



NEWS UPDATE: Home Office Introduces New Nationality Law Bill today (24 May 2023)

Further update on confirmation of British citizenship rights following a change in the Home Office's position concerning how British nationality law applies to people born to EU citizen parents between 1 January 1983 and 1 October 2000 (inclusive).

This further update is provided following recent meetings with the Home Office organised by the Project for the Registration of Children as British Citizens (PRCBC) and attended by Amnesty International UK, ILPA, and the3million.

For future updates please follow our organisations' social media and website updates.

Background:

The change in the Home Office's position was first announced during a hearing before the High Court in October 2022. It was confirmed by the subsequent judgment of the Court. On 23 March 2023, the Home Office withdrew its public-facing policy that had presented its previous position.

The Home Office has confirmed its intention to take steps to protect the British citizenship of people affected by this change:

- by immediately introducing protective operational measures (see below); and
- by legislating to protect people's citizenship (see below).

The new Bill:

The British Nationality (Regularisation of Past Practice) Bill introduced today is to amend British nationality law so that the Home Office's understanding and application, up to at least October 2022, of the law between 1 January 1983 and 1 October 2000 should be confirmed by Act of Parliament.

The Home Office has indicated that it hopes the Bill can be fast-tracked through Parliament. The Home Office has said this is to provide assurance to people affected by the change announced during the High Court hearing in October 2022.

Protective operational measures:

Where somebody affected has previously been issued with a British passport, the Home Office's position is that it will continue to recognise that person's citizenship and renew their passport in the ordinary way. Where the person affected is applying for their first ever British passport, HM Passport Office will likely invite them to wait for the Bill to be passed into law. However, if there is an urgent need for the passport to be issued, they have indicated they will try to assist the person by other means.

HM Passport Office will be writing to those individuals waiting to be issued for a first passport alerting them to the forthcoming legislation.

People affected:

The Home Office has confirmed that it understands that its change in position may affect people born in the UK to EU citizen parents between 1 January 1983 and 1 October 2000, and the children born to these people. It has also confirmed that it understands there may be circumstances in which its change in position may affect some EU citizens who naturalised as British citizens between these dates, and the children born to these people. The steps it is taking are to apply to all people affected.

Ongoing court case:

The litigation, to which the High Court hearing in October 2022 relates, continues. The Court of Appeal has granted permission to appeal against the decision of the High Court and a date for hearing is pending. Nonetheless, it is the intention of the Home Office to take and implement the steps described above, without waiting for the conclusion of that litigation. This is to confirm the British citizenship of all the people affected by the Home Office's change in position, whatever may be the outcome of that litigation or the time it may take to be finally resolved.

For further reading:

- 24 May 2023: [Written Ministerial Statement on introduction of the British Nationality \(Regularisation of Past Practice\) Bill](#)
- April 2023: [Joint update from PRCBC, Amnesty UK, ILPA, and the3million](#)
- 8 March 2023: [Letter from PRCBC, Amnesty UK, ILPA and the3million](#) to Mr Armstrong, Head of Passport and Nationality Policy at the Home Office
- 20 January 2023: The High Court judgment [Antoine Roehrig v SSHD](#)
- 20 January 2023: [PRCBC Practitioner's note](#) on the judgment
- 21 October 2022: [Letter from PRCBC](#) to Mr Armstrong, Head of Passport and Nationality Policy at the Home Office
- November 2022: PRCBC Booklet: [Children and their rights to British Citizenship](#)