



Home Office

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Rt Hon Sir Gerald Kaufman MP
House of Commons
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Dear Sir Gerald,

Thank you for your letter of 19 February to the Home Secretary on behalf of Mr Jim Holloway of 20 Mentor Street, Manchester, M13 0QW about the recent changes to the 'good character' requirement for British citizenship applications. I am replying as the Minister for Immigration and Security.

The Home Office is committed to ensuring that citizenship is a privilege reserved for those who meet the requirements set out in the British Nationality Act 1981. In order to naturalise as a British citizen, an applicant must meet certain residence, English language and knowledge of life in the UK requirements. They must also be of good character.

In December 2014, the former Independent Chief Inspector of Borders and Immigration, John Vine, published his report into nationality casework and found issues with decisions to approve applications where a poor immigration history was overlooked. As a result, swift action was taken and we set out clearer guidance to decision makers on what is considered 'good character' and how to take into account periods of non-compliance with our Immigration Rules when making decisions. This was outlined within the Good Character requirement which was published on 11 December 2014.

The rules on illegal entry are outlined in 9.5 of Annex D of the Good Character requirement, Chapter 18 Nationality Instructions, as follows:

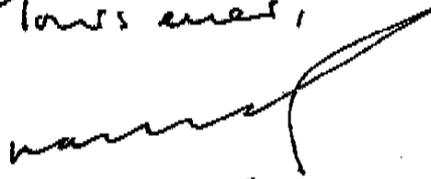
In circumstances where an applicant entered the UK illegally, an application for citizenship should normally be refused for a period of ten years from the date of entry, if it is known. If it is not known, the period of ten years starts from the date on which the person brought themselves to, or came to, the attention of the Home Office.

The instruction is that applications should "normally" be refused as there will, of course, be circumstances where it would not be appropriate to do so. One such example is where an individual enters the UK illegally, but is subsequently granted refugee status. Section 31 of the Immigration and Asylum Act 1999 Act and Article 31 of the Refugee Convention provide a defence against prosecution for certain offences committed prior to a grant of Refugee Status where the individual showed good cause for his illegal entry or presence and brought themselves to the attention of the authorities without delay.

Similarly, where an individual enters clandestinely, but presents themselves to the authorities within a reasonable time period and has their asylum claim accepted, an application will not be refused solely on the grounds of the initial illegal entry.

Mr Holloway was concerned about the implementation of these changes. The nationality instructions and guidance for applicants were both published on the gov.uk website. The published policy gives an indication as to how the Secretary of State will exercise discretion to grant citizenship at a particular time.

I hope that this explains the requirement in more detail and the reasons why the changes were made.

Yours sincerely,


James Brokenshire