



ILPA Briefing on Amendment 54 (war wives and widows)

Borders, Citizenship and Immigration Bill

House of Commons Committee Stage, June 2009

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ILPA is happy to assist Members of Parliament in considering and/or drafting other amendments of interest to them.

Amendment 54, Hong Kong war wives and widows

Clause 48

Page 39, line 6, leave out subsection (2)

Purpose

To remove Hong Kong War Wives and Widows from the list of those who must satisfy a good character requirement to register as British. An opportunity to probe the use of the good character requirement more generally.

Briefing

To remove the requirement that the tiny number of Hong Kong war wives and widows who may be entitled to register as British must satisfy a good character test. In the House of Lords, Lord Brett stated that only 53 women had ever been eligible to apply under this provision, and that there had been no applications for the past eight years and that the Home Secretary would exercise discretion as regards the good character requirement should it ever be relevant. (HoL *Hansard*, 1 April 2009, cols. 1094-5)

In these circumstances, retaining a legal requirement that will never be used in practice cannot be sensible. The government has argued that to remove the requirement here would set a precedent for others; the only precedent it sets is that of applying the good character test where it is silly to do so.

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