Office immigration fees?

No. Immigration is a separate area of law. More on the distinction between nationality law and immigration law is available from [PRCBC's note](#) about the case.

15) Can I make a donation towards PRCBC's pro bono work for destitute children?

Yes. We would be grateful for any support you can give us. You can [donate here](#).

16) Is there any other way I can support PRCBC and children's rights to British citizenship?

Yes, please:

- Help raise awareness by circulating PRCBC's [information leaflets](#).
- Ask your Member of Parliament (MP) to support this work. For example, you can use this [template letter](#).

17) Amnesty International UK intervention in the appeal of PRCBC & O

The Supreme Court has granted Amnesty International UK permission to intervene in the appeal it is to hear on 23 and 24 June 2021. This will allow Amnesty International UK to make written submissions to the court about stateless children's rights to British citizenship and the lawfulness of the fee that applies to them.

For more about stateless children and rights to British citizenship see [the blog here](#).

These FAQs have been written by [Solange Valdez-Symonds](#) (PRCBC CEO and solicitor), [Steve Valdez-Symonds](#) (PRCBC legal research volunteer), [Admas Habteslasie](#) (Landmark Chambers) and [Jason Pobjoy](#) (Blackstone Chambers).