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Public Bill Committee

NATIONALITY AND BORDERS BILL

Fifth Sitting

Tuesday 19 October 2021

(Morning)

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Saturday 23 October 2021

The Committee consisted of the following Members:

Chairs: †Sir Roger Gale, Siobhain McDonagh

Anderson, Stuart *(Wolverhampton South West)* (Con)
† Baker, Duncan *(North Norfolk)* (Con)
† Blomfield, Paul *(Sheffield Central)* (Lab)
† Charalambous, Bambos *(Enfield, Southgate)* (Lab)
† Coyle, Neil *(Bermondsey and Old Southwark)* (Lab)
† Goodwill, Mr Robert *(Scarborough and Whitby)* (Con)
† Gullis, Jonathan *(Stoke-on-Trent North)* (Con)
† Holmes, Paul *(Eastleigh)* (Con)
† Howell, Paul *(Sedgefield)* (Con)
† Lynch, Holly *(Halifax)* (Lab)
† McLaughlin, Anne *(Glasgow North East)* (SNP)
† McDonald, Stuart C. *(Cumbernauld, Kilsyth and Kirkintilloch East)* (SNP)
† Owatemi, Taiwo *(Coventry North West)* (Lab)
† Pursglove, Tom *(Parliamentary Under-Secretary of State for the Home Department)*
† Richards, Nicola *(West Bromwich East)* (Con)
† Whittaker, Craig *(Lord Commissioner of Her Majesty's Treasury)*
† Wood, Mike *(Dudley South)* (Con)

Rob Page, Sarah Thatcher, *Committee Clerks*

† **attended the Committee**

Public Bill Committee

Tuesday 19 October 2021

(Morning)

[Sir Roger Gale *in the Chair*]

Nationality and Borders Bill

9.25 am

The Chair: Good morning, ladies and gentlemen, and welcome to what will be for some of you the first sitting of a Committee for a very long time, and for others probably the first sitting of a Public Bill Committee. Please switch electronic devices to silent. I am afraid that food and drink are not allowed in the Committee Room, so if any Member feels obliged to get a coffee or something, I am afraid they have to drink it outside in the corridor. Water, of course, is permitted.

Members are encouraged to wear masks when they are not speaking, in line with current Government guidance and that of the House of Commons Commission. Please also give each other and members of staff space when seated and when entering. I shall mainly not be wearing a mask, I am afraid, because my glasses steam up and I need to be able to see my papers. I mean no discourtesy to any Members who feel either inclined or obliged to wear a mask. *Hansard* will be grateful if Members could email their speaking notes to hansardnotes@parliament.uk.

The format of the Committee Room this morning is slightly changed as a result of the pandemic. It is a sadness to me and to the Clerks that civil servants are now required to sit in the Public Gallery rather than where they would normally sit, along the side. That makes life slightly difficult for parliamentary private secretaries, who may wish to communicate messages from the civil service to the Minister. I gather that that is now done electronically, but if there is a problem please let me know. I hope that the system will work, but we need to know if there is a difficulty.

We are about to commence line-by-line consideration of the Bill. Before we do that, at the risk of teaching granny to suck eggs, I will give a very modest tutorial. I am fully aware that, as Committees have not sat for some time, there will be Members present who have never sat on a Public Bill Committee. Even those who have and, dare I say it, even Chairmen sometimes get things wrong or do not understand what is going on. It is a fairly arcane process. All the papers that are needed, in case you have not already worked this out for yourselves, are on the table in front of me. You are not supposed to walk in front of the Chair, but I will not bite your head off if you suddenly find that you need a paper that you do not have, so feel free to come and get it. I should have said at the start that when I am in the Chair—this may not be the case with Ms McDonagh; it is up to her to decide—if Members wish to remove their jackets they may do so. Given the weather, you may not wish to.

Coming to the selection list, which I hope you all have a copy of, you will note that amendments are grouped by subject of debate, which may or may not be in the order that the Bill dictates. The order is dictated by subject matter, not the sequence in which amendments have been tabled. That is why you will find that the groupings appear to be out of order. The first grouping—amendments 29 and 84—relates to clause 1, so that is pretty straightforward. The second grouping under clause 1 relates not only to clause 1 but to other clauses. If you wish later to move an amendment, only the lead amendment may be moved. Therefore, amendment 29 may be moved, but not amendment 84, and amendment 8 but not the rest of the group. The other amendments may be moved when they are reached in the Bill. The amendments to clause 10 will be debated now but moved formally when we reach clause 10.

I am sure that is as clear as mud, but it will become clear. If Members have doubts about this or any other procedure, please do not hesitate to ask; like the man from the Inland Revenue, we are here to help you.

Not all amendments will be moved. All Government amendments will be moved, but if an Opposition Member wants to move an amendment that does not appear at the start of a group, please tell us. The Clerk will note it and you will be asked to move it at the right point in the Bill.

I hope that is relatively clear. Unlike in proceedings on the Floor of the House, any Member who wishes to speak should indicate as much to the Chair—I do not have second sight. We will try to accommodate you. You may intervene more than once in Committee, whereas only one speech may be made of the Floor of the House.

At the end of clause 1 there will be a stand part debate, offering an opportunity to debate the whole clause, as amended. If I consider that every conceivable thing that can, should or needs to be said about clause 1 has already been said, I shall not permit a stand part debate: that is in my gift, not yours. I always say that you may have one bite of the cherry, but not two. I normally allow a fairly wide-ranging debate on the first group of amendments—Siobhain might take a different view—but please bear it in mind that if you avail yourself of the opportunity I am unlikely to permit a stand part debate: you cannot say the same thing twice.

I shall try to guide you as we go along, but I am probably no less rusty than you. Let us see how we get on.

Clause 1

Historical Inability of Mothers to Transmit Citizenship

Bambos Charalambous (Enfield, Southgate) (Lab): I beg to move amendment 29 in page 2, line 10, leave out "parents been treated equally" and insert

"mother been treated equally with P's father"

The Chair: With this, it will be convenient to debate amendment 84 page 2, line 14, leave out

"had P's parents been treated equally"

and insert

"had P's mother and P's father been treated equally"

Bambos Charalambous: It is a pleasure to serve under your chairmanship, Sir Roger.

I thank colleagues from across the refugee and asylum sector for their considerate and constructive scrutiny of all the proposals made in the Bill's evidence session in September.

As part of the Opposition's detailed scrutiny, we will express our serious concerns about the Bill, which we believe does nothing to address the crisis in our broken asylum system and seeks to penalise the most vulnerable people in our society.

I shall first consider the Bill's impact in addressing historical injustices in British nationality law concerning discrimination, specifically in relation to British overseas territories citizenship. We generally support the proposals in clauses 1 to 5, which seek to close important loopholes.

I pay tribute to the efforts of the British Overseas Territories Citizenship Campaign, which has campaigned tirelessly over many years for the nationality and citizenship equality rights of the children of British overseas territories citizens who have suffered under UK law owing to loopholes that we shall discuss in detail. These people feel a strong connection to the UK and deserve our support.

British nationality law can be complex. Some of the complexity arises from the British history of empire and Commonwealth. In passing the British Nationality Act 1981, Parliament created British citizens and British overseas territories citizenship. In doing so, it abolished citizenship in the UK and colonies—abbreviated to CUKC—which was a unifying citizenship for all persons of the UK and its colonies. This meant that the status of some children had the potential to be changed to overseas citizens, even though they had been born and raised in the UK.

Persons unified by CUKC were therefore separated by the 1981 Act into two groups, but amendments made since mean that the two groups are no longer aligned in British nationality law.

The Bill's early clauses seek to bring into line the two elements of British nationality—British citizenship and British overseas territories citizenship. For the benefit of those on the Committee, I point out that British overseas territories citizenship is the citizenship of people connected to the territories that the UK has retained. It includes the following territories: Anguilla, Bermuda, the British Antarctic Territory, the British Indian Ocean Territory, the British Virgin Islands, the Cayman Islands, the Falkland Islands, Gibraltar, Montserrat, Pitcairn Islands, St Helena, Ascension and Tristan da Cunha, South Georgia and the South Sandwich Islands, and the Turks and Caicos Islands.

Clause 1 would create a registration route for the adult children of British overseas territories citizens and for mothers to acquire British overseas territories citizenship. Before the 1981 Act commenced on 1 January 1983, British nationality law discriminated against women, whose children could not acquire British citizenship through them. The Act removed that discrimination, but did not address the impact of that discrimination prior to the Act. Many people, therefore, would have been born British but for this discrimination and continue to be excluded from British nationality after the passing of the Act.

It is clear that a historical anomaly was created. Changes were made under section 4C of the 1981 Act to rectify the situation of children of British citizens, but no such rectification was made for the children of British overseas territories citizens. Members of the Committee will know that under the 1981 Act a number of cases arise in which an individual who would have qualified for automatic British overseas territories citizenship, British citizenship or the right to register or naturalise as a citizen is unfairly prevented from doing so through no fault of their own, as has been the case with the adult children of British overseas territories citizens.

We need to rectify that injustice. The historical inability of mothers to transmit citizenship should be corrected, and I am glad that is being addressed in the Bill. Clause 1 sets out to correct that and create a registration route for the adult children of British overseas territories citizen mothers to acquire British overseas territories citizenship.

The Opposition generally support the changes proposed in clause 1 to close that important loophole. None the less, our amendment refers to a technical matter in relation to the drafting of clause 1—specifically, that it does not follow the language previously accepted to address the injustice, as used in section 4C of the 1981 Act.

I am sure that the Committee will agree that clarity is crucial in matters of citizenship and nationality law. The language used in clause 1 is not sufficiently clear. I will explain why. For example, the clause introduces proposed new section 17A, subsections (a) and (b) of which include the terms "had P's parents been treated equally". As Amnesty International and the Project for the Registration of Children as British Citizens outline, the difficulty with such wording is that it tells us nothing about the direction in which equality is to be achieved or indeed in what place.

Neil Coyle (Bermondsey and Old Southwark) (Lab): Does my hon. Friend agree that clarity is absolutely crucial, given the mistrust of the Home Office that often exists because of its high error rate in some citizenship and wider visa decision making processes?

Bambos Charalambous: My hon. Friend makes an excellent point. Citizenship, clarity and consistency in the law are essential, which is why we seek to rectify the position. The provisions of one Act cannot be inconsistent with those of another.

The amendment would address the difficulty by inserting the wording,

"had P's mother been treated equally with P's father",

in clause 1. It would clarify the clause and the positive intention behind it. I think that there is broad agreement in the Committee on the need to address the historical inability of mothers to transmit citizenship.

The Chair: Ordinarily, unless the Minister wishes to intervene, we now have a debate in which any Member may take part. At the end of the debate, the Minister exercises his right to respond and the mover of the motion decides whether he wishes to press the amendment to a Division or withdraw it. If it is the latter, I seek the leave of the Committee for him to do so.

Neil Coyle: On a point of order, Sir Roger. Although I have been on a Bill Committee before, I am a bit rusty. We deal with just one amendment first—not the whole of clause 1.

The Chair: That is a very good point, and I am glad that the hon. Gentleman makes it. It gives me an opportunity to explain again. You may speak to any of the grouped amendments. In this instance, you may speak to amendments 29 and to 84, although it has not been moved. Any one of the second grouping of amendments—8, 9, 10, 11, 12 and new clause 16—may be spoken to. They may be moved later. I hope that is clear.

Neil Coyle: Thank you, Sir Roger: that is very helpful.

Do we have to declare an interest each time we speak or once per sitting? I want to make it clear and above board that I have received support from the Refugees, Asylum and Migration Policy project. It provides policy support two days a week. I am unsure how often I have to do that in the course of a Bill Committee.

The Chair: We have declared interests during the evidence sessions, and personally I regard that as a declaration of interest. If a Member is in doubt and wants to do a belt-and-braces job on this, they should feel free to declare an interest and cover themselves. That is their responsibility. As far as the Chair is concerned, that job has been done already. If a Member has not declared an interest but wishes to do so, the appropriate moment for it is when they stand to speak.

Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): It is a pleasure to serve under your chairmanship, Sir Roger. I am grateful for your refresher course. We are all rusty and I ask for your forgiveness for the mistakes that I shall undoubtedly make in the days ahead.

I support amendments 29 and 84 and much of what the shadow Minister just said. I welcome the Minister to his new role. I wish him all the best—apart from with large parts of the Bill, unfortunately. He has been thrown in at the deep end, and I dare say his recess was particularly busy. However, I congratulate him on finding time to record an excellent time in the London marathon a couple of weeks ago.

This complex and technical Bill raises profoundly important issues. We are all aware of the huge concerns that have been expressed about large parts of the Bill. I would also like to thank the various organisations that have given evidence in writing, orally or in private briefings or that have drafted the overwhelming majority of the amendments that we have tabled. I thank the Clerks for their help in what is not always a straightforward process in tabling amendments at a time that has been hugely difficult for them as well as for all hon. Members. We do, however, start our line-by-line consideration on a positive note. Even though we have fundamental disagreements with many aspects of the Bill, that is not the case for part 1 where for eight ninths of the time we can have hearty agreement. We just suggest a little probing and tweaking on one or two issues.

9.45 am

The shadow Minister said that the Government are correcting some historical injustices of UK nationality law as well as bringing British citizenship and British overseas territories citizenship law back into line. That is welcome. No doubt, it might have happened sooner, but it is good that it is happening. I pay tribute to the campaign groups that have continued to make the case over several years, including the Project for the Registration of Children as British Citizens, Amnesty International and the BTOC campaign group which will be particularly pleased to see many of the changes in part 1 and to whom I had the pleasure of speaking briefly yesterday on a Zoom call at a time that was very early in New York.

The folk that I spoke to yesterday had suffered blatant injustices and it is important that we put faces to that. They had been denied British citizenship and British overseas territories citizenship simply because of the marital status of their parents. It is hugely welcome that those injustices are now going to be fixed.

Being a citizen is absolutely fundamental to our lives and to our enjoyment of a whole host of rights. Hence the right to citizenship is enshrined in the United Nations declaration of human rights, article 15 of which confirms that everyone has a right to a nationality and that no one shall be arbitrarily deprived of their nationality or denied the right to change their nationality. In a practical sense, it is the right to have rights and citizenship can be a pivotal first step in providing security and a sense of safety to those who enjoy it. It is a recognition on both sides that this is someone's country, so being unjustly deprived of citizenship is a grievous harm to suffer. We welcome the first eight provisions that correct some of those injustices and later we shall ask for the same logic to be used in other cases that we firmly believe are injustices too.

As we have heard, clause 1 seeks to correct the injustice suffered by people who would have been British overseas territories citizens but for the rules that stopped mothers passing on citizenship in the same way that fathers could. That is clearly discrimination against women and their children and is not acceptable.

Mr Robert Goodwill (Scarborough and Whitby) (Con): I understand some of what the hon. Gentleman is saying but, by way of clarification, may I point out that there is never any doubt as to who the mother of a child is, but there are occasionally questions over the paternity? Does the wording of the amendment make it easier to define who the father is? Sometimes someone's parent may not be the biological father. Is the difference between a father, and someone who is married to the mother who may have thought he was the father when the child was born?

Stuart C. McDonald: I am grateful to the right hon. Gentleman for the intervention but I am not sure that I followed every aspect of it. All I can say is that the definition of father in the amendment is exactly the same as the definition that the Government have used. It is not changing that at all. I will explain exactly what the amendment does in a moment.

We are talking about getting rid of the unacceptable discrimination against women and children. A correction, albeit an imperfect one, to the laws of British citizenship that does exactly the same thing has already happened. In clause 5, there is a provision that actually fixes that. However, that correction was not made to British overseas territories citizenship. The Government have already fixed it for British citizenship; the amendment is now trying to fix it for British overseas territories citizenship. In a nutshell, the question we are asking the Government is, "Why are they using slightly different wording this time round compared with last time?" That is the crux of the debate and I will come back to that point.

My amendment would allow people who have suffered injustice to register as British overseas territories citizens. That is good, but two issues arise. The first is cost and we will come to that when we consider the next group of amendments. The second is about the language used and whether it really makes sense. Amendment 29 would challenge the Government on the use of the language to correct the injustice. Slightly surprisingly, the Government have not just copied, or used copy and paste, from the fix used for British citizenship that is found in section 4C of the British Nationality Act 1981. Section 4C allows for the correction of injustices by registration if someone missed out on citizenship because citizenship by descent was not provided for mothers "in the same terms" as for fathers or if someone missed out because it could not be acquired because it could not be obtained "in the same terms" for mothers as for fathers.

The Bill, in doing the same job for British overseas territories citizens, uses the terminology

"had P's parents been treated equally".

The key questions for the Minister have been pointed out by Amnesty International and the Project for the Registration of Children as British Citizens in their written submissions. Why are the Government not using the same language as they used to fix the problem for British citizenship? If there is a good reason for not using that language—if there is some sort of problem with the language that was used in the case of British citizenship and the fix used for that—do we not need to go back and fix that fix, as it were? Even assuming that there is a problem and the language used has to be different, why have the Government chosen to use this language, which seems rather clunky and problematic?

Speaking about hypothetical circumstances when parents are treated equally does not make it clear, unlike the section 4C version, whether we are, to coin a phrase, "levelling up" rather than levelling down. P's parents could be treated equally badly, as well as equally well, so the drafting leaves a lack of clarity about the fact that we want mothers to be treated the same as fathers and not the other way round. The Government like to talk about "levelling up", so here is a chance for the Minister to do some of that and make what appears on the face of the Bill absolutely clear.

Amendment 29 provides the best wording and addresses all the points in amendment 84. It flags up another place where the issue arises and if we wound back the clock a few days, I would probably copy amendment 29 that the shadow Minister has tabled. I believe it is the best version. I will therefore not press amendment 84 to a Division, but I fully support amendment 29. I look forward to hearing the Minister's response.

The Chair: Ordinarily, I would take speakers from both sides of the Committee, but if no Government Member wishes to speak at this stage, I will call the hon. Member for Glasgow North East.

Anne McLaughlin (Glasgow North East) (SNP): I will be brief and echo what my hon. Friend has said. I welcome the Minister to his place and wish him well although I am sorry to say not with this Bill. I thank all the multiple organisations that are concerned by the Bill and supported the moves to make the changes that need to be made.

It might be a moot point but, as my hon. Friend said about amendments 29 and 84, we do not want to be in a situation in which parents are treated equally badly. I suspect that that is not what the clause is about and I hope that the Minister will say that it is fine and we will accept that. However, it is important that we acknowledge that mothers were treated unequally and wrongly. That is because, throughout the centuries, women have been treated systemically badly. Yes, of course things have improved—and this is an improvement—but we have to acknowledge it whenever there has been systemic bias against any group of people, and in this case we are talking about women and mothers. I do not think any member of the Committee would disagree that what has happened is extremely unfair but we must acknowledge it so that we can move forward. Acknowledging a problem draws attention to it. Let us not pretend that we have equality of the sexes and genders. We do not. Every time that that is acknowledged it enables us to move forward and think of other situations in which there is inequality.

We have helpfully been provided with photos of members of the Committee and been given their constituency names but when I saw the photo of the right hon. Member for Scarborough and Whitby, I thought he was the right hon. Member for Con, Scarborough and Whitby. I thought, "Where is 'Con'?" until I realised that it referred to the fact that he is a Conservative. I am learning something new every day.

The right hon. Gentleman was factually correct to say that it is easier for mothers rather than fathers to prove their parentage. That is why I wonder why on earth it was so difficult for women to pass on their nationality to their children. There is no question who the mother is in such cases. I hope the Minister will say that he will change the language to refer to mothers and that the Government will acknowledge the inequalities between men and women and mothers and fathers. Treating parents equally should not mean that they are treated equally badly. I suspect that he does not want to do that and I support most of the provisions in this part of the Bill. That is probably the last time I shall say that today.

The Parliamentary Under-Secretary of State for the Home Department (Tom Pursglove): I start by thanking Opposition colleagues for their warm welcome to me in my new role. It is welcome that, in the early provisions of the Bill, there is broad agreement across the Committee about the need to correct the injustices and to put things right.

I thank the hon. Members for Enfield, Southgate, for Halifax, for Cumbernauld, Kilsyth and Kirkintilloch East and for Glasgow North East for tabling amendments 29 and 84. They both refer to clause 1, which I am pleased to introduce because it corrects a long-standing anomaly in British nationality law. I appreciate hon. Members' attention to detail in seeking to make sure that the new provision is clear and in line with the parallel provision in the British Nationality Act 1981 for the children of British citizen mothers. However, I do not think an amendment is needed, as the proposed wording here achieves what is intended. In saying that this provision applies to someone who would have been a citizen had their parents been treated equally, we are talking about a situation where the law applied equally to mothers or fathers, women or men.

[Tom Pursglove]

The term "parents" is consistent with the wording used in section 23 of the 1981 Act, which determined which citizens of the United Kingdom and colonies became British dependent territories citizens on commencement. One of the three conditions that a person needs to meet to qualify for registration under this clause is that they would have become a British dependent territories citizen under section 23(1)(b) or (c) of that Act. That section refers to a person's "parent".

I wish to point out that we will further clarify the points that have been made in the underpinning guidance. I trust that will afford greater comfort because it is clear that the Bill is technical, so plain language will be used in the guidance itself to achieve what members of the Committee seek to achieve.

Neil Coyle: I, too, congratulate the Minister on his new role. If the Minister is saying that this may require further explanation in the guidance, will he agree to review it in more depth before the Bill reaches the Lords if organisations are able to present examples of case studies where the current wording may not meet the Government's intent?

Tom Pursglove: I will of course be delighted to receive any such examples. I genuinely think that, as with so many cases of immigration law, the underpinning guidance plays an important role in making it clear, in plain English that people can understand, precisely what various aspects of the law entail. I am satisfied with the current wording of the clause.

Stuart C. McDonald: I understand what the Minister says about the wording doing a job in statute, but will he say whether he thinks that the wording used has any implications for British citizenship as opposed to British overseas territories citizenship? Was a problem with the wording recognised and is that the reason why it was not copied across? Or is this Bill a wee bit different and therefore uses different wording?

Tom Pursglove: The short answer, based on my understanding, is no. The connected provision in the Act talks about parents and not the mother and the father, so that is why we think this is the appropriate route to take for BOTCs. I am satisfied that the current wording does what is required so I ask hon. Members not to press their amendments.

Bambos Charalambous: I have heard what the Minister has said, but we could avoid going down the path of seeking to clarify the current wording if the same wording that was used in the 1981 Act were used here. We do not see what the problem would be. If the wording in the 1981 Act is adequate, why not just repeat it in the Bill? It would provide clarity and stop problems occurring in the future. Our belief is that everyone should be treated equally, and we should not have a separation, which the amendment tries to correct, between British overseas territory citizens and British citizens. Regrettably, we will press the amendment to a vote.

10 am

Question put, That the amendment be made.

The Committee divided: Ayes 7, Noes 9.

Division No. 1]

AYES

Blomfield, Paul	McLaughlin, Anne
Charalambous, Bambos	McDonald, Stuart C.
Coyle, Neil	
Lynch, Holly	Owatemi, Taiwo

NOES

Baker, Duncan	Pursglove, Tom
Goodwill, rh Mr Robert	Richards, Nicola
Gullis, Jonathan	Whittaker, Craig
Holmes, Paul	
Howell, Paul	Wood, Mike

Question accordingly negatived.

The Chair: Ordinarily, Mr McDonald, I will not ask this question, because I will assume that if you, or any other Member who wishes to move an amendment that has been debated but not yet called, have not notified the Chair, you do not want it to be called. However, because this is the first time, do you wish to press amendment 84 to a Division?

Stuart C. McDonald: No.

The Chair: In that case, we move on to the next grouping.

Stuart C. McDonald: I beg to move amendment 8, in clause 1, page 2, line 46, at end insert—

"(7) The Secretary of State must not charge a fee for the processing of applications under this section."

This amendment would prevent the Secretary of State from charging a fee when remedying the historical inability of mothers to transmit British overseas territories citizenship.

The Chair: With this it will be convenient to discuss the following:

Amendment 9, in clause 2, page 7, line 30, at end insert—

"(6) The Secretary of State must not charge a fee for the processing of applications under sections 17C, 17D, 17E or 17F."

This amendment would prevent the Secretary of State from charging a fee when remedying the historical inability of unmarried fathers to transmit British overseas territories citizenship.

Amendment 10, in clause 3, page 8, line 18, at end insert—

"(4) The Secretary of State must not charge a fee for the processing of applications under this section."

This amendment would prevent the Secretary of State from charging a fee for British citizenship applications by certain British overseas territories citizens.

Amendment 11, in clause 7, page 10, line 25, at end insert—

"(5) The Secretary of State must not charge a fee for the processing of applications under this section."

This amendment would prevent the Secretary of State from charging a fee on applications for British citizenship by people who have previously been denied the opportunity to acquire it on account of historical legislative unfairness, an act or omission of a public authority, or exceptional circumstances.

Amendment 12, in clause 7, page 11, line 8, at end insert—

"(5) The Secretary of State must not charge a fee for the processing of applications under this section."

This amendment would prevent the Secretary of State from charging a fee on applications for British overseas territories citizenship by people who have previously been denied the opportunity to acquire it on account of historical legislative unfairness, an act or omission of a public authority, or exceptional circumstances.

New clause 16—*Registration as a British citizen or British overseas territories citizen: Fees*—

"(1) No person may be charged a fee to be registered as a British citizen or British overseas territories citizen that is higher than the cost to the Secretary of State of exercising the function of registration.

(2) No child may be charged a fee to be registered as a British citizen or British overseas territories citizen if that child is being looked after by a local authority.

(3) No child may be charged a fee to be registered as a British citizen or British overseas territories citizen that the child or the child's parent, guardian or carer is unable to afford.

(4) The Secretary of State must take steps to raise awareness of rights under the British Nationality Act 1981 to be registered as a British citizen or British overseas territories citizen among people possessing those rights."

This new clause would ensure that fees for registering as a British citizen or British overseas territories citizen do not exceed cost price. It would also ensure that children being looked after by a local authority are not liable for such fees, and that no child is charged an unaffordable fee. Lastly, it would require the Government to raise awareness of rights to registration.

Stuart C. McDonald: In short, the amendments say to the Government, "Having recognised an injustice and provided people with a right to have it fixed, which is very welcome, you must also ensure that that remedy is accessible to those who have been wronged." It is about the cost of applications, and about other parts of the procedures that have been put in place. If we acknowledge that these people should have been British citizens automatically, we should not ask them to jump through other hoops. They should not have to pay any fee for an application or for biometrics, or travel hundreds of miles for a citizenship ceremony unless they want to, if that would not have been required of them had the injustice not been done.

It is all about putting the person, so far as is possible, in the position in which they would have been had the injustice not occurred. It is also about making people aware and giving them support, if they need it, to make these new rights a reality, so that we are not just passing laws but making sure they are effective. That can be vital—we know that from the Windrush scandal and the deliberately low-key efforts by the Home Office in the 1980s to advertise registration rights, to avoid a deluge of applications.

Amendment 8 provides that there should be no fee for registration applications under clause 1. As we discussed, that remedies injustices in relation to British overseas territories citizenship for women and their children. Amendments 9 to 12 would do similar in relation to three other clauses that seek to remedy other injustices: clause 2, which corrects injustices whereby people lost out on British overseas territories citizenship because of rules that prevented unmarried fathers from passing on that citizenship; clause 3, which corrects the double injustice faced by some who, having lost out on British overseas territories citizenship, then lost out on entitlement to British citizenship provided for by the Nationality, Immigration and Asylum Act 2002; finally, clause 7, which provides for more general power to remedy injustices by registration as British overseas territories citizens or British citizens.

The Bill recognises that had our laws not been unjust, the people impacted would have been BOTCs or British citizens with no fee and no procedure. It seems only just to rectify that injustice free of charge. In relation to clauses 1 and 2, there are no fees charged for the equivalent fixes to British citizenship law, so it should be the same for British overseas territories citizenship. I was pleased to learn at the weekend, having already tabled the amendments, that back in July the Home Office had apparently written to various nationality experts to confirm that the intention was not to charge for those applications and that the same approach would be taken for applications under clause 3. That is welcome, but it would be useful for the Minister to confirm that is accurate, so that we can hold the Government to account in future, if the Treasury ever tries to force a change of approach.

I still say that Parliament's intention should be in the Bill, because it is clear from debates around the British Nationality Act 1981 that registration fees for children were never intended to be set at anything more than the cost of processing for the Home Office. Yet a quarter of a century later, the Home Office started ramping up prices relentlessly and now makes massive profits on them. Let us all agree today that the applications should be free and ensure that our successors are aware of that by putting it into law.

Notwithstanding the welcome Home Office letter, that still leaves applications under clause 7, which is the broad discretionary clause. It would be good to have an indication of the Government's thinking. Let us remember what that clause provides for: it is a general fix for persons who missed out on British citizenship or British overseas territories citizenship because of laws that discriminated between men and women or against children of unmarried couples, or because of acts or omission by public authorities or something exceptional. If a person has been deprived of citizenship because of discriminatory laws or a mistake by a public authority, it is hard to see why they should be charged a fee for fixing that. That is certainly true where citizenship would have been automatic, hence this amendment.

As the Project for the Registration of Children as British Citizens and Amnesty International argued in their written submissions, fees for registration are undermining access to those procedures. The sum of £1,112 for a child and £1,206 for an adult is a long way beyond the cost—something like £372—to the Home Office of the registration process. It is particularly dangerous to ramp up the fees for applications where success is not guaranteed or certain. Under clause 7, it is not the case that someone simply has to show a date of birth and nationality of a parent and it is easy to know whether the applicant will be successful. In many cases, people will be unsure whether the Secretary of State will regard their circumstances as exceptional. Even if the circumstances are exceptional, as the clause stands, the Secretary of State still has the discretion to say, "no", because the clause says she "may" register them in those circumstances, rather than "must".

The lack of certainty of success, coupled with the high fee, risks causing low uptake of the new rights. We are all delighted that the new rights have been put into

[Stuart C. McDonald]

law, but if someone is not certain that they will be successful and they are putting at risk a huge fee, they will simply not apply and injustices will be left uncorrected.

New clause 16 would enshrine a broader principle that registration for citizenship should not be a profit-making exercise. It is vital to keep in mind the fundamental distinction between naturalisation and registration. It is possible that the root of such problems is the fact that the Home Office has come to treat those things as pretty much the same—they are not; they are very different.

People who naturalise as British citizens, and their families, have made a conscious choice to come to the UK, settle and make this their home country, and seek its citizenship. In contrast, those who register as British citizens—in the overwhelming majority of cases, they are children—did not make those choices. Often, they are British-born kids who are not automatically British at birth. They are allowed to register as British if they lived in the UK for the first 10 years of their lives; if either parent settles and becomes British before the kid turns 18; or if they were stateless at birth and live here for five continuous years. Although the Home Secretary has no discretion over that, the 1981 Act quite rightly retained a discretionary power for the Home Secretary to allow other children to register, including those who came here at an early age and who are, to all intents and purposes, British.

In 1981, Parliament repealed automatic citizenship by birth alone on the basis that birth here did not necessarily mean that someone's connection to the country was strong enough that this should be their country of citizenship. However, Parliament was careful to put in place protections for children born here to non-British parents, for whom this clearly was or became home, hence their right to register as British citizens. Far from being equivalent to naturalisation as a British citizen—those people have picked the UK to be their home—citizenship through registration should be seen as equivalent to the British citizenship that most people in this room will have automatically enjoyed simply by being born here to British parents.

To make a massive profit from that is as outrageous as demanding that anyone in this room pay for the privilege of being British. Parliament took the view that Britain was the home country for those kids in the same way that it is for everyone in this room. Now, the Home Office is putting that citizenship way beyond the means of many. When he was Home Secretary, the now Secretary of State for Health and Social Care, the right hon. Member for Bromsgrove (Sajid Javid), accepted that that fee was a huge sum of money. The Home Office is undermining Parliament's intentions: thousands of children cannot access the citizenship that should be theirs because the Home Office now charges that huge sum. When the fees for registration came into force, they were set at something like £30—around £100 in today's money—simply to cover the cost of administration, and it remained like that for a quarter of a century. Since 2007, however, the Home Office has rapidly ramped up the fee, which now stands at more than £1,000. The application processing cost stands at around £360, so almost £700 of the fee is pure profit for the Home Office.

The impact on kids whose families cannot afford to register them is absolutely profound. Many will grow up unaware that they are not British citizens like their pals. That penny will perhaps not drop until they cannot join a school trip abroad or apply for college, university or a job. Without British citizenship, those children are made subject to immigration control and could feel the full implications of the hostile or compliant environment, meaning that they even run the risk of being refused access to child healthcare, employment and education, social assistance and housing, and of being detained, removed and excluded from their own country altogether. It is important to say that that affects tens of thousands of British-born children, and is surely contrary both to the Government's duty to safeguard and promote the welfare of children and to the requirement that children's best interests be a primary consideration in all actions that affect them.

Over the years, the Home Office has made various arguments, a number of which do not stand up to scrutiny, and I will address three of them. First, the Home Office often asserts in such debates, of which we have had several since I turned up in 2015, that the fee reflects the benefits received by the child in being able to register. That is a completely inappropriate argument. On that basis, we all should be charged a fee for our British citizenship, but as it is our right, we are not, and it should be exactly the same for those kids.

Secondly, in what I regard as an even more dreadful argument, the Home Office states that citizenship is not actually necessary for those kids, and that they can instead just apply for leave to remain. Frankly, that is an astonishing argument. If the Home Office said to anyone on the Committee, "We are going to deny you your British citizenship, but don't worry, you can apply for leave to remain—we might even give you a fee waiver if you're struggling to afford it", would any of us be content with that? Absolutely not, particularly given that the leave-to-remain route is the horrendous ten-year route to settlement. To suggest that immigration leave is any sort of equivalent to being recognised as a national is quite simply insulting to those kids.

Thirdly, the Home Office makes the case that people using the immigration and nationality system can fairly be asked to pay a contribution towards its broader costs, so that British taxpayers do not have to. In some circumstances, I accept that that is true. I do not have a problem if the Home Office makes a profit on work visas, perhaps, to subsidise other work that it does, but it is totally unfair to apply that principle to people for whom the UK is home, and who are simply trying to access their right to nationality. These are not migrants choosing to come here to work, study or whatever else; they are, to all intents and purposes, British kids, and it is time that the Home Office supported them in exercising their rights to the British citizenship that reflects that, and stops trying to profit from them and put them off. Let us end this injustice now.

10.15 am

Mr Goodwill: The principle of fees reflecting the cost of delivering the service is a good one that should be applied widely across Government. It is applied, for example, at the Driver and Vehicle Licensing Agency for some of the processes that it carries out for motorists. The Passport Office reflects the cost of issuing a passport

in the fee that it charges. In the vast majority of cases, the cost of these services should be reflected in the fee. When I was an immigration Minister, I would scrutinise officials and say, "Why is it so expensive to do this?" They would say, "Well, these are often quite complex cases with quite a lot of paperwork." We must also bear in mind that there are people who try to obtain British citizenship fraudulently using fake documents. Therefore, the amount of scrutiny that needs to take place reflects that. I hope that the Minister will reassure us that we will continue to apply that principle, so that we do not see profit incentives but merely cost recovery.

Neil Coyle: There is a slight contradiction in what the right hon. Member is claiming, because in the practical, lived reality of examples in my constituency it is at the point that a child discovers that they need to go through the citizenship process in order to access a passport that they discover all the fees that they are obliged to pay. He says that he wants the passport process to reflect only the costs of administering that passport. For the children and families affected by this, in order to get that passport at cost they have to pay thousands of pounds, which is profit for the Home Office.

Mr Goodwill: As I was saying, I would always scrutinise the officials and say, "Does it actually cost this much to apply?" They gave me evidence that this was indeed an expensive operation. As I said, often fake documents are presented, and forensic work needs to be done to ensure that the identity of the person is as stated, and that the documents provided in evidence are correct.

Stuart C. McDonald: The figures that I gave in terms of the cost to the Home Office came from, I think, freedom of information requests, so they have been carefully calculated. It is beyond doubt—I do not think the Home Office disputes this—that it makes something like £700 profit on an application that costs just over £1,000. We are talking about kids, so it is, as the former Home Secretary, the right hon. Member for Bromsgrove (Sajid Javid), said, a huge sum of money.

Mr Goodwill: As I said, I hope that the Minister will reassure us of the principle that was certainly in effect when I was in the Home Office: that this is not an opportunity to make a profit out of these people, but merely to recover the cost.

I believe that the amendments will place a greater burden on taxpayers as a whole for a service that is being provided to these applicants. I am also a little concerned about new clause 16(3), which talks about whether a person can afford the fee. I am not clear whether that means that it should be set at a level that anyone can afford, which in effect would have to be zero, or whether the proposal is for some sort of means testing, which of course would add the cost of getting financial information from the applicant. The cost of the process could end up being greater overall, although if the new clause were accepted the costs for some would be lower than for others.

Stuart C. McDonald: The fundamental point is that a kid's British citizenship is not a service; it is a right. I am happy to have a discussion about the wording of the new clause, but I understand that the language has been borrowed from elsewhere. The Home Office has fee waiver schemes, for example in the long route to settlement, as the right hon. Member will well know, so it is not something that the Home Office will not understand. It will be able to put in place a scheme that allows people who are generally unable to pay the fee because of their impoverished circumstances not to have to pay it. I am happy to discuss the wording if he accepts the principle.

Mr Goodwill: I hear what the hon. Gentleman says, but I maintain my view that the Government have it right on this occasion: the fees should reflect the cost of delivering those services, and should not fall more widely on taxpayers as a whole. Of course I have a right to a British passport, but that does not mean that I should not pay the fee to ensure that the passport is applied to me, not to somebody who is pretending to be me or trying to impersonate another citizen.

Stuart C. McDonald: To echo the point made by the hon. Member for Bermondsey and Old Southwark, no big profits are made on passports. Of course, people still have British citizenship even without a passport. A passport is a useful thing to have to prove citizenship in many circumstances. In a way, that could almost be described as a service. I think it is a pretty important one, and it is right that the Home Office does not make a huge profit on it, but the right hon. Member was not charged a fee for his British citizenship. None of us were. It is not a service that has been provided to us; it is a right, and it is a right for these kids as well.

We have had lots of support on these arguments from Conservative MPs over the years. It is very strange that it is a Scottish National party MP who tends to stand up and champion British citizenship. I thought that this would be made for Conservative MPs. Even if folk will not support us today, I encourage them to please go away and think about this, and speak to their colleagues. I think many hon. Members would have sympathy for this cause if they just looked closely.

Mr Goodwill: I completely understand the hon. Gentleman's point, but I maintain my position that although it is a right for these people to apply for citizenship, the cost of their doing so, and indeed the cost of ensuring that people who may be fraudulently trying to avail themselves of citizenship, should not fall disproportionately on taxpayers as a whole but on the applicants. As long as the Minister can reassure us that the fees reflect the cost, and that any high fees can be justified by the man hours spent and the time needed to check those applications, the Government should be supported on the wording in the Bill.

Anne McLaughlin: Before I come to what I was going to say, may I respond to the right hon. Member for Scarborough and Whitby as well? He does not need that reassurance, and he does not need to worry about the British taxpayer, because in 2018 the Home Office made profits of £500 million by charging £500 million more than it cost to process fees. He talked about the DVLA. He cannot say that the DVLA never gets fraudulent claims; it builds them into its costs. The Home Office has already built in the cost of checking fraudulent claims, and the profit in 2018 was £500 million for the whole year, so the British taxpayer does not have to

[Anne McLaughlin]

worry about that. Who has to worry about it are the people who have to pay the fees, which is what I wanted to talk about.

I will give two examples that I think will illustrate the broader point of the unfair impact on people's lives when they have to pay fees over and above what it costs to become a British citizen or to be allowed to remain in this country. My hon. Friend the Member for Cumbernauld, Kilsyth and Kirkintilloch East was right to focus on children. After all, children have absolutely no say on what happens in their lives. Throughout all the talk about immigration, particularly asylum for instance, we talk about single men as if they are not vulnerable. I will tell the Committee about two young men who were extremely vulnerable—they are less so now—and how the fees affected their lives, stopped them living their lives, and almost ended one of their lives.

They are not young men now. If they are watching this—I doubt that they will be—I think they will be delighted that I am calling them young men; they are just younger than me. I will not give you the first one's correct name. He adopted a Scottish name, which I will say is Fraser, even though it is not. Fraser has become part of my family. He calls my mother "Mum". She taught him to drink whisky and he is eternally grateful for that.

Neil Coyle: Does she give lessons?

Anne McLaughlin: My mum is even less likely to be watching this, but if she is, I will certainly let the hon. Member know.

Fraser—I must remember to use the adopted name—came from Sudan. His village, where he grew up, was razed to the ground. Everybody fled, and he did not know where the rest of his family were. He assumed that his two brothers, sister, mum and dad had died, but he did not know for sure and he kept hearing rumours over the years. He was helped by the British Red Cross, so he came here as an asylum seeker and then got his refugee status. But he wanted to go back and find out, because he kept hearing rumours that his sister had managed to get away and that his mum might still be alive, although he doubted it. The British Red Cross was doing everything it could to help him, but in order to get back to Sudan he needed a British passport and to be a British citizen. He had got his refugee status, but that took something like six years beyond when he was able to apply for citizenship, because he could not afford the fees. Had he been charged what it actually cost the Home Office, he would have got home a whole lot sooner. I know that nobody in this room would have wanted what happened to him to happen, but I am just explaining what the impact of these extortionate fees can be.

It took Fraser a long time, but he did finally get back with his British passport. Members here will be very proud of me, because I went to his citizenship ceremony and stood to sing "God Save the Queen". I do not do that terribly often, but I did it for him, because it was so important to him. He went to Sudan to see what had become of his family and he discovered that his sister had fled but had come back. His sister was there, living in very dangerous circumstances, which he was then able to help her with. She has children there; she does not want to leave Sudan, but she wants to be safe and he was able to help her. He discovered that his mum had been very ill for many years. She had not died at the time; she, too, had escaped. She had been very ill for many years but—I am trying to think how to put this—she had clung on, because she just wanted to see him one more time. But she had died two months before he got over there.

As I said, I am not for a second suggesting that anybody here or anybody drafting the legislation would not care about what happened to Fraser, but if he had had easier access, had not had to save up for years because he worked on the minimum wage in various precarious employments, and had been able to get over sooner, he could have been reunited with his family, which is a huge thing for him. He calls my mum "Mum", because he does not have one in his life.

I will call the second person I want to talk about Matthew. He had leave to remain but had to renew it after three years. He, too, worked on the minimum wage in precarious employment, with a zero-hours contract. How could he save up the £2,000 that he had to pay to renew it? So he buried his head in the sand; he did not save it up—well, he could not possibly have saved it up, to be fair—and then his employer said to him, rightly, "I'm no longer allowed to employ you, because you don't have leave to remain." He said, "But I can't afford to apply for leave to remain," but of course the employer cannot do anything about that. He was obviously then unemployed, but he has no recourse to public funds, because he does not have any status in the UK, so his housing association is saying to him, "Where's the rent?" A year has gone by and he has clocked up all sorts of debt. His housing association is saying, "Look, we don't want to evict you, but we are going to have to." That is all because he could not afford the fees—fees that were way more than it was costing the Home Office. There was no need to do this to him.

The situation then got really complicated because he discovered something—this fits in with new clause 16 and awareness raising. He did not know that it is possible for the fees to be waived if the person is in certain circumstances, and his case fitted those circumstances; they are not waived as a right, but there is that possibility. He did not know that, so he did not ask. He got a lawyer, who obviously did know it, and asked. The Home Office asked to see his bank statements for the past couple of years, and then said, "No, we are not waiving the fee," and just left it at that. He came to me, and I asked the Home Office. The Minister there was very helpful and said, "Look, it is because he has been gambling his money away. That is why he can't pay his fees."

10.30 am

The complication was that when he got his final pay packet, knowing that he had no recourse to public funds, that his employer had to let him go, and that he had no way of paying the rent or looking after his son, he started gambling. He was not a gambling addict, but he started because what else could he do when he had no other way of paying those fees? He could have become a gambling addict—although he ran out of money and had no access to it—but gambling was not his thing. He was not interested in it, but he had no

other choice. He became extremely depressed. He did not want to go, and I could barely get him to look up when I spoke to him.

Thankfully, that Minister understood what I said about why he had no other option to get those fees, and in the end they were waived. That was two years ago, so he will have to go through the process again in less than a year's time. When the pandemic hit, he could not find employment. He may have employment now, but if he has, it is likely to be minimum wage, and he has to save all that money all over again.

Those decisions are not made because we do not want to cost the taxpayer any more money. The decision to make a profit from people has a hugely detrimental impact on their lives, including that constituent and his children. He had to send his children to live with somebody else because he could not feed them and had no heating. I put on the record my thanks those at his housing association, Spire View Housing Association, because they took an interest in the case and took it aside. Not only that, but they gave him a fuel card so that he could heat his home, and food and vouchers so that he had a little dignity and could go and buy food himself. They really helped him to get back on his feet, and it was incredible that they did that. I hope I have illustrated how excessive fees can have a massive impact in a way that I do not think anyone in this room would want them to.

Neil Coyle: I am a little rusty when it comes to this process, Sir Roger, so thank you for your clarifications. I missed the first evidence session, in which declarations of interest were made, because I was at my brother's wedding, which was fantastic. For the purposes of formal declaration, as noted in my entry in the Register of Members' Financial Interests, I receive support from the Refugee, Asylum and Migration Policy Project in a policy capacity to support constituents and to work on relevant issues here in Westminster.

I welcome the Minister to his new role and congratulate him on completing the marathon, which of course goes through my constituency—he is welcome back to Bermondsey and Old Southwark any time. He was raising funds for Justice and Care, which could lead to interesting discussions about some aspects of the Bill. *[Interruption.]* I have not been heckled by technology before—these are interesting interventions. We are clear for take-off I believe.

I shall plough on. The Bill addresses access for a relatively small group, which some will welcome, but I support the amendments. *[Interruption.]* This is rather distracting.

The Chair: Order. I am terribly sorry, but clearly someone has not fastened their seatbelt. Let us try again, but if it happens again I may have to suspend the sitting for five minutes.

Neil Coyle: I thank colleagues for their kind words about not particularly wanting to hear my contribution and being grateful for the technical problem.

I support the amendments because I believe that the Bill misses an opportunity to address some wider process issues that need reviewing for several reasons. Fundamentally, I come back to the impact of imposing costs on people's access to their rights and entitlements, given the delays and times involved and the impact on Home Office staff.

Let me give a practical example: the Home Office's processes take so long and cost so much that businesses in my constituency have moved country as a result. One financial sector firm was trying to recruit someone from Japan. They were told that it would take at least six months to process an application, and that she may not even qualify to work in the UK under the process they were following. They discovered that it was cheaper and faster to up sticks, because of the price, process and times. They chose to move to Frankfurt, and in two weeks they were able to complete the registration and visa process that they could not do over here.

There is a wider problem with how long the process takes. Imposing costs adds to the bureaucratic impact on the Home Offices and the delays. At the end of March 2021, 66,000 people were waiting for initial decisions from the Home Office—the highest figure for over a decade. Of those, 56,000 had been waiting more than six months. I come back to the point that the right hon. Member for Scarborough and Whitby made about accessing a passport. If a child wants to go on a school trip and wants a passport, but cannot get it without going through a process that takes more than six months, how on earth will they go on a school trip? In that circumstance, children are denied the opportunities afforded to their classmates, even if they were born over the river here at St Thomas' Hospital and sit next to the other children whom they do not have the same rights as. It is iniquitous.

Anne McLaughlin: I just want to share a story. When I was in primary 7, everyone in my class went on a trip to Paris, except me, because my parents were too strict and thought I was too young. At least I understood why. Those children cannot go because of who they are; it is not because of a decision by their parents but because they are deemed not to be equal to their classmates. I know how bad it felt to be told by my mum and dad that I was not going to Paris. It must feel 100 times worse for a child when who they are is in question.

Neil Coyle *rose—*

The Chair: Order. We are feeling our way. I do not want to be heavy handed, but interventions are not speeches.

Anne McLaughlin: I am sorry.

The Chair: It is quite all right. We allow greater flexibility in Committee than we do on the Floor of the House. Nevertheless, an intervention should arise directly from, and be a question to, the Member who has the floor.

Neil Coyle: I am not sure why the hon. Lady's parents were concerned about Paris in particular, but the point is that they were able to make that choice. In these circumstances, children born and educated in this country who have never lived anywhere else do not have the right to decide whether they can go on a school trip.

Returning to my point about the timeframes involved, the number of people waiting over a year for a decision has risen tenfold since 2010, with 33,000 people in that position in 2020, including 7,000 children, and 2,500 people

[Neil Coyle]

waiting more than three years. I have at least two examples in my constituency of people waiting over a decade for a Home Office decision on their status. Those people are reliant on local authority emergency support, because the Home Office has shunted the cost to councils rather than get on with the process, make a decision and end the need for more expensive emergency support.

Who carries out the process and what trust is there in the Home Office? We are well aware of the Windrush examples and the denial of entitlements to people who were legally entitled to be in this country and should have had their rights upheld. They should have been respected for their contribution to rebuilding this country, to providing our public services in particular, and to our economy more widely.

The hostile environment has damaged trust in that regard; calling only on casework experience, the Home Office had an officer placed in my council's "no recourse to public funds" team who took away the driver's licence of someone who was seeking support from the council, which caused even more complications in getting their situation addressed, adding more time and more delay. In this Bill, the Home Office seems to be adding more complications, process and bureaucracy, rather than addressing where things have gone wrong—and things have gone very badly wrong.

To give one example, my constituent Ade Ronke came to see me when I was first elected in 2015. At that point, her son was three years old and she had been battling for three years to try to get her status resolved. The Home Office had declared that she was in effect a person of bad character because it believed that she had been subject to a criminal prosecution. She had never been arrested, she had never been in court, and the police and courts provided proof that it was not her that the Home Office was referring to, but it took a long time. Her son was 10 years old before that case was resolved. He had grown up for seven years in a family where there was no entitlement to child benefit or housing benefit and no recourse to public funds. Throughout that process, his mother was reliant on a church group for accommodation.

The Home Office could have used the Bill to address the division that has been created between what the Government aspire to do and the faith groups and others who are providing support, as the hon. Member for Glasgow North East mentioned. That philanthropic support means that there are many organisations and individuals out there who are aware of the deep disadvantage and even destitution that these Home Office policies cause, which the Bill could have addressed.

There is also an issue about numbers, which perhaps the Minister can address when he speaks. It is unclear whether the Bill will require the Home Office to take on more staff or whether it intends to increase the workload of existing staff. The staff complement has risen in the past 10 years, but productivity has collapsed. We see fewer decisions made and fewer interviews of people going through these cases per calendar month, despite the fact that there are more officers working on those cases, according to Home Office figures.

At a time when nine in 10 crimes in this country go unpunished, we should be doing everything humanly possible across the House to ensure that the Home Office can focus on law and order and its fundamental purpose of keeping our communities safe. That is not happening for my constituency on antisocial behaviour and other crimes, and it would be welcome if the Home Office could return its focus to those issues, rather than adding more bureaucracy, more costs and more time to distract from that fundamental purpose.

Linked with that question, over the past 10 years we have seen a drop in access to legal aid. I know that the Bill's equality impact assessment suggests there will be an extension to legal aid support in some cases. I hope that the Minister, when he addresses this particular section of the Bill, will confirm that legal aid will be available to those going through citizenship processes.

As the hon. Member for Cumbernauld and all the other places—I thought my constituency had a long name—said, there is also a cost issue, and the Bill misses an opportunity to address that. I support these amendments based on the cost issues alone, because we are one of the most expensive countries in the world in terms of the bureaucracy involved in this. I am proud to be British; I think this is the best country in the world and that London is the best city in the world, but it is also one of the most expensive.

To process citizenship here costs 10 times as much as in many of our neighbours: France and Spain have the lowest, but I appreciate that some on the Government Benches do not like European comparators, so let us look at the United States, as our price is already double theirs. It is also hideously expensive here compared with Canada, which charges only £400 to process citizenship, or other Commonwealth compatriots such as Australia.

I know that some Government Members will be using Australia as an example in later parts of the Bill, but perhaps they could have a look at it here as well, because Australia charges just £153 for an adult citizenship registration process, and Australia does not charge children a bean. There is a direct example within the Commonwealth of a country that has adopted a more progressive system, and perhaps we could learn from that.

10.45 am

Of course, those costs have risen massively, more than tripling in the last six years for leave to remain, or a 331% increase for those who prefer percentages that go above 100—something I am not massively in favour of. A 10-year route to settlement now costs an adult £12,761. That is an extortionate figure and profiteering. The Government's own figures suggest that the Home Office costs for processing a 10-year route to permanent settlement through leave to remain is £141 per application, which is about 15% of the application costs. Obviously that leaves 85% profit to the Home Office, which is not reinvested in speeding up the process for others going through what the Bill will produce.

Those basic fees do not include the immigration health surcharge, which was just £200 in 2018 but was doubled in 2019. Another £624 was added in October 2020: three times as much as it cost in 2018 was added in one fell swoop. I hope the Minister will outline any plans for the future in that regard and let us know whether we can expect to see those costs rise dramatically again.

In terms of overall costs, more than half the 10-year route is now the immigration health surcharge—£6,240. If the Government want the NHS to cut the backlog

and address all the health needs that have arisen during the pandemic, perhaps one way to support the NHS to deliver its fundamental role is to stop bogging it down in paperwork and bureaucracy and let it do its fundamental job of healthcare rather than focus on Home Office-imposed bureaucracy.

For a child, the cost of an application is £1,012, or £11,221 for those using the 10-year route to settlement—again, a massive figure. But the Home Office has revealed that the cost of processing is just £372 per application, so two-thirds of the profits for children is profiteering from misery, as we have already heard in some examples—something I will come back to.

The third reason that we need the Bill to go further in reviewing costs and other issues is that some of this is legally required by the Government due to court decisions. I want to flag up a brilliant campaign that a school in my constituency was involved in called Children into Citizens, which Surrey Square Primary School championed alongside Citizens UK. The school identified this issue in 2017 because of a school trip—the direct example already given this morning. It found that one child in a class was not able to join a school trip because he did not have a passport and was unable to get one processed. The real blockage was the cost.

This was someone who was born in London and sat next to other children in a class in education whom he felt he was the same as, up to that point. He did not know that he was being treated differently simply because of where his parents were born, by a Government who are building ill feeling towards themselves. I have some concerns about where that ill feeling and sense of alienation as a direct result of Government policy could lead some children. When I was first selected, the Metropolitan Police raised some security concerns. I think the Government had better bear that in mind when looking at reducing hostility and division. The Bill sadly misses the opportunity to do that.

The school came to the Home Office in 2017 with Citizens UK for a carol service. Again, it was reaching out to all those who say that we are a Christian country with a Christian heritage. The school was doing that from its Christian standpoint, seeking a Christian response to the concern that it had identified. It had widespread media coverage. In 2018 it was on "The One Show"—which I am sure you are an avid viewer of, Sir Roger—and on Channel 4, when one of the parents talked about their experience of borrowing. For those who do not have the money up front for this process, where to access funds can become very problematic. In Southwark, we are fortunate to have a credit union that has 33,000 members, I think, which is massive for a credit union. The population of Southwark is 300,000, so that is a very large number. Where those unaware of mutual credit unions go for financial support can be more risky and much more expensive in the longer term.

Citizens UK has met Home Office officials, had huge petitions and 1,500 people gathered at St George's cathedral, in my constituency. The organisation has been campaigning avidly ever since. In April 2019, the independent chief inspector of borders and immigration published a report that included recommendations suggesting that the fee waiver system for children be expanded. Citizens UK was pleased with that and was part of the campaign that saw the freedom of information request reveal that 900 stateless children pay the application fee every year. That puts some of these figures into a human context.

In August 2019, the group were back in *The Times* and on Sky News. Their experiences contributed to legal cases and in December 2020 the High Court ruled that the child citizen fee was unlawful, after a legal challenge by the Project for the Registration of Children as British Citizens. In February, the Court of Appeal upheld that ruling. At the time, the Government suggested there would be a review, but in February the Home Office said:

> "Citizenship registration fees are charged as part of a wider fees approach designed to reduce the burden on UK taxpayers. The Home Office acknowledges the court's ruling and will review child registration fees in due course."

We had that commitment in February, but we have a Bill before us in October. Can the Minister clarify how that review has contributed to a Bill that does not address the fundamental problem? If the Government continue with this, they will fall foul of further legal decisions and there will be costs imposed.

At a Westminster Hall debate in March, the then Immigration Minister said:

> "Following the Law Commission report on simplification of the immigration rules in 2020, the Home Office is in the process of looking to simplify the immigration rules. As part of that, we are looking at reviewing the rules on settlement and when people qualify for it…We are currently carrying out a section 55 assessment to inform a review of the fee."—[*Official Report,* 25 March 2021; Vol. 691, c. 467WH.]

It is disappointing because, if we fast-forward to October, we have a Bill before us that does not do what the Government said they would be doing earlier this year.

When the Minister speaks, I hope he will be able to clarify those specific issues, because this is a significant missed opportunity. We have heard about the human cost, but sometimes we are shy about talking about the cost to Government. If the Government continue to ignore the court ruling, there will be costs to Government of getting this wrong. It would be blasé of the Government to ignore those costs.

Those delays have a long-term economic cost. Coming back to the point made by the right hon. Member for Scarborough and Whitby, there is an issue about full cost recovery for accessing a passport, for example for British-born people in these circumstances who want to go to a British university. I have had examples in my constituency where people have been asked to prove they are British citizens, so that they do not have to pay international fees to study at British universities, and they have to pay all the citizenship fees. Would there be support for the Minister to undertake a review of whether there is an impact on British universities? They have seen a drop in international students and need more students to come through. Do the citizenship fees deter some people from going to university?

Mr Goodwill: Or indeed joining the British Army. I had a constituent whose mother was German and was married to a British citizen, who was in the British Army in Germany at the time. My constituent apparently could not join the British Army. He had to go through the process and pay the citizenship fees to join the British Army.

Neil Coyle: Some people are fortunate enough to find sponsors for these processes, but fundamentally that still leaves the problem in place. The Government said they would review this. Where are they with that? The point I want to make is this: someone who goes to university is more likely to secure a higher income and pay more taxes in the long term, so, if this issue is a deterrent to some people going to university, which I believe it has been in some constituency cases, failure to address the problem will have a long-term economic hit on UK plc.

My final point is on the lived reality of people in these circumstances. They often have no recourse to public funds conditions imposed as well, and the restrictions and limitations of that are devastating. Sadly, I have multiple examples from my constituency.

Mr Musari came to see me in 2015, when I was first elected. He was working in the private sector and renting in the private sector, when he suddenly had a no recourse to public funds condition imposed on him. His wife was pregnant with their third child, Mofe, at the time, so she had stopped working in order to give birth—you cannot really do both at once. The impact of the no recourse to public funds condition was that he was in the process of being evicted, because he was not able to pay his rent, because he could not access benefits and continued support. He became reliant on a church group for accommodation.

He told a group in my constituency—he got up and told this story publicly—that on Christmas day, when he was living through that terrible experience, he woke up in that emergency philanthropic accommodation, in one room with his wife and their three children. They had no private kitchen use. There was no Christmas dinner. Because of their financial circumstances, there were no Christmas presents for the children. He said that that day he felt that Government policies meant that if he took his own life, his children would get more support. He told that story publicly to outline the human impact on him.

His family, of course, ended up becoming reliant on emergency social services support from Southwark Council. That is a massive cost to a council—a colossal cost. London councils are spending £53 million a year on emergency social services for children subject to no recourse to public funds conditions, because the Home Office has imposed that process on them. That is the process we have before us today. It is a massive economic cost. Councils of every political hue are up in arms at how they are being forced to spend money through their noses on emergency services rather than on more affordable, long-term, permanent accommodation. Emergency accommodation provided through social services is the most expensive—more expensive than sending someone to prison or detaining someone in hospital. It is a ridiculously expensive system, but a deliberate choice. The Bill is an opportunity to address those issues, and I fear that it will impose new, and more, costs.

The equality impact assessment says that the Government plan to drop no recourse to public funds conditions for some of those affected by the legislation. I hope the Minister will say more about that. I hope he will agree to do what the Prime Minister has asked, which is to publish the figures on all those subject to no recourse to public funds conditions. I hope he will tell us whether he will agree to a review of the whole system to help people like Mr Musari and all those affected as we go forward.

The Chair: The hon. Gentleman has been entirely in order throughout his remarks. He has quoted from a number of documents. Would he please make sure that paper copies—or electronic copies, preferably—are made available for *Hansard*? Thank you.

Bambos Charalambous: I will be brief. I entirely support amendment 8 and the associated amendments on fees. The starting point is rectifying the injustice that has been done, and fees should not be a barrier to rectifying that injustice. We support the waiver of fees in those cases, because there has clearly been an anomaly that has disproportionately affected the people in this case. Fees should never be used as a barrier and they will clearly be a barrier in this instance, and that is why we support amendment 8 and the associated amendments in the group. If the intention is to make it easier for people to acquire citizenship, we want to remove barriers, not add them. That is what the amendment would do and that is why we support it.

There has been discussion about the cost of the administration of fees. My hon. Friend the Member for Bermondsey and Old Southwark has made the point that the Government are meant to be carrying out a review following legal challenges. I hope that we see the fruits of that review before the Bill goes through its parliamentary stages, so that we can have greater certainty. I am sure the Minister will clarify that. We also need to make sure that awareness is raised about the access to rights to citizenship and the impact that the fees will have. For those reasons, we commend the amendments.

11 am

Tom Pursglove: I am grateful to the hon. Members for Cumbernauld, Kilsyth and Kirkintilloch East and for Glasgow North East for tabling amendments 8 to 12 and new clause 16, which provides the Committee with the opportunity to consider fees charged in respect of applications for British citizenship and British overseas territories citizenship.

Before I address the specific points in the proposed new measures, I want to provide some background information. Application fees for immigration and nationality applications have been charged for a number of years under powers set out under clause 68 of the Immigration Act 2014, and they play a vital role in our country's ability to run a sustainable system, reducing the burden on taxpayers. Sitting beneath the 2014 Act are fees orders and fees regulations, which are scrutinised by both Houses before they come into effect; that is an important point. That ensures that there are checks and balances within the system and maintains the coherence of the fees framework. If we were to remove those fees during the passage of the Bill, as the hon. Member for Bermondsey and Old Southwark suggests, it would undermine the existing legal framework without proper consideration of the sustainability and fairness to the UK taxpayer.

Neil Coyle: Will the Minister give way?

Tom Pursglove: I will, although I know that you wanted us to make good progress, Sir Roger.

Neil Coyle: I want to comment on the point about the burden on taxpayers. First, there is a very significant profit margin—86% profit for some of the processes of the Home Office—so there is no burden there. Secondly,

it is quite offensive language to those that are living, working and paying tax here to say that they are a burden, even though they are already contributing economically through national insurance and tax contributions. I find the language unhealthy.

The Chair: Order. The Minister has indicated that we want to make progress, and that is true, but the Minister must not feel under any pressure not to respond to points that have been raised. This is a very important part of the Bill, so please, as a new Minister, feel able to take your time if you need to do so.

Tom Pursglove: Thank you, Sir Roger. I appreciate that. I also appreciate the hon. Gentleman's strength of feeling on this matter. I was Parliamentary Private Secretary, several years ago, to my right hon. Friend the Member for Scarborough and Whitby who was Immigration Minister, and I learned a lot from him. He got to the nub of the issue of fees. The truth is that there is a level of fee that is set. There is constant parliamentary scrutiny of those fees, as I have described. There is a level of cost associated with that. Any fee level that is incurred over and above that is actually invested into the wider nationality and borders system and helps to pay for the services that are provided.

Paul Blomfield (Sheffield Central) (Lab): The Minister refers to the contribution of the right hon. Member for Scarborough and Whitby. That was a challenge to give a commitment that fees should not be set at a level that does other than reflect cost. I hope the Minister will take advantage of that opportunity. As he is beginning to develop his argument, he is suggesting that fees are set at a higher level in order to reinvest in the Home Office. That is what other people have described and *The Times* reported in 2019 as profit of quite significant proportion.

Tom Pursglove: I will gladly take away the Committee's feedback on fees. As I have said, fees are kept under constant review and are subject to parliamentary scrutiny. I have no doubt that members of the Committee, and indeed Members across the House, will want to scrutinise any fees orders and fees regulations that are brought forward, express views on them and, as they see fit, either support them or take issue with them.

To return to the focus of the amendments and the clause, removing these fees during the passage of the Bill would undermine the existing legal framework without proper consideration of sustainability and fairness for the UK taxpayer. It would also reduce clarity in the fees structure by creating an alternative mechanism for controlling fees.

Beginning with amendments 8, 9, 10, 11 and 12, the aim of which is to limit the Secretary of State's power to charge a fee for applying for British overseas territories citizenship, I can reassure the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East that I am sympathetic to the view that a fee should not be charged in cases where a person missed out on becoming a British citizen automatically due to historical anomalies. The provisions in the Bill are about righting historical wrongs, and I can give the Committee my assurance that we will look carefully at where fees should be waived via the fees regulations. However, as I have outlined, that is not a matter for this Bill and it should be remedied through secondary legislation, in line with other changes to immigration and nationality fees.

Stuart C. McDonald: My understanding, from the briefing I was given at the weekend, is that in July the Home Office sent a letter to nationality experts stating that the intention was not to charge a fee, but the Minister seems to be saying something different; that there will be fee waivers, rather than no fees at all. We are talking about historical injustices here, so can he be a little more clear? Is the intention not to charge a fee for the applications to which amendments 8 to 11 refer?

Tom Pursglove: The hon. Member is always on point in asking pertinent questions. I reiterate the point that the Home Office tends not to charge fees in instances where unfairness or injustice have occurred, and it remains our intention to continue to adopt that approach in relation to the provisions that we are enacting through the Bill. I hope that gives him the reassurance he is seeking.

Neil Coyle: I thank the Minister for giving way. Yesterday we saw Parliament at its finest, and I genuinely think that he is a decent man, but what he is saying today is not what was indicated previously and it does not address what the Court of Appeal has required the Home Office to do. If he is saying that there will be secondary legislation at some point, when is it coming, because we have an opportunity here to address the issue? The Court of Appeal found that the Home Office had failed to assess the best interests of children in setting the fee. To fail to do so again in this legislation will have only one outcome, which is the Government being back in court.

Also, I forgot to mention the case that I was speaking about earlier, so for reference it is R (The Project for the Registration of Children as British Citizens) *v.* the Secretary of State for the Home Department.

Tom Pursglove: I thank the hon. Member for that further intervention. Let me just set out the position on the point about child citizenship fees that he raises. I understand the concerns expressed about child citizenship fees. However, this is currently subject to legal challenge in the Supreme Court and the position will be reviewed after the judgments have been received.

Neil Coyle: So when the Government said in February that the issue was being reviewed, was it not being reviewed then? It is extraordinary that many months down the line the Minister is telling us that there will be a review only if they lose the case in the Supreme Court, which will incur further costs of millions of pounds for the taxpayer simply to go through the legal process.

Tom Pursglove: The hon. Member would be surprised if we did not want to review the situation and take into account fully the judgment of the Supreme Court in due course. I think that it is entirely proper that we take a view on this and that the situation should be reviewed in the light of any judicial ruling handed down. This exchange has been very useful, as it has allowed me to address many of the points that I would have picked up at the end of my remarks.

[Tom Pursglove]

I turn now to subsection (1) of new clause 16, the aim of which is to limit the Secretary of State's power to charge a fee for applying for British citizenship and British overseas territories citizenship to the cost to the Secretary of State of processing the application. As I have already outlined, imposing such a requirement would cut across the funding and coherence of the whole system and is not a matter for the Bill.

Subsection (2) would prevent the Secretary of State from charging a fee to register as a British citizen or British overseas territories citizen if the child is being looked after by a local authority. It is important to remember that any child, irrespective of nationality, who is looked after by their local authority can apply for both limited and indefinite leave to remain without being required to pay application fees.

Stuart C. McDonald: The Minister is being generous with his time, but I regret that the Home Office appears to have dusted down the same old briefing and he is making the same points that have been made before. He cannot possibly argue that limited leave is some sort of alternative to British citizenship. None of us would accept that; why should these kids?

Tom Pursglove: We would argue that the provision ensures no child in local authority care is unable to access leave. We remain of the view that citizenship is not necessary for any individual to work, live, study or access services within the UK. Subsection (3) would prevent the Secretary of State from charging a fee to be registered as a British citizen or British overseas territories citizen that the child or the child's parent, guardian or carer is unable to afford. That raises similar points to subsection (1) in that imposing such a requirement would cut across the funding and coherence of the whole system and is not a matter for the Bill. Subsection (4) would require the Secretary of State to take steps to raise awareness of rights under the British Nationality Act 1981.

Stuart C. McDonald: I have a quick question on the fee waiver. Why is registration for citizenship just about the only thing where there is no fee waiver scheme at all? There is a fee waiver sometimes for the 10-year route to settlement—as ludicrous a system as that is. Why is there no fee waiver system at all even for folk who cannot remotely afford that?

Tom Pursglove: I am conscious that I want to get through my remarks on this. I will write to the hon. Member on that point.

Neil Coyle: The Minister is being very generous in giving way. Perhaps he will be able to tell us how many applications for a fee waiver were denied by the Home Office in each of the last few years, or perhaps he could furnish us with that detail in another way. My understanding is that it is about 90%.

Tom Pursglove: Again, I do not have the figure to hand, but I will happily take that away and see if I can provide him with a written answer on that point. Information about becoming a British citizen is made available in published guidance on gov.uk and we are committed to ensuring information of this nature is fully accessible for all. I am conscious that we have had quite an extensive debate around fees in general, but I hope what I have said around the provisions in the Bill and the Government's intentions for handling fees in relation to the nationality measures we are seeking to enact gives comfort to the Committee, and that the hon. Members will feel able to withdraw their amendments.

Stuart C. McDonald: I am grateful to all Members for taking part and the Minister for his response. There have been two separate issues. First, on the new registration provision in the Bill, he has provided some assurance that because it is correcting historic injustices the broad intention will be hopefully to avoid a fee. We will hold the Government to that and watch very carefully.

I hear what the Minister says about the fact there is a system of statutory instruments being laid—we all come here and say our piece and then the Government sets a fee pretty much regardless. In theory, that is fine. However, the lesson we learned about the citizenship registration of kids is that in 1981 the then Government and Parliament as a whole made it absolutely clear that profits should not be made on that registration, and that was fine for 20 or 25 years. But then along came successive Governments that decided to ramp it up.

On a principle as fundamental as this, I still think there is a strong case for putting it in the Bill. If a new Government want to change the approach in the future, they can do so, but they will first have to introduce primary legislation to do that. I do insist on amendment 8. I will insist even more strongly on new clause 16.

11.15 am

I am absolutely for having debates on what fees should be set for tourist visas, working visas or student visas. I accept that it is legitimate to say that in a sense it is almost a commodity, because of the benefit that people are getting. It is not illegitimate to say that we will charge more than it costs us to process such applications, and to use some of that money for other Home Office functions. We can have a debate about precisely where we should set those fees. I agree that we have set them too high, as has been indicated, but we are talking now about something fundamentally different. It is not a student visa or a work visa; this is somebody's British citizenship. It is not a commodity or a service, as has been mentioned. It is a fundamental part of their identity.

I do not know how many hon. Members have kids, but if the Home Office said to them, "Because we are giving your kids British citizenship, we expect you to pay us 1,000 quid, and we are going to use some of that money to do other stuff as well," they would be outraged. They should be outraged that the Home Office is doing this. It is a different kettle of fish, and I hope the Minister will take that away and push back with officials.

Tom Pursglove: The hon. Gentleman asked specifically about fee waivers in relation to nationality, and I have just reflected on that point. My understanding is that, for most people, nationality is a choice and is not needed specifically to live in the UK. That is why we do not tend to offer fee waivers, typically, unless it is to correct a historical injustice. I just wanted to make that point clear.

Stuart C. McDonald: I am grateful, but that is an argument that the Home Office makes every time we have this debate. We have had Westminster Hall debates and so forth, and it is an awful point. This is the point that I have just been making. Imagine if I were to say to the Minister that we are taking British citizenship away from him and that he could get indefinite leave to remain or apply for five years' leave to remain or two and a half years' leave to remain. The long route to settlement involves two and a half years, two and a half years, two and a half years and two and a half years. After 10 years, thousands of pounds and all sorts of uncertainty, he would get settlement, but even that is not citizenship. We would laugh at anyone's suggestion that we would swap our British citizenship for that. That is not a remotely reasonable justification for not having a fee waiver.

It is the Home Office's official position that British citizenship is somehow equivalent to the long route to settlement. The long route to settlement is a disgrace, but that is another issue. For goodness' sake, we are talking about something that I would think Conservative and Unionist politicians would think fundamental. A kid's citizenship is not a commodity or a service. Leave to remain is not an alternative, so that is not an excuse for not having a fee waiver or for having a fee for kids who are in care.

The right hon. Member for Scarborough and Whitby made plenty of points about the importance of being able to subsidise other parts of the system, and I get that for other reasons, but not for this. The figures show that the Home Office is making a huge profit. Making that profit on visa applications means that tens of thousands of kids who should be British citizens are out there struggling to secure leave to remain, with thousands of pounds of fees. They are being denied access and their rights, stability and security. I ask the Minister to take the issue away and think about it again. I also ask Government Members to think about this issue, because it is not party political. As say, I have had lots of support from Conservative MPs in the past. Let us do justice by these kids. In effect, they are British citizens. Let us make them legally British citizens as well.

As I say, new clause 16 is modest. It is not asking for no fees at all; it is asking for no more than cost price. It is asking for a fee waiver, and it is asking to ensure that people have all these rights. I will definitely press amendment 8, and new clause 16, when we reach it, to a vote.

Question put, That the amendment be made.

The Committee divided: Ayes 7, Noes 8.

Division No. 2]

AYES

Blomfield, Paul	McLaughlin, Anne
Charalambous, Bambos	McDonald, Stuart C.
Coyle, Neil	
Lynch, Holly	Owatemi, Taiwo

NOES

Baker, Duncan	Pursglove, Tom
Goodwill, rh Mr Robert	Richards, Nicola
Gullis, Jonathan	Whittaker, Craig
Howell, Paul	Wood, Mike

Question accordingly negatived.

The Chair: Having listened very carefully to the debate this morning, I am of the view that the matters arising from clause 1 have been thoroughly debated. I therefore do not propose to engage in any stand part debate.

Clause 1 ordered to stand part of the Bill.

Clause 2

HISTORICAL INABILITY OF UNMARRIED FATHERS TO TRANSMIT CITIZENSHIP

Question proposed, That the clause stand part of the Bill.

The Chair: There is no need to have a stand part debate on clause 2. There are no amendments to clause 2, but I do not wish to curtail debate if hon. Members have anything they wish to say.

Bambos Charalambous: I have some remarks, which I will try and keep as brief as possible. As outlined in the Committee, opening clauses 1 to 5 seek to close the important loopholes in British nationality law. As we have already heard, British nationality law has discriminated against women and that will be corrected by clause 1 and the Opposition amendments. Clause 2 deals with children born out of wedlock, who have been prevented from deriving nationality from a British father if unmarried. That is another historical injustice and I am glad it is being considered in the Bill.

As Committee members know, before 1 July 2006, children born to British unmarried fathers could not acquire British nationality through their father. Registration provisions have since been introduced to rectify that issue for the children of British citizens through sections 4E and 4I of the British Nationality Act 1981, but that was not changed for children of British overseas territory citizens. Let us pause for a moment to reflect on the impact of the inconsistency: a child has no control over its parents' choices, yet British overseas territories children, now adults, have been discriminated against because their parents were unmarried. Due to a loophole in British nationality law, those children would not automatically acquire British overseas territory citizenship as the law failed to provide unmarried fathers with the ability to transmit citizenship. Therefore, through no fault of their own and without knowing why, that group of British overseas territories children did not acquire rights as British overseas territories citizens—rights they deserved and should have been entitled to, including, for example, holding a British passport or gaining consular assistance from the UK.

As we know, injustices that relate to nationality and citizenship span generations, and it is right the Government seek through clause 2 to correct the historical inability of unmarried fathers to transmit citizenship. The clause will insert new sections 17B and 17G to the British Nationality Act to provide for registration as British overseas territories citizens for persons born before 1 July 2006 to British overseas territories citizen fathers, where the parents were unmarried at the time of their birth. The provisions provide an entitlement to be registered for those who would have become British overseas territories citizens automatically had their parents been married at the time of their birth and for those who would currently have an entitlement to registration were it not for the fact that their parents were not married at

[Bambos Charalambous]

the time of their birth. As the clause creates a registration route for the adult children of unmarried British overseas territories citizen fathers to acquire British overseas territories citizenship, the Opposition welcome and support clause 2. It shows that the adults who have slipped through the cracks in UK nationality law over many years are no longer punished and, instead, are finally placed on an equal footing with mainland UK children born under the same circumstances.

Tom Pursglove: Following clause 1, this clause also seeks to rectify a historical anomaly in British nationality law for people who would have become British overseas territories citizens. The purpose of the clause is to insert a new registration provision for people who, first, would have become BOTCs automatically had their parents been married and, secondly, would currently have an entitlement to registration as a BOTC but for the fact that their parents are not married. That has long been awaited. We are aware of people who would have become British had their parents been married and see citizenship as their birthright.

11.25 am

The Chair adjourned the Committee without Question put (Standing Order No. 88).

Adjourned till this day at Two o'clock.