

Case study 1: James

James is 14. He was born in the UK and taken into care aged one. It is thought that his father might be British but his whereabouts and identity are unknown. James's mother was an overstayer at the time of his birth and more recently she has been granted leave to remain. His parents were not married when he was born. He was given a caution last year and a referral order for assault a few months ago.

Case study 2: Andrew

Andrew is two years old and born in the UK. Andrew's father was granted ILR last week. Andrew's mother (Jane) is an overstayer. Andrew's parents are no longer together and were never married. Andrew was registered as his father's son on the birth certificate. Andrew's mother is unable to contact Andrew's father due to a recent incident of domestic violence.

Andrew's mother is currently receiving assistance from social services.

Case study 3: Arthur

Arthur was born in the UK. He is aged 3. His mother believes that Arthur's father was British at the time of Arthur's birth. His mother is a Jamaican national with leave to remain.

A DNA test was carried out by the CSA last year where paternity was confirmed. His father does not want anything to do with Arthur and will not cooperate in providing evidence of his British citizenship status.

Case study 4 (Charles)

Charles was born in the UK. He is 21 years old. He and his mother were granted ILR when Charles was 10. His father had ILR at the time of his birth in the UK. His parents were never married. Charles was convicted when he was 12 and is now facing deportation to his mother's country of birth.

Case study 5 (Mel)

Mel was born in the UK, and she is now 18. She applied to renew her British passport and was advised that this had been refused and all previous passports cancelled. HMPO have confirmed that she is an illegitimate child of her father and therefore not British.

Case study 6 (Danny)

Danny arrived in the UK aged 3. He is 17 years old and has no lawful leave. His parents have no lawful status in the UK.

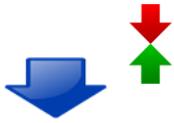
Case study 7 (Sheila)

Sheila is 17.9 years old. She arrived in the UK aged 9 as an unaccompanied asylum-seeking child. She has lived with the same foster parents from age 10. She has had various periods of leave under the discretionary leave policy from age 11. Last year her asylum appeal was allowed, and her leave has been varied to refugee leave. She submitted her own application for registration as a British citizen, which has been refused.

**Act of Parliament
(British Nationality Act 1981)**



**Statutory Instruments (Regulations and Orders)
(British Nationality General Regulations 2003)**

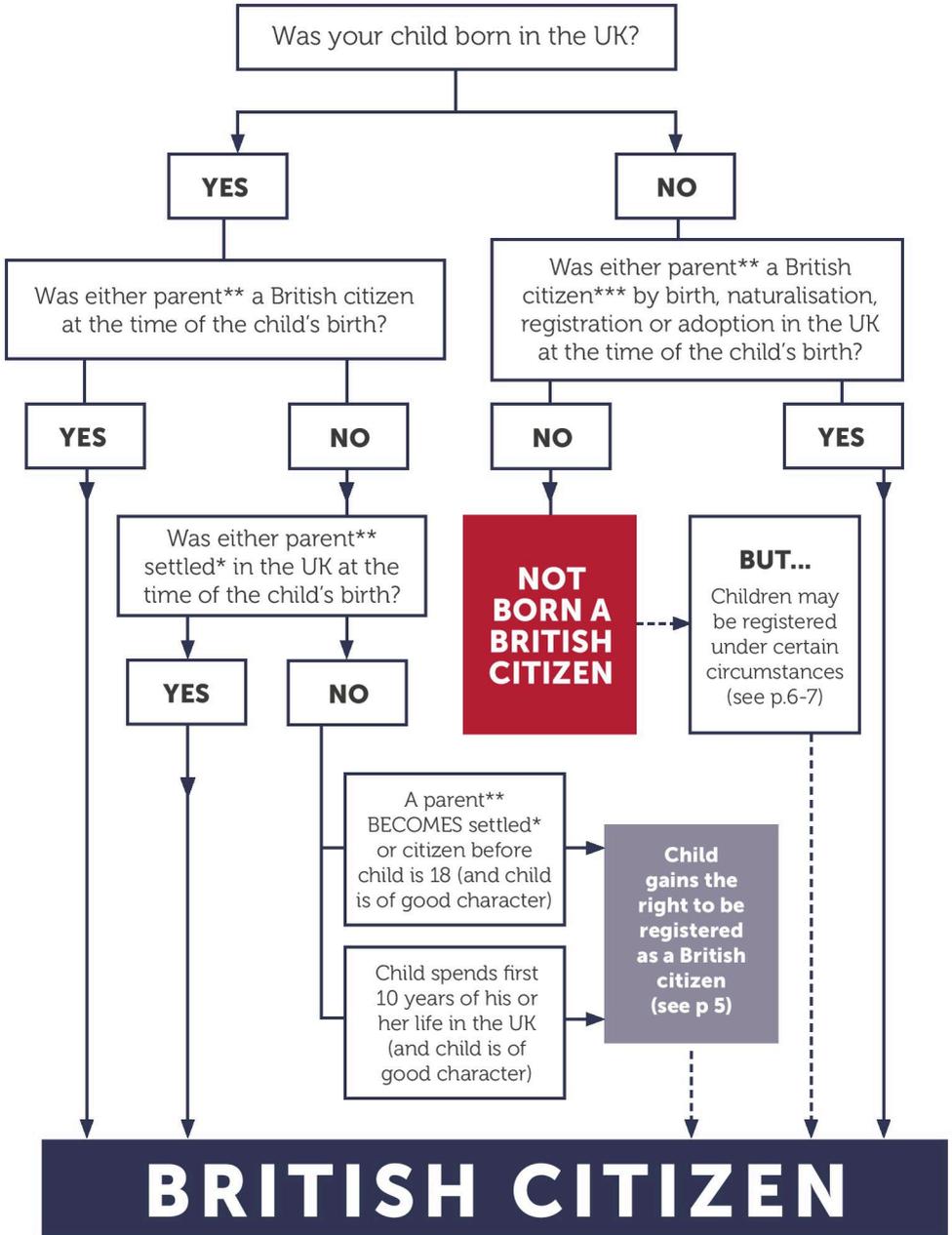


**Caselaw
(PRCBC & O v SSHD etc)**



**Home Office Policy Guidance
(Nationality Guidance)**

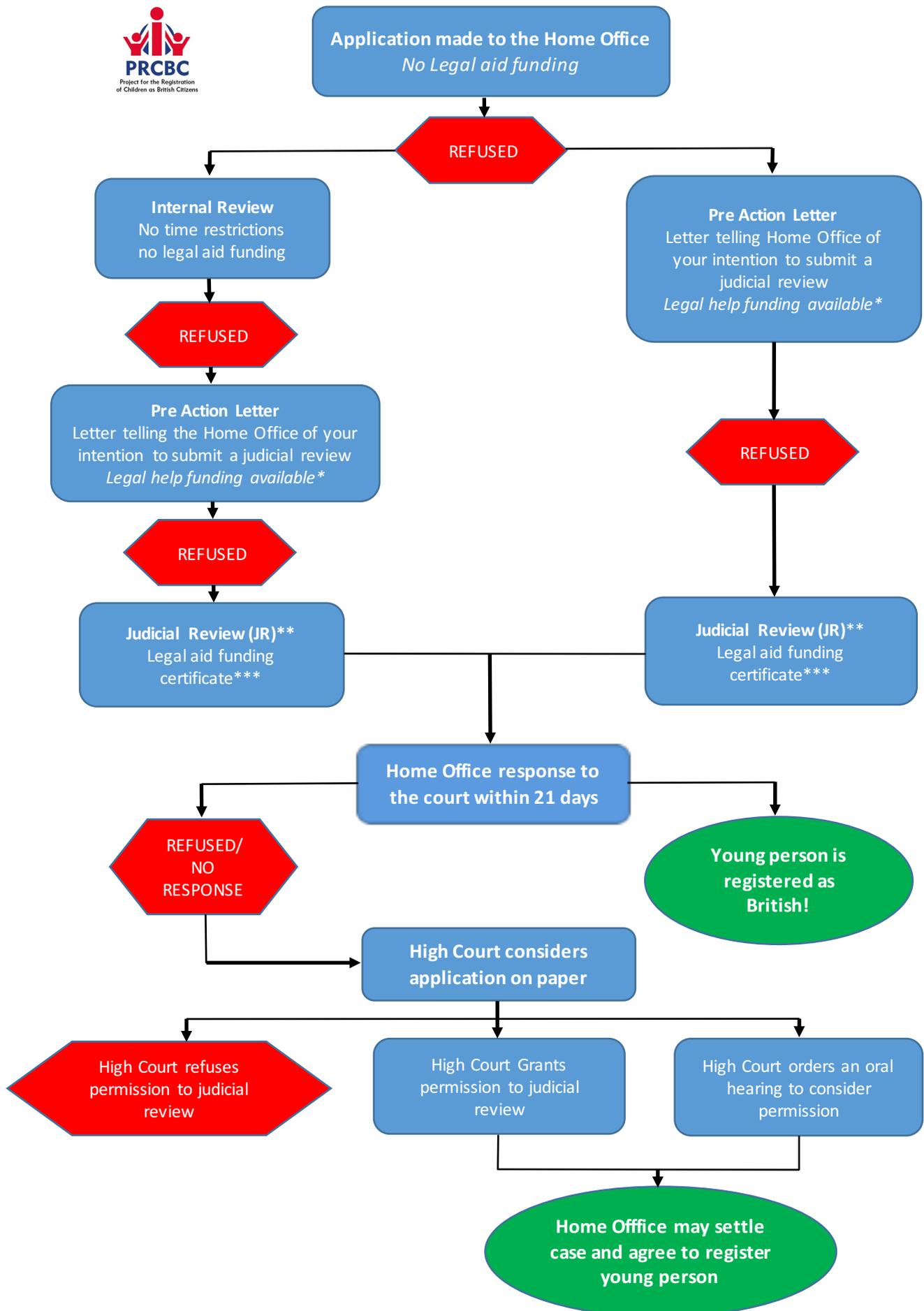
Is your child a British citizen?



* Indefinite leave or permanent residence

**But if parents are not married, see "Father" on page 9

***However, if the parent is a British citizen by descent, the child will not be born a British citizen.



Notes

1. it is possible to secure exceptional case funding from the Legal Aid Agency:

<https://www.gov.uk/guidance/legal-aid-apply-for-exceptional-case-funding>

*Legal help is subject to your financial means and the merits of your case.

**Judicial review must be issued as soon as reasonably possible and certainly within 3 months from date of refusal. Important to be aware that legal aid funding can take weeks to secure.

***Legal aid funding certificate is subject to your and to other people's financial means and the merits of your case