

Is your child British?

Is your child a British Citizen? Do you know? It is quite common for a parent not to know this. Sometimes a parent thinks their child is British because he or she has a British birth certificate, but this is not the case. It is important for a parent to know what status their child has. Even if you cannot immediately change it, knowledge means you can plan.



If you do not know whether your child is British, or even exactly what status they hold there is a good way to find out on the Path to Papers website (www.pathtopapers.com). Here you can answer 5 questions about your child, without giving any personal details, and it will tell you important information about your child's status.

Why is it so important that your child is British?

British Citizenship is very important for children. It takes away all uncertainty about their life and future in the UK. It gives them stability. It means the child is free from immigration control, cannot be asked to leave, doesn't have to make numerous expensive applications for leave to remain and is no longer subject to immigration control. They don't need to worry how changes in the law affect them. A British child is entitled to a British passport to travel on and can freely study and work as well as access benefits when they are older. If they wish, they can join the military or the police—jobs not open to non-citizens. They also don't need to worry about renting a house under the new 'Right to Rent' legislation. And if the child's parents and siblings have no leave to remain, the child becoming British can be the start of the family being regularised.

Until 1983 everyone born in the UK was British. For many years after that it was still fairly straightforward to get indefinite leave to remain in the UK and sometime after that citizenship. In more recent years immigration laws have become very harsh and the changes affect children especially.

Many people are now only granted leave for a few years at a time and they have to have this renewed many times before they can apply for indefinite leave. This gives lots of insecurity for children and families. It is also extremely expensive, while families on this 'limited leave' can usually not even apply for tax credits and child benefits.

On top of that young people who are not British and don't have Indefinite Leave will find it almost impossible to go to University as they are not usually entitled to student loans and on top of that they have to pay overseas fees. This can cost between £12000 (Coventry University) and £31000 (Cambridge University) per year for an undergraduate degree which brings the total to find upfront to between £36000 and £93000 for a first degree.

What are the possibilities?

Reading this you should be able to see that it is important that every child who is entitled to it should have the chance to be British. So who is entitled?

- Every child born in the UK and having spent their first 10 years here can register as British. There is a form to fill and a fee to pay but because the child has a right to be British the application will normally be successful. The only exception will be if your child has been in trouble with the law or will otherwise be seen as 'not of good character'. It is not very difficult to apply under this rule and you can usually do it without the help of a lawyer. An information pack on how to do it yourself is available with this leaflet.
- Every child born here is entitled to register after one or both of their parents have become British or got Indefinite Leave. The child can be younger than 10. The form to use is MN1 and it is best to ask a legal adviser to check that the child is indeed entitled to apply.
- Sometimes it is worth making a discretionary application for a child who has particularly strong ties with the UK, but this can be refused and it is necessary to get good legal advice and lots of evidence.

If you are a teacher, social worker or community group leader reading this why not contact the Law Centre to ask about a parent or staff training session? It is important that as many people as possible know about child citizenship! Please email enquiries@covlaw.org.uk or call 02476223053 and ask for Inger.



This information was put together by a qualified immigration adviser and was correct at the time of creation (February 2016). Immigration law is subject to change, always check it is still accurate.