



DEBATE PACK

Number CDP-2018-0196, 17 August 2018

Fees for registering children as British citizens

Westminster Hall, Tuesday 4 September 2018, 11.30am

A Westminster Hall debate on Fees for registering children as British citizens is scheduled for Tuesday 4 September 2018 at 11.30am. The Member leading the debate is Stuart C McDonald MP.

The subject for this debate was determined by the [Backbench Business Committee](#).

You may watch the debate on [parliamentlive.tv](#).

The House of Commons Library prepares a briefing in hard copy and/or online for most non-legislative debates in the Chamber and Westminster Hall other than half-hour debates. Debate Packs are produced quickly after the announcement of parliamentary business. They are intended to provide a summary or overview of the issue being debated and identify relevant briefings and useful documents, including press and parliamentary material. More detailed briefing can be prepared for Members on request to the Library.

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1. Background

The application fee charged by the Home Office for registering a child as a British citizen far exceeds the administrative cost of processing an application. On 6 April 2018 the fee rose to £1,012, whereas the estimated unit cost to the Home Office is £372. Campaigners say the fees have become “exorbitantly and prohibitively high”¹ and a legal challenge to the fees has been launched.²

There has been a steep rise in the fee over the past ten years:

Date of changes to Immigration and Nationality fees	New fee for registration of a child as a British citizen	Estimated Unit Cost
6 April 2018	£1012	£372
6 April 2017	£973	£386
18 March 2016	£936	£272
6 April 2015	£749	Information not published
1 October 2014	£669	Information not published
6 April 2013	£673	£187
6 April 2012	£551	£181
6 April 2011	£540	£238
1 October 2010	£500	£208
6 April 2010	£470	£208
6 April 2009	£460	£175

Defending the March 2016 increase in the fee from £749 to £973, then Home Office Minister Lord Bates said:

The power to set fees that are higher than the cost of processing applications is contained within The Immigration Act 2014, which provides that the Home Office may take into account not just the

¹ Joint briefing by the Project for the Registration of Children as British Citizens and Amnesty International UK, [‘Briefing on Fees for the Registration of Children as British Citizens’](#), 30 March 2018

² Mishcon de Reya, [‘Launching a judicial review against Home Office fees for child registration for PRCBC’](#), 5 July 2018

cost of processing an application, but also the benefits and entitlements available to an individual if their application is successful and the cost of exercising any other function in connection with immigration or nationality.

Analysis published on the *Free Movement* website puts the profit made by the Home Office in the past five years at £94.24 million.³ The Home Office accepted the methodology of that analysis but disputes that the money made represents a profit as it helps to fund the visa and borders systems. In response to a Parliamentary Question in July, the Home Secretary Sajid Javid said “the revenue generated is used not just to provide public services to those people who make applications but to support wider public services.”⁴

Despite its acknowledgment of how becoming a British citizen is a “significant life event” that allows for fuller participation in the life of one’s local community,⁵ the Government has also argued that it is unnecessary for many children to register as British citizens. It has repeatedly pointed out that it is open to their carers to apply for indefinite leave to remain as an alternative. Responding to recent criticism at Prime Minister’s Questions, Theresa May asserted: “a minor who has indefinite leave to remain will have access to benefits and entitlements which put them on an equal footing to their British citizen peers, so a grant of British citizenship is not therefore required.”⁶

Campaigners call on the Government to charge only the administrative cost; to waive the fee when a child’s parents or carers cannot afford it; and to exempt children in local authority care.⁷

On 18 June the Independent Chief Inspector of Borders and Immigration, David Bolt, issued a call for evidence as part of his inspection of the Home Office’s charging for services in respect of its asylum, immigration, nationality and customs functions.⁸

³ *Free Movement*, [‘Home Office makes almost £100 million from children registering as British citizens’](#), 4 July 2018

⁴ HC Deb 16 July 2018 c1

⁵ Home Office, [‘Guide AN: Naturalisation as a British citizen’](#), page 3

⁶ HC Deb 23 May 2018 c834

⁷ Migrants Rights network, [Legal challenge launched over child citizenship fees](#), July 2018

⁸ Independent Chief Inspector of Borders and Immigration, [‘Call for evidence: Home Office approach to charging for services’](#), 18 June 2018

2. News and blogs

2.1 News

Migrants' Rights Network

[Legal challenge launched over child citizenship fees](#)

July 2018

Immigration Advice Service

[Citizenship fees leave poorer families and children destitute](#)

Olivia Bridge 4 July 2018

Project for the Registration of Children as British Citizens; Amnesty International UK

[Briefing on fees for the registration of children as British citizens](#)

30 March 2018

Gherson (law firm)

[Home Office issues new immigration and nationality fees in force from 6 April 2018](#)

Gherson Immigration 29 March 2018

Quartz

[Thousands of qualified people can't get UK citizenship—because they can't afford it](#)

Aamna Mohdin and Dan Kopf 23 March 2018

Amnesty International UK

[How the government profiteers from children needing to register as British citizens](#)

Steve Valdez-Symonds 20 November 2017

Amnesty International UK Children's Human Rights Network

[UK: the price of citizenship](#)

Almas Korotana 28 April 2017

2.2 Press

Independent

[More than 100 education leaders call on Sajid Javid to cut 'costly' child citizenship fees](#)

1 August 2018

Independent

[Home Office makes almost £100m profit from children registering as British citizens over five years](#)

4 July 2018

Guardian

[Home Office faces legal challenge over UK child citizenship fees](#)

3 July 2018

Independent

[Home Office accused of using children of immigrants as a 'cash cow' with extortionate citizenship fees](#)

1 July 2018

Guardian

[Slash 'obscene' Home Office fees, say MPs and campaigners](#)

24 June 2018

BBC News

[Home Office citizenship fees 'scandalous'](#)

13 February 2018

Independent

[Cost of British citizenship for children is now 22 times more expensive than Germany](#)

13 December 2017

3. Parliamentary Business

3.1 Debates

[Immigration and Nationality \(Fees\) Regulations 2018](#)

HL Deb 12 June 2018 c1654-79

3.2 Parliamentary Questions

[British Citizenship Fees: Children](#)

Asked by: Tim Farron

What assessment he has made of trends in the level of fees his Department charges for registering children as British citizens.

Answered by: Sajid Javid | Home Office

The Home Office sets fees for border, immigration and nationality services at a level that ensures that they make a substantial contribution to the cost of running the immigration system, thereby reducing the burden on the UK taxpayer. Although the economic impact assessments that are published alongside immigration fees legislation do not separately consider child-registration fees, they show the impact of fee increases on the volume of applications to be minimal.

HC Deb 16 July 2018 c1-2

[British Citizenship Fees: Children](#)

Asked by: Tim Farron

The Home Office charges more than £1,000 for children—including children who were born here and those who moved in infancy—to register as British citizens. Is this not profiteering at the expense of young people who seek to pledge their future to Britain? Is this not another Windrush scandal in the making, with people not getting the documents now that officials will rely on in future? The Home Secretary knows that he faces a legal challenge on this issue, so will he do the right thing and end these excessive charges now?

Answered by: Sajid Javid | Home Office

I will not speak about the legal case, for obvious reasons, but I have to disagree with the hon. Gentleman. It is right that there is a balance between the costs faced by the individuals who make applications and those faced by the taxpayer. It is sensible to keep those costs under review, and it is right that Parliament makes the decision as to whether costs are changed.

HC Deb 16 July 2018 c1-2

[British Citizenship Fees: Children](#)

Asked by: Patrick Grady

Is the Home Secretary really proud of making more than £100 million of profit for the Home Office in the past five years from these charges? Given that the number of applications is going down while fees are going up, is he absolutely certain that the fee is having no implications for people's decisions on whether to apply for citizenship?

Answered by: Sajid Javid | Home Office

The hon. Gentleman talks of it as profit, but the revenue generated is used not just to provide public services to those people who make applications but to support wider public services. As I said, it is right that we have a balance between the costs of an application and the costs to which the taxpayer is exposed.

HC Deb 16 July 2018 c1-2

[Immigration and Nationality: Fees](#)

Oral questions

HC Deb 16 July 2018 c9-10

[British Nationality: Children](#)

Asked by: Dr Rosena Allin-Khan

To ask the Secretary of State for the Home Department, what steps his Department is taking to support people from economically disadvantaged backgrounds with the cost of applications for child citizenship.

Answered by: Caroline Nokes | Home Office

We do not currently waive application fees for children to register as British citizens, but, where a child is in care, the Local Authority concerned may pay the fee if they consider it to be in the child's best interests. Over the course of the summer, I will be considering what further support the Home Office could provide to children applying to register for British citizenship.

16 July 2018 | Written question | 162603

[British Nationality: Applications](#)

Asked by: Kate Hollern

To ask the Secretary of State for the Home Department, what the reasons are for the disparity between the application cost and the administration cost of applications for child citizenship.

Answered by: Caroline Nokes | Home Office

The Home Office sets fees at a level that helps provide resources necessary to operate the Border, Immigration and Citizenship (BIC) system.

The Immigration Act 2014 is the primary legislation which gives them statutory powers to set fees. The relevant sections of the Act relating to fees are 68 to 70 which can be found on pages 58 to 61 of the following link:

http://www.legislation.gov.uk/ukpga/2014/22/pdfs/ukpga_20140022_en.pdf

Section 68(9) states:

(9) In setting the amount of any fee, or rate or other factor, in fees regulations, the Secretary of State may have regard only to:-

- (a) the costs of exercising the function;
- (b) benefits that the Secretary of State thinks are likely to accrue to any person in connection with the exercise of the function;
- (c) the costs of exercising any other function in connection with immigration or nationality;
- (d) the promotion of economic growth;
- (e) fees charged by or on behalf of governments of other countries in respect of comparable functions; and
- (f) any international agreement

We set fees to reflect the wider benefits an individual will receive from a successful application and do not limit fees to the cost of processing an application also. This was a fundamental principle underpinning the fees measures in the Immigration Act 2014, as debated and approved by Parliament.

Working within strict financial limits agreed with HM Treasury and Parliament, application fees are set by taking into account general policy objectives to ensure that fees are fair to customers, and that the Home Office can continue to offer a good level of service.

To ensure that the system is fair and equitable, the Home Office believe it is reasonable that those who use and benefit directly from the BIC system make an appropriate contribution towards meeting the associated costs.

Application fees have increased in recent years to help support the Home Office ambition to reduce the overall level of funding that comes from general taxation, by reducing costs and increasing the proportion which is funded by income generated from fees, therefore reducing the burden on the UK taxpayer.

The principle of charging at above cost for immigration and nationality fees was first approved by Parliament in 2004.

The additional income from above cost fees is used to help fund and maintain effective wider immigration system functions, and to ensure the Home Office can set some fees at below cost, where this supports the UK economy (Short-term visit visas), or is otherwise required by international agreement (EEA fees). And it also enables the Department to waive fees in certain individual circumstances, for example where people are destitute and need to access their Human Rights, for example their right to a family life.

9 July 2018 | Written question | 159627

3.3 Early Day Motion

[Fees for Registering Children as British Citizens](#)

Primary sponsor: Stuart McDonald

That this House believes that tens of thousands of children born and living in the UK and entitled to register as British citizens under the British Nationality Act 1981 are nevertheless undocumented and therefore unable to access public services, social security, private rented accommodation, the labour market and many other benefits of citizenship; further believes that some will simply be unaware of the requirement to register and many others will not have the means to afford the fee of over £1,000 charged by the Home Office; notes that the estimated cost of processing such applications is only £372; believes that no child should be prevented from taking up their entitlement to British citizenship simply because of cost; calls for the fee for applications to be reduced to no higher than the cost of processing, for exemptions for children in local authority care, and for fee waivers for children who cannot afford to pay any fee at all; and further calls for steps to be taken to raise awareness of the need to register the right of these children to British nationality.

14 May 2018 | Early day motion | 1262

4. Organisations and further reading

[Immigration and Nationality \(Fees\) Regulations 2018](#)

UK Visas and Immigration, [Fees for citizenship applications: guidance](#), 6 April 2018

Independent Chief Inspector of Borders and Immigration, [Call for evidence: Home Office approach to charging for services](#), 18 June 2018

[Amnesty International UK Children's Human Rights Network](#)

Amnesty International UK Petition: [Home Office: stop blocking children's rights](#)

[Project for the Registration of Children as British Citizens](#)

Project for the Registration of Children as British Citizens, [Briefing for Parliamentarians on Home Office fees for children registering as British citizens](#), 26 April 2018

Colin Yeo, [Home Office makes almost £100 million from children registering as British citizens](#), Free Movement, 4 July 2018

Colin Yeo, [Above-inflation increase in immigration and nationality fees for 2018/19](#), Free Movement, 4 April 2018

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