



HL Bill 71 of 2023–24

British Nationality (Irish Citizens) Bill

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The [British Nationality \(Irish Citizens\) Bill](#) is scheduled to have its second reading in the House of Lords on 17 May 2024. It is a private member's bill sponsored by Lord Hay of Ballyore (DUP) and has government support. The bill was introduced in the House of Commons by Gavin Robinson (DUP MP for Belfast East) under a different short title (the British Citizenship (Northern Ireland) Bill). It completed its Commons stages on 26 April 2024 and received its first reading in the House of Lords on 29 April 2024.

The bill would add a new registration route to the British Nationality Act 1981, so that Irish citizens who have been lawfully resident in the UK for five years could apply to be registered as a British citizen. Currently, people born in the Republic of Ireland after 31 December 1948 must apply for naturalisation if they wish to have British citizenship. This means that in addition to satisfying residency requirements, they must also pass a 'Life in the UK' test, prove they have sufficient language skills and pay a fee of £1,630. The DUP has highlighted the contrast between this and arrangements for people born in Northern Ireland who are entitled to Irish citizenship at birth and need only pay the usual fee for an Irish passport. The House of Commons Northern Ireland Affairs Committee called in 2021 for the government to abolish naturalisation fees and the 'Life in the UK' test for Irish citizens, in recognition of the historical connection between the UK and the Republic of Ireland.

The government said in January 2024 it would support the bill, subject to some amendments. As originally drafted, the bill would have applied only to people born in Ireland after 31 December 1948, and the residency requirements would have been based on how long they had been living in Northern Ireland. With cross-party support, the bill was amended in the House of Commons so that the new registration route would be available to Irish citizens regardless of when or where they were born, and the residency requirements would be based on how long they had lived in the UK, not just Northern Ireland. They would not have to pass a 'Life in the UK' test or prove their language skills. The government has yet to confirm what the fee would be for applications under the new route. Gavin Robinson has called for there to be no charge over and above the cost of applying for a British passport.





I. British citizenship for people born in Ireland

I.1 British citizenship, naturalisation and registration

British citizenship is one of the six different types of British nationality.¹ A person can qualify as a British citizen in a variety of ways. Many British citizens acquire their British citizenship at birth—for instance people born in the UK from 1 January 1983 automatically acquire British citizenship at birth if at that time one of their parents was a British citizen or an Irish citizen living in the UK.² People who do not automatically acquire British citizenship at birth may be eligible to apply to become a British citizen through naturalisation or through registration.

Naturalisation provides a route through which non-British citizens, including Irish citizens, can apply for British citizenship based on residence.³ They must:⁴

- have lived in the UK lawfully for five years (or three years if they are the spouse or civil partner of a British citizen) without excess absences
- have been in the UK on the first day of the qualifying period (five or three years before the date on which they apply)
- be free from immigration time restrictions on the date they apply
- make the UK their future home (this does not apply to spouses/civil partners of British citizens)
- have passed the ‘Life in the UK’ test
- show they have sufficient knowledge of English, Welsh or Scottish Gaelic
- be of good character

¹ HM Government, ‘[Types of British nationality: Overview](#)’, accessed 9 May 2024. The other types are: British overseas territories citizen; British overseas citizen; British subject; British national (overseas); British protected person.

² People may also acquire British citizenship at birth if they are born to a parent living in the UK without an immigration time restriction, if they are born overseas to British parents who were not born overseas, or if they are adopted by a British citizen in a UK court. See House of Commons Library, ‘[Nationality and passports](#)’, 29 August 2023 and HM Government, ‘[Check if you’re a British citizen](#)’.

³ [Explanatory notes](#).

⁴ HM Government, ‘[Form AN: Guidance](#)’, 4 October 2023.



The current fee for a naturalisation application is £1,630.⁵ Successful applicants are required to attend a citizenship ceremony, at which they must make an oath of allegiance (or affirmation) and pledge, promising to respect the rights, freedoms and laws of the UK.⁶ The cost of the ceremony is included in the naturalisation application fee.

Registration provides a route for people who hold another form of British nationality to apply for British citizenship.⁷ This route requires the person to have lived lawfully in the UK for five years.⁸ However, unlike the naturalisation process, there is no requirement to pass the 'Life in the UK' test or demonstrate sufficient language knowledge.⁹ It is also slightly cheaper: the current fee for a registration application is £1,481.¹⁰

'British subject' is one of the forms of British nationality that entitles the holder to apply for British citizenship by registration.¹¹ Irish citizens born before 1949 may also be British subjects. Irish citizens who had been British subjects before 1949 could choose to retain that status on the grounds of crown service, having a British passport or "associations by way of descent, residence or otherwise within the United Kingdom".¹² Irish citizens born before 1949 who did not previously make a claim to remain a British subject can still apply to the home secretary to become a British subject.¹³

1.2 Immigration control and the Common Travel Area

People with British citizenship can live and work in the UK free of any immigration controls.¹⁴ The other types of British nationality generally do not give an automatic 'right to abode', the right to enter and leave and live and work in the UK without being subject to immigration controls.¹⁵

⁵ HM Government, '[Fees for citizenship applications and the right of abode from 4 October 2023](#)', updated 10 April 2024.

⁶ HM Government, '[Citizenship ceremonies](#)', accessed 10 May 2024.

⁷ [Explanatory notes](#), p 2.

⁸ [British Nationality Act 1981, s 4\(2\)](#).

⁹ [Explanatory notes](#), p 2.

¹⁰ HM Government, '[Fees for citizenship applications and the right of abode from 4 October 2023](#)', updated 10 April 2024.

¹¹ [British Nationality Act 1981, s 4\(2\)](#).

¹² House of Commons Library, '[British Citizenship \(Northern Ireland\) Bill 2023–24](#)', 11 April 2024, p 5.

¹³ HM Government, '[Types of British nationality: British subject](#)', accessed 9 May 2024.

¹⁴ HM Government, '[Types of British nationality: British citizenship](#)', accessed 9 May 2024.

¹⁵ House of Commons Library, '[Nationality and passports](#)', 29 August 2023.



Irish citizens, however, have rights to travel to and live in the UK without requiring visas or work permits. Under the [Immigration Act 1971](#), Irish citizens do not require leave to enter or remain in the UK (with limited exceptions, such as if the secretary of state directs it would be “conducive to the public good” for the person not to be given entry to the UK). The government’s guidance on the Common Travel Area explains that British and Irish citizens can “move freely and reside in either jurisdiction and enjoy associated rights and privileges, including the right to work, study and vote in certain elections, as well as access to social welfare benefits and health services”.¹⁶

1.3 Birthright provisions of the Belfast/Good Friday Agreement

The Belfast/Good Friday Agreement sets out the “birthright of all the people of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose”.¹⁷ Their right to hold British and Irish citizenship is accepted by both the UK and Irish governments.

People born in Northern Ireland before 1 January 2005 are entitled to Irish citizenship by birth.¹⁸ People born in Northern Ireland after that date are entitled to Irish citizenship by birth if they have a parent with Irish or British citizenship. Those who are entitled to Irish citizenship by birth can apply for an Irish passport. This currently costs €75 for a standard adult passport, plus €15 postage for people living outside Ireland.¹⁹

People born in the Republic of Ireland are not included in the Belfast/Good Friday Agreement’s definition of “the people of Northern Ireland” and do not benefit from its birthright provisions on identity and citizenship.

2. Calls for change

The DUP has highlighted disparities in the present arrangements. In a Westminster Hall debate in October 2022, Gregory Campbell (DUP MP for East Londonderry) said residents in Northern Ireland could simply apply for an Irish passport.²⁰ He said the Irish government was “prepared to recognise those people as Irish if they choose to apply for an Irish

¹⁶ Cabinet Office and Home Office, ‘[Common Travel Area guidance](#)’, 23 December 2022.

¹⁷ ‘[The Belfast Agreement: An agreement reached at the multi-party talks on Northern Ireland](#)’, 1998, Cm 3883.

¹⁸ Citizens Information, ‘[Irish citizenship through birth or descent](#)’, accessed 10 May 2024.

¹⁹ Citizens Information, ‘[How to apply for your first Irish passport as an adult](#)’, accessed 10 May 2024.

²⁰ [HC Hansard, 18 October 2022, col 239WH](#).



passport”.²¹ In contrast, people born in the Republic of Ireland after 1949 would have to “go through the same naturalisation process as people coming from the other end of the earth” to be regarded as British citizens, even if they had lived in Northern Ireland since the day after their birth.²² He described it as an “insult” that people who regarded themselves as British were “forced down the route of applying for citizenship and going through the naturalisation process”.

Lord Hay of Ballyore (DUP) made similar arguments during a House of Lords question for short debate the same month. He described the current arrangements as “a discriminatory process for those who have been living and working in Northern Ireland, in the United Kingdom, for years”.²³ He suggested that it went “directly against the grain of the Belfast Agreement” and the concept of “parity of esteem”. He had previously described his own experience as someone born in the Republic of Ireland in 1950 who had lived in Northern Ireland for a long time:

I was born in east Donegal. I am about 10 miles from the border. Many other people who were born in border towns, only a few miles from the border, have come to live and make their home in Northern Ireland [...] I have lived in Northern Ireland practically all my life. I have paid taxes, national insurance and all that. I am a member of the House of Lords... I do not think I should have to take a test to see whether my citizenship stands up.²⁴

The House of Commons Northern Ireland Affairs Committee called in 2021 for the government to abolish the naturalisation fee charged to Irish applicants wishing to naturalise as British citizens.²⁵ It also said the requirement to pass a ‘Life in the UK’ test was “irrelevant and offensive” for Irish citizens, and their attendance at a citizenship ceremony should be optional. The committee said that applying to Irish citizens wishing to naturalise as British citizens the same process that applies to people from any other country was “to miss fundamentally the historical nuance of the issue”. It urged the Home Office to “understand the historical connection between the United Kingdom and the Republic of Ireland including the close personal ties, relationships and continued movement of people between the two countries, as evidenced by the Common Travel Area”.

²¹ [HC Hansard, 18 October 2022, col 241WH.](#)

²² [HC Hansard, 18 October 2022, col 240WH.](#)

²³ [HL Hansard, 26 October 2022, col 1533.](#)

²⁴ House of Commons Northern Ireland Affairs Committee, ‘[Oral evidence: Citizenship and passport processes in Northern Ireland](#)’, 14 April 2021, HC 1111 of session 2021–22, Q 40–41.

²⁵ House of Commons Northern Ireland Affairs Committee, ‘[Citizenship and passport processes relating to Northern Ireland](#)’, 7 July 2021, HC 158 of session 2021–22.



3. UK government position

In response to the Northern Ireland Affairs Committee's 2021 report, the government said it had no plans to review the fee for citizenship applications.²⁶ It argued setting different fee levels depending on the nationality of the applicant “would not be fair and would be inconsistent with our new global immigration system”. Ministers later suggested that setting a lower fee for Irish nationals compared to people from other countries would amount to direct discrimination.²⁷ They also pointed out that Irish nationals enjoyed the “unique benefit” of automatic free permanent residence rights in the UK.

The government said the ‘Life in the UK’ test was “an important part of an individual demonstrating they possess the knowledge which we would expect someone who had been resident in the UK for such a lengthy period to hold”.²⁸ It said Irish citizens could reside in the UK with minimal restrictions, but those “who make the personal choice to become British” were expected to follow the processes that apply to everyone who made that important decision. The government suggested that the test was not “a particularly onerous requirement”.

The government said the citizenship ceremony was also important, marking a “hugely symbolic event” in the naturalisation journey.²⁹ The government believed it was “a reasonable and appropriate expectation” for everyone to participate in one, unless there were special circumstances such as a long-term health condition that would prevent someone attending.

At the end of the Westminster Hall debate on this issue in October 2022, Steve Baker, minister of state at the Northern Ireland Office, said he would reflect on the points raised, but “the government’s policy is as it stands”.³⁰

However, in January 2024, the government made a commitment to support a change to the current arrangements through Gavin Robinson’s private member’s bill. In its [‘Safeguarding the union’](#) command paper, published on 31 January 2024, which set out details of the deal

²⁶ House of Commons Northern Ireland Affairs Committee, [‘Citizenship and passport processes relating to Northern Ireland: Government response to the committee’s first report of session 2021–22’](#), 3 February 2022, HC 787 of session 2021–22, p 4.

²⁷ As above, p 12.

²⁸ As above, p 4.

²⁹ As above.

³⁰ [HC Hansard, 18 October 2022, col 245WH](#).



the government had reached with the DUP to restore the devolved Northern Ireland Assembly and executive,³¹ the government said:

The ability for people in Northern Ireland to hold British or Irish citizenship or both is a key tenet of the Belfast (Good Friday) Agreement. But the government recognises that there is a difficulty in obtaining British citizenship faced by people born in Ireland but who live in Northern Ireland. Under the status quo, these individuals must undergo the normal naturalisation procedure for citizenship which can be time-consuming and costly. This is a process which is not required for people in Northern Ireland to obtain Irish citizenship.

The government does not believe that in the context of the identity and citizenship rights of the Belfast (Good Friday) Agreement it is appropriate that there are additional barriers to obtaining British citizenship compared to Irish citizenship [...] The government is supporting a private members' bill by the MP for Belfast East, Gavin Robinson, to remedy this issue.³²

4. What would the bill do?

The bill would make provision for Irish citizens who have been resident in the UK for five years to acquire British citizenship through registration.

Clause 1 would amend the British Nationality Act 1981 to insert a new section—section 4AA—into the act, entitled “Acquisition by registration: Irish citizens”. This new section would entitle an Irish citizen to register as a British citizen if they made an application and if they fulfilled the following requirements:

- They were in the UK at the beginning of the period of five years ending with the date of their application.

³¹ See House of Commons Library, [‘Northern Ireland devolution: Safeguarding the union’](#), 3 April 2024 for more information about the deal.

³² HM Government, [‘Safeguarding the union’](#), 31 January 2024, CP 1021, p 71.



- They were absent from the UK for no more than:
 - 450 days in the period of five years and
 - 90 days in the period of 12 monthsending with the date of their application
- They were not in the UK in breach of immigration laws at any time in the five years ending with the date of their application. The definition of being “in breach of immigration laws” that is set out in section 50A of the 1981 act would apply.

The secretary of state would be able to treat a person as satisfying a requirement “[i]f in the special circumstances of a particular case the secretary of state thinks fit”, even if the person does not in fact satisfy a requirement.

The new section of the 1981 act would be subject to sections 31, 32 and 36 of the Illegal Migration Act 2023. The explanatory notes to the bill (prepared by the Home Office with the consent of Lord Hay of Ballyore) state that this means a person who is the subject of a ‘citizenship ban’ under the Illegal Migration Act 2023 would not qualify under these new provisions.³³

Clause 1(3) would mean that an application for an Irish citizen to register as a British citizen under the new provisions could not be granted unless the secretary of state was satisfied that they were of “good character”.

Clause 2 provides that the bill would extend to England and Wales, Scotland and Northern Ireland, the Channel Islands, the Isle of Man and the British Overseas Territories (as defined in the British Nationality Act 1981). The bill would come into force on a day appointed by the secretary of state.

The explanatory notes to the bill state that people applying under this new route would have to pay a fee, the amount of which would need to be agreed and set in secondary legislation.³⁴

³³ [Explanatory notes](#), p 3.

³⁴ As above, p 4.



5. House of Commons stages

5.1 Second reading

Second reading of the bill took place on 26 January 2024.³⁵ Gavin Robinson said the bill would provide the “final piece of [the] relationship jigsaw” in terms of reciprocal citizenship arrangements between the UK and the Republic of Ireland.³⁶ He said it would mean that anyone who was born in the Republic of Ireland but lived in the UK and satisfied the residency test should be able to avail themselves of British citizenship. He believed it would “right a wrong” where there was not “parity of treatment” for Irish citizens wanting to “identify with their Britishness”.³⁷ He concluded that the bill offered “a great opportunity to attain a practical conclusion to a long-standing, principled and constitutionally and politically important campaign”.³⁸

Stephen Kinnock, the shadow immigration minister, said Labour supported the bill.³⁹ He asked the government to clarify how much fees would be for registration under the new route, and whether specific provision should be made in the bill to exempt applicants under this route from the ‘Life in the UK’ test and citizenship ceremony requirements.

Tom Pursglove, minister for legal migration and the border, confirmed that the government would support the bill, subject to some proposed amendments that Gavin Robinson had agreed to take forward at committee stage.⁴⁰ As originally drafted, the bill would have applied only to people born in Ireland after 31 December 1948, and the residency requirements would have been based on how long they had been living in Northern Ireland. Mr Pursglove said the government was proposing the bill should be amended to make it “marginally broader and more inclusive”. He explained:

First, it will be available to Irish nationals, regardless of how they became Irish, and not just to those born in Ireland. Secondly, it will not have a requirement that an Irish national must have been born after a certain date. Thirdly, qualifying residents will be able to be from any part of the United Kingdom, and not just Northern Ireland. We

³⁵ [HC Hansard, 26 January 2024, cols 556–63.](#)

³⁶ [HC Hansard, 26 January 2024, col 557.](#)

³⁷ [HC Hansard, 26 January 2024, col 558.](#)

³⁸ [HC Hansard, 26 January 2024, col 559.](#)

³⁹ [HC Hansard, 26 January 2024, col 561.](#)

⁴⁰ [HC Hansard, 26 January 2024, col 562.](#)



are confident that those changes will address equality concerns with the current version of the bill, while still benefiting those whom [Gavin Robinson] wanted to cover.⁴¹

Mr Pursglove said the bill would not “undermine the integrity of the system”, but rather would introduce “a more appropriate route for people who could otherwise seek to naturalise”. He said as this route would be more straightforward, it could potentially allow for a lower fee to be charged, but no firm decision had yet been made on the level of fees. He confirmed to Stephen Kinnock that the ‘Life in the UK’ test would not be a requirement under the bill.

5.2 Committee stage

The House of Commons agreed on 5 March 2024 to instruct the public bill committee considering the bill that it had “leave to make provision for the acquisition of British citizenship by Irish citizens, whether born before or after 31 December 1948, who are resident in the United Kingdom”.⁴² Tom Pursglove explained that given the bill as introduced was narrowly drafted, the instruction was necessary to allow the bill committee to consider the amendments he had outlined. Gavin Robinson and the Labour spokesman both agreed with this approach.

Committee stage took place on 17 April 2024.⁴³ Gavin Robinson moved amendments that:

- replaced references to “persons born in Ireland” with references to “Irish citizens”
- replaced references in the residency requirements to a person’s presence in and absence from Northern Ireland with references to their presence in and absence from the United Kingdom
- changed the bill’s short title from the British Citizenship (Northern Ireland) Bill to the British Nationality (Irish Citizens) Bill
- changed the bill’s long title to reflect the other amendments

⁴¹ [HC Hansard, 26 January 2024, col 562.](#)

⁴² [HC Hansard, 5 March 2024, col 805.](#)

⁴³ House of Commons Public Bill Committee, [‘British Citizenship \(Northern Ireland\) Bill’](#), 17 April 2024, cols 1–12.



Mr Robinson said that all the amendments were “within the confines of the spirit of the bill”.⁴⁴ He declared himself “delighted with [...] the government’s approach that these measures should not be confined solely to Northern Ireland”, describing it as “hugely welcome” that the bill would apply not just to Irish nationals living in Northern Ireland, but to those living anywhere in the UK.

Fleur Anderson, shadow minister for Northern Ireland, confirmed Labour’s support for both the bill and the amendments, which she said made the bill “more inclusive and fair”.⁴⁵ She asked again about fees, noting that the Northern Ireland Affairs Committee had recommended that they should be waived for Irish citizens seeking naturalisation in the UK.

Tom Pursglove said that fees were “under active consideration as part of a wider piece of work”, which was “being carried out in the usual way when it comes to fee setting for borders and migrations services”.⁴⁶ He said “strong arguments” from Labour and Gavin Robinson had helped to inform his thinking and the government would “come forward as soon as we are able to and give certainty around the fee provisions related to the bill”. Mr Robinson has argued there should be nothing to pay over and above the cost of applying for a British passport.⁴⁷ The passport application fee is currently £88.50 for online applications and £100 for paper applications for a standard adult passport.⁴⁸

The amendments were all agreed to without division.⁴⁹

5.3 Remaining stages

Remaining stages of the bill took place on 26 April 2024.⁵⁰ There was no formal debate on consideration of the bill, so it passed straight to third reading.

Gavin Robinson said that around 31,000 people in Northern Ireland could benefit from the bill, and around 260,000 across the UK.⁵¹ He summarised the benefits of the bill as “no

⁴⁴ House of Commons Public Bill Committee, [‘British Citizenship \(Northern Ireland\) Bill’](#), 17 April 2024, col 5.

⁴⁵ As above, col 6.

⁴⁶ As above, col 8.

⁴⁷ [HC Hansard, 26 April 2024, col 1277.](#)

⁴⁸ HM Government, [‘Passport fees’](#), accessed 10 May 2024.

⁴⁹ House of Commons Public Bill Committee, [‘British Citizenship \(Northern Ireland\) Bill’](#), 17 April 2024, cols 10–12.

⁵⁰ [HC Hansard, 26 April 2024, cols 1275–84.](#)

⁵¹ [HC Hansard, 26 April 2024, cols 1275–6.](#)



citizenship test or ‘Life in the UK’ test; a considerably reduced fee; and an opportunity for us, as a nation, to embrace our nearest neighbours [...] and bring them closer still”.⁵² He welcomed that progress had been made on this issue after 40 years of campaigning.

Tom Tugendhat, the minister for security, said the government believed the bill was “doing the right thing” and would “make a real difference” to Irish nationals who had made their home in the UK and wanted to “take the next step to become British citizens”.⁵³ He said the amendments reflected the “important point that becoming a British citizen is about a tie to the whole United Kingdom, not just one constituent part”.⁵⁴ Mr Tugendhat said that although it was not on the face of the bill, successful applicants aged 18 or over under the new route would be required to attend a citizenship ceremony.⁵⁵ On fees, he repeated that a lower amount could potentially be charged for this dedicated route, but the government was still considering this as part of the annual review of border and migration services fees.⁵⁶

6. Read more

- House of Commons Northern Ireland Affairs Committee, ‘[Citizenship and passport processes relating to Northern Ireland](#)’, 7 July 2021, HC 158 of session 2021–22 and [government response](#)
- House of Lords Library, ‘[British passports, citizenship, and barriers for people born in the Republic of Ireland](#)’, 20 October 2022
- House of Commons Library, ‘[British Citizenship \(Northern Ireland\) Bill 2023–24](#)’, 11 April 2024
- House of Commons Library, ‘[Nationality and passports](#)’, 29 August 2023
- House of Commons Library, ‘[The Common Travel Area and the special status of Irish citizens in UK law](#)’, 16 August 2023

⁵² [HC Hansard, 26 April 2024, col 1277.](#)

⁵³ [HC Hansard, 26 April 2024, col 1280.](#)

⁵⁴ [HC Hansard, 26 April 2024, col 1282.](#)

⁵⁵ [HC Hansard, 26 April 2024, col 1283.](#)

⁵⁶ [HC Hansard, 26 April 2024, cols 1283–4.](#)

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