

Hindering access to British citizenship – for generations

Rights & Security International’s briefing on the Illegal Migration Bill

Summary

- Proposals in the Illegal Migration Bill—if enacted—would severely restrict access to British citizenship for people who otherwise meet the criteria for naturalisation under Schedule 1 of the British Nationality Act 1981.
- First, the Bill would prohibit people the Home Secretary has deemed ‘ineligible’ from registering or naturalising as British citizens. The conditions for someone to be deemed ineligible include entering and staying the UK without authorised leave, and traveling to the UK via a ‘safe’ country – even if conditions in that country would in fact be unliveable or if the person has the greatest chance of being safe and surviving in the UK. Similarly, these conditions would extend to most potential victims of human trafficking, which in turn would make them susceptible to removal from the UK and put them at greater risk of exploitation.
- The government’s proposals would effectively bar most asylum seekers from ever becoming British citizens. Children could be left *de facto* stateless.
- It would severely compromise a range of human rights, most notably the right to respect for private and family life and potentially the right to have a nationality, as enshrined in domestic and European, as well as other important human rights frameworks.
- As many asylum seekers are people of colour, it would worsen already racialised tiers of citizenship.
- It would also make people’s lives permanently precarious and prevent them from voting.
- To comply with international human rights law and recognise the inherent dignity of all people, the UK government should remove clauses 2 and 29-34.

Eligibility for British citizenship through naturalisation or registration

1. In clause 2 of the Bill, the government lists four conditions that would allow the Home Secretary to deem someone ineligible for British citizenship through naturalisation or registration under clauses 29-34.¹ The broad conditions, which could apply to thousands of people arriving in the UK,² would allow the government to reject migrants’ and asylum seekers’ bid for settlement before an application is even made, regardless of their circumstances.
2. If enacted, the proposals would allow the Home Secretary to place an indefinite re-entry and citizenship ban on any person deemed ineligible.³ Imposing a long-term ban would have far-reaching consequences on the family members of people affected because, without residency rights or a path to settlement, those impacted may be deprived of safe avenues to reunite with their families – potentially increasing trafficking and other harms. Such a ban may also violate Article 8 (right to private and family life) of both the European Convention on Human Rights (ECHR) and the Human Rights Act 1998 (HRA).⁴

¹ [Illegal Migration Bill](#), Clauses 2, 29-34

² Refugee Council, [Asylum Bill Impact Assessment 2023](#)

³ Home Office, [‘Re-entry, settlement, and citizenship bans: Illegal Migration Bill factsheet’](#) (policy paper).

⁴ [European Convention on Human Rights](#), Article 8; [Human Rights Act 1998](#), Article 8



3. People who are barred from citizenship would lead inherently precarious lives, as they would be permanently at risk of deportation or removal from the UK, and their immigration status would be at the whim of future governments. Most would also be unable to vote, and some may be left *de facto* stateless. Without a British passport, those without any other passport could become essentially trapped in the UK – not allowed to naturalise and yet unable to leave. Children and spouses of ‘ineligible’ people may not be able to gain British citizenship, either.

4. Although the government claims that Article 8 of the ECHR will not become an issue regarding the citizenship ban unless a refusal of citizenship ‘constitutes an arbitrary denial’,⁵ we are concerned that the government’s proposals in clause 2 of the Bill, coupled with already vague and potentially arbitrary regulations for naturalisation in the UK -- such as fulfilling the ‘good character’⁶ requirement -- may become grounds for discriminatory or inconsistent refusals of citizenship.
5. Furthermore, permanent bans on citizenship have the potential to violate other human rights instruments, including those that establish the right to hold a nationality, such as Articles 7 and 8 of the Convention of the Rights of the Child -- which afford children the right to acquire and preserve a nationality⁷ -- and Article 24 of the International Covenant on Civil and Political Rights.
6. Citizenship in the UK is already racialised, with migrants, their children and their grandchildren facing a greater risk of a Home Office decision taking away their British citizenship. Refusing to allow asylum seekers to become British citizens would worsen this pattern of making the citizenship and position in UK society of racial and ethnic minorities less secure than those of whites.

We therefore urge that the government remove clauses 2 and 29-34 from the Bill.

About Rights & Security International

Rights & Security International (RSI) is a London-based human rights charity working to end human rights abuses committed in the name of national security. We challenge discrimination and bias in national security policies, advocate for government accountability and transparency, and promote justice for victims of human rights violations.

⁵ Home Office, Illegal Migration Bill, [European Convention on Human Rights Memorandum](#)

⁶ [British Nationality Act 1981](#), Schedule 1(1)(b).

⁷ United Nations Office of the High Commissioner for Human Rights, ‘Convention on the Rights of the Child’ (1989), available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>