

Registering children as British citizens: current laws require overhaul

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About the research

Despite living nearly all their lives in Britain, some children are unable to afford University education as they are not eligible for student loans. This is solely because of their nationality. The Supreme Court has recently declared this to be discriminatory (Tigere case [2015] UKSC 57) as the children are unable to exercise their right to education.

Identifying a lack of full legal status as the root cause for the exclusion of these children from higher education, this research considers the practical application of the law on registering children as British citizens.

These findings are based on research carried out at the University of Bristol Law School as part of an ESRC funded project, in collaboration with the Project for the Registration of Children as British Citizens (PRCBC), which provides legal advice to children and their families wishing to register as British citizens.

This research explores how the law on registering children as British citizens operates in reality

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Policy implications

- Current law should be reviewed to make registration of children as British citizens fairer and more systematic.
- There should be a binding duty on local authorities to register children under their care.
- The 'good character' requirement should be reviewed: there should be a presumption of good character on all children's applications, unless established otherwise in very specific and serious circumstances.
- Registration fees are prohibitively, and unnecessarily, high. Fees should be lowered, and means testing should be considered, with the possibility of a fee waiver in certain cases.
- There should be a legal presumption in favour of registration for children where the individual has established sufficient personal connection and it is clear that her/his 'future lies in the UK'.

Key findings

Many people remain unaware of their legal citizenship status until the point of attending university. At this point they seek to register themselves as British citizens but are often unsuccessful because of a bureaucratic approach and an overly strict interpretation of guidelines. Then they are precluded from accessing student loans which are open to 'home students' only. Many PRCBC clients are children, long term residents of the UK.

- There is a lack of awareness amongst parents, children and local authorities about the need to register children. Some children who come from care are not registered by the local authorities who are responsible for their wellbeing.
- High registration fees are charged on the basis that British citizenship is a valuable asset. This indicates that obtaining full citizenship is in the best interests of children. In practice these fees preclude many potential applicants.
- There is a 'good character' requirement for children aged 10 and above; however, this requirement is based on adult standards.
- There is very little assessment of the child's 'future intention' and the extent to which the child has developed personal connections in the UK.

Further Information:

University of Bristol Project Website:

<http://www.bristol.ac.uk/law/research/centres-themes/citizenshipandlaw.html>

PRCBC Website: <https://prcbc.wordpress.com/>

See also the **Legal Research Report** by the PRCBC: *Report on Systemic Obstacles to Children's Registration as British Citizens* (30 November 2014)

Contact the researchers

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Kimani, who was represented by PRCB, at his citizenship ceremony in London. Image courtesy of Kimani.

