

Short history of the Project for the Registration of Children as British Citizens (PRCBC)



Since PRCBC was founded in 2012 it has gone from strength to strength, establishing a national reputation for expertise in the field of young people's rights to British citizenship. It continues to be the sole organisation exclusively focused on young people's citizenship rights. PRCBC has directly advised and assisted hundreds of young people to confirm and register their British citizenship rights.

PRCBC has also worked to remove the barriers to young people to confirm and register their rights through engaging in strategic litigation. This has led to changes in the law, rectifying historic injustices, as well as changes in Home Office policy. These changes impact on many thousands of young people. PRCBC has sought to spread the word about young people's citizenship rights by training lawyers and social workers, publishing information leaflets for parents, children and teachers, and writing articles and blogs.

We are proud of all the work PRCBC has done in its 10 years of existence and its many achievements in that time. There is much more work to do to promote and defend young people's citizenship rights, and we look forward to PRCBC's next 10 years, building on what has already been achieved.

Carol Bohmer,
Chair of PRCBC Board of Trustees



Timeline of PRCBC's first 10 years

2012

November PRCBC was created when Solange Valdez-Symonds and Carol Bohmer met in a coffee shop to discuss Solange's announcement to professional legal groups that she had set up a Monday pro bono project on children's rights to British citizenship.

That same month, without an office, PRCBC received its first referral from its Monday Project.

2013

March A child assisted by PRCBC was registered as a British citizen by discretion under section 3(1) of the British Nationality Act 1981 (BNA) for the first time.

April The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) generally removed legal aid for nationality law.

May PRCBC delivered its first training session to social workers and others working with children.

June PRCBC received its first referral from a local authority for a child's registration.

July PRCBC issued its first judicial review claim of a refusal to register a child as a British citizen by discretion under section 3(1) BNA (the claim did not proceed to hearing as the Home Office conceded).

August PRCBC began its monthly Saturday casework sessions delivered by Solange and a team of volunteer lawyers and caseworkers (trained by PRCBC).

2014

May PRCBC's first article on children's citizenship rights was published by Legal Action Group (LAG).

September PRCBC issued a claim for judicial review claim for a then 37-year-old man, with a long history of offences, who would have been born a British citizen (by descent) but for British nationality law excluding citizenship rights being derived from British mothers for children born abroad. His right to register as a British citizen under section 4C BNA, intended to correct this injustice, was then subject to a good character requirement.

2014

September (continued) PRCBC also secured his release from an immigration removal centre after the High Court granted bail pending court proceedings.

November PRCBC's research on *Systemic Obstacles to Children's Registration as British Citizens* was published.

2015

April Commencement of legislation (ss4E-4J, BNA 1981) to provide a right of registration to children who would have been born British citizens but for being born out of wedlock. PRCBC was influential in this amendment being made.

August PRCBC registered as a limited company with charitable objectives. The first meeting of its Board of Trustees took place.

2016

January PRCBC issued a judicial review claim for a then 21-year-old man born in the UK with a very serious offence from his childhood, who would have been born a British citizen but for his being born out of wedlock. His right to register as a British citizen under legislation intended to correct this injustice was then subject to a good character requirement.

February PRCBC first proposed an amendment to legislation to end registration fees in excess of the administrative costs of dealing with the citizenship registration process, to exempt children 'looked after' by a local authority from registration fees and provide a waiver for children who could not afford these fees.

September PRCBC published its first comprehensive briefing on registration fees.

2017

February PRCBC issued its first judicial review claim challenging the legal requirement to pay a registration fee.

July PRCBC held its first Let's Talk Citizenship seminar delivered by and for young people.

Independent Chief Inspector of Borders and Immigration (ICIBI) published his first report on children's citizenship rights. This was on 'good character' and, as with subsequent

2017

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- July** (continued) reports, PRCBC met with and/or submitted evidence to assist the inspection.
- Solange was awarded the Children's Legal Aid Lawyer of the Year for PRCBC's work.
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- November** PRCBC published its first advice leaflet on children's rights to British citizenship for parents, carers, and children.
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2018

- June** PRCBC supported a Regret Motion in the House of Lords against the new regulations on registration fees.
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- July** PRCBC and Amnesty UK produced a short film on the impact of the registration fee.
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- December** PRCBC's work was highlighted by the Victoria Derbyshire show on national TV in relation to the good character requirement.
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2019

- February** PRCBC first published research on the good character requirement.
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- March** PRCBC's youth ambassadors produced their short film on the importance of citizenship.
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- July** A Remedial Order was made to remove the good character requirement for registration where that is necessary to correct discrimination in law that had excluded a person from citizenship at birth. Thereafter the two men for whom PRCBC issued judicial review claims in September 2014 and January 2016 were registered as British citizens.
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- November** Channel 4 featured PRCBC's judicial review challenge to children's registration fees before the High Court.
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- December** High Court found the registration fee unlawful for failure to consider children's best interests (one of two main grounds of PRCBC's judicial review challenge):
- The court found on the basis of a mass of evidence that children prevented from registering as British citizens (in that case by a fee) were made to feel:

2019

December (continued) ‘...alienated, excluded, isolated, “second-best”, insecure, and not fully assimilated into the culture and social fabric of the UK.’

January PRCBC registered as a charity with the Charity Commission.

March PRCBC secured its independence, having previously relied upon host organizations, and moved into its own current offices at Work.Life, Hammersmith, London.

2020

April PRCBC issued its first judicial review claim on behalf of a young disabled man challenging the registration fee on grounds of disability discrimination.

May PRCBC began its online advice sessions (a response to the Covid pandemic).

December Immigration, Asylum and Nationality Law Journal (IANL) published PRCBC and Amnesty UK article on *Reasserting Rights to British Citizenship through Registration*.

2021

February A young former looked after child born in the UK, assisted by PRCBC, who had been excluded by the good character requirement, was registered as a British citizen.

The Court of Appeal gave judgment in PRCBC’s fee challenge upholding the decision of the High Court. It also found that:

‘in cases such as that of O, one of three children of a single parent on state benefits, it is difficult to see how the fee could be afforded at all’.

April Home Office settled five judicial review claims of children assisted by PRCBC for their registration by discretion under section 3(1), BNA on the basis of their having arrived in the UK at a young age and become connected to the UK by growing up here. The Home Office registered all five children and agreed to review its section 3(1) guidance.

Home Office introduced a waiver of the registration fee for children who would have been born British citizens had

April

(continued)

their mother not been married to someone other than their biological father.

A child born in the UK out of wedlock to a man not married to the mother, where the mother was married to another man, assisted by PRCBC was registered as a British citizen without payment of the fee for the first time.

June

A man assisted by PRCBC, who was a former looked after child and had a serious mental health condition was registered as a British citizen. He was born in the UK in 1983 (the year the BNA 1981 took effect) and lived here his entire life. His entitlement to register was initially refused due to criminal offences.

July

PRCBC issued a judicial review claim challenging the change by the Home Office in October 2000 ceasing to treat all children born to EU nationals exercising free movement rights in the UK as British citizens at birth (the claim was heard by the High Court in October 2022 and a judgment is awaited).

Home Office confirmed to PRCBC that it would establish from its own records relevant information necessary to a child's citizenship rights where the child could not do so themselves. This change of practice came about after PRCBC sought to secure a British passport for a child, where the child's father refused to assist by providing evidence of his British citizenship status.

February

Supreme Court dismissed PRCBC's appeal on the second of its two main grounds challenging the registration fee of children seeking to register their citizenship rights (the rulings of the High Court and Court of Appeal on the unlawfulness of the fee for failure to consider children's best interests remained undisturbed).

April

Nationality and Borders Act 2022 was passed, incorporating several provisions to correct injustice that had excluded people from their citizenship rights. PRCBC and Amnesty UK had jointly briefed parliamentarians on most of these provisions.

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- June** Home Office introduced an exemption for all 'looked after' children from registration fees and a waiver for children who cannot afford those fees.
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- July** Home Office revised its registration of children by discretion (section 3(1) BNA) guidance to make clear that children brought to the UK who live here for at least 10 years during their childhood should normally be registered as British citizens. (PRCBC has over the years secured registration of hundreds of children in these circumstances but at considerable expense of time due to the need to secure evidence to establish the strength of the child's connection. It is now generally sufficient simply to show the child has lived in the UK for 10 years).
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- August** PRCBC registered as a charitable incorporated organisation (CIO) with the Charity Commission.
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- September** PRCBC and Amnesty UK submitted a second journal article to be published in December 2022 (IANL).
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- October** High Court hearing of judicial review challenging the change by the Home Office in October 2000 ceasing to treat all children born to EU nationals exercising free movement rights in the UK as British citizens at birth (judgment is awaited). Claimant is assisted by PRCBC.
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- November** PRCBC's launch of hardcopy of booklet 'Children and their rights to British Citizenship' information for parents, carers, and young people. This replaces its leaflets first published in 2017 and updated in 2019.
- PRCBC marks its tenth year having made considerable progress in securing changes to law, policy, and practice to secure children's rights to British citizenship over those years (not all of which can be captured here). PRCBC continues to raise awareness, to advise and represent children with complex cases and, where necessary, pursue changes through litigation and other appropriate means.

Our Board of Trustees are Carol Bohmer (chair), Pauline Gooderson (vice-chair), Sue Shutter (treasurer), Rita Chadha (management and equality), Astalli Rasidaki (fundraising), Precious Arabambi (youth), Jose Luis Herrera (finance). They and Solange Valdez-Symonds (CEO and solicitor) are indebted to the following for their support:

Our Patrons: Baroness Lister, Claude Moraes, Laurie Fransman KC, and the late Barbara Harrell-Bond OBE

Our Volunteers and Consultants: Alice Bennington, Mike Poulter, Steve Valdez-Symonds, Naz Mahmoudzadeh, Kitty Falls, Fiona Couzens, Lizan Ghafoor, Beverley Campbell, Joanna Hunt, Cora Bauer, Derek McConnell, and Mel Brandy.

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