

# *Barriers to Britishness*

*Report of the Alberto Costa Inquiry  
into Citizenship Policy*

*Executive Summary*

December 2020

**British**  
**Future...**

The logo for British Future, featuring the words "British" and "Future..." stacked vertically. The word "British" is in a dark blue font, and "Future..." is in a lighter blue font. To the left of the text is a dark blue L-shaped graphic element that starts at the top left and extends to the bottom left, then turns right to extend under the word "Future...".

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# Foreword

By Alberto Costa MP

I was born in England and raised in Scotland, by parents who came to this country from Italy in the mid-1960s. I am proud to be a British citizen and now represent South Leicestershire in the House of Commons. Yet my parents have not become British citizens in the half-century for which they have lived in this country. So I found myself in Downing Street, explaining how that gave me a rather personal stake in ensuring that we kept the promises made to them, and more than four million other EU nationals in this country, after the 2016 referendum.

When our Prime Minister, Boris Johnson, asked me ‘Why didn’t your parents become British?’ I told him that one part of the answer was that nobody had encouraged them to do so. It had never been the policy of successive governments, Conservative or Labour, to encourage people living here long-term to become British citizens.

For Europeans like my parents, when Britain joined the EU it meant they would enjoy most of the rights of British citizenship, save for voting in Westminster elections. For UK governments, that meant they saw no need to promote UK citizenship to European migrants. That changed, of course, with the 2016 EU referendum: the scramble for a solution to this gap in immigration policy, via the EU Settled Status Scheme, emphasises the urgent need for a new, holistic citizenship policy.

Despite its foundational role as a shared bond between us, citizenship policy has been neglected. This is now an ideal moment to put that right. So I was delighted to be invited by British Future to chair this inquiry. We have sought to set out what the aims of citizenship policy could and should be in this new era; to investigate what is currently happening on citizenship in law, policy and practice; and to recommend practical proposals for reform.

Chairing this inquiry has strengthened my belief that we can galvanise a broad consensus for a positive citizenship agenda – across political parties and the public too.

Most people agree that if someone decides to live in Britain long-term, it is a good thing if they have an opportunity to become British by taking citizenship. It is good for the new citizen, offering security and access to rights; and it is good for our society too when people join in the common bond of citizenship. So it makes sense that UK citizenship policy should welcome those who want to make this commitment to our country and who pass the various tests of eligibility: speaking good English, being of good character, and knowing about the UK’s customs and culture.

The government has introduced a new, post-Brexit immigration system. So the policy debate has been focused mainly on who gets

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a visa to come to work or study in Britain. This inquiry encourages us now to think beyond the question of who comes to Britain, and to consider how we treat those who choose to build their lives here, pay their taxes here, and make significant contributions to our society.

Just as the new points-based immigration system draws on the experience of Australia and Canada, we could learn much from their approaches to citizenship too. The Canadian handbook for new citizens opens with a warm message of welcome from the Queen. She does not appear in our *Life in the UK* handbook until page 121. It is a symbolic point – but we could simply and easily emulate that welcoming, positive tone towards those who are seeking to become British, and combine it with the practical ideas contained in this report to make that a reality.


Current UK citizenship policy does not seem sure whether citizenship is a good thing or not. It is prohibitively expensive and the process is so complicated that most people need a lawyer to help them apply. When people do get citizenship, the ceremony is usually hidden away in a local council office – not celebrated, like other countries do, in one of our many iconic buildings; and without the involvement of the local community that new citizens are joining.

Citizenship is special – but we do not make it special by setting unnecessary barriers. The cost of citizenship in the UK is the highest in the western world. Indeed, the combined cost of applying to become a citizen in Australia, Canada, the USA and France still does not add up to the cost of a single application in Britain. The fee of £1,330 is almost four times the cost to the Home Office of processing an application.

If we agree that becoming British is to be welcomed, citizenship should not be placed beyond the financial reach of many care home or NHS staff and their families, nor be so complicated that most people can't apply without a lawyer. If we believe that it can aid integration, we should make it easier, not harder, for children born here to become citizens.

So the government should choose to encourage those who are living in Britain long-term, and contributing to our society in many positive ways, to consider citizenship. It should review citizenship policy – covering eligibility, processes and costs – to secure the benefits that citizenship can bring for shared identity and integration.

It is right that we should welcome new citizens, publicly, when they become British – making an important commitment to our country that I hope we can all be proud to call our shared home.



**Alberto Costa MP**

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# Executive summary

The UK can be proud that in 2019 some 159,380 people chose to become British citizens. At a time when society can feel fragmented and where many of the institutions that once bound us together have a less powerful hold, the common bonds of citizenship are more important than ever. Yet citizenship is a neglected area of public policy. The Government has not set out what citizenship policy should aim to achieve. In such a situation it can appear that the Government is ambivalent about citizenship.

The societal benefits that the common bond of citizenship brings are not being fully realised as many people who would otherwise be eligible face substantial barriers to becoming British. Among the most significant of these obstacles to citizenship are its high fees, which in the UK are the highest of all developed countries. There are, however, opportunities to push citizenship policy up the agenda at a time of policy reform stemming from the UK leaving the EU. The Government will also take forward a 'Constitution, Rights and Democracy Commission' to look at ways to restore trust in our institutions. This, together with policy change, presents opportunities to review citizenship policy. With these opportunities in mind, British Future convened an independent inquiry on citizenship policy. The Inquiry's remit was to:

- Consider the aims of citizenship policy in the UK, setting out what citizenship should mean in the 21st century and what policy should aim to achieve.
- Investigate current policy issues and the application of citizenship law and policy in the UK, including the eligibility criteria, fees, the application process and scope for simplification.
- Identify and set out practical proposals for citizenship reform that would be capable of securing cross-party support.
- Foster greater debate about citizenship policy and promote greater civil society and community engagement in this issue.

The Inquiry members were:

Alberto Costa MP (Chair)

Michael P. Clancy OBE, Law Society of Scotland

Steve Double MP

Andrew Gwynne MP

Omar Khan, former Director, Runnymede Trust

Fraser Nelson, The Spectator

Sunder Katwala, British Future

Satbir Singh, Joint Council for the Welfare of Immigrants.

British Future acted as the Inquiry's secretariat. In addition to the formal sittings, the Inquiry put out an open call for evidence and held three discussions with new citizens and citizens by birth, with these events held in Edinburgh, Sheffield and Southampton.

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## The Inquiry's findings and recommendations

The inquiry considered eight questions, with its findings and recommendations set out below.

### I. What is citizenship and what should citizenship policy aim to achieve?

This was a foundational question for the Inquiry. There was consensus that citizenship is a legal status that enshrines a set of responsibilities and rights and is also a social bond. Both the legal and social aspects of citizenship impact on individuals and wider society. It is, therefore, essential that this area of public policy is not neglected, and that the Government sets out the aims of citizenship policy.

#### **Recommendations:**

- **Immigration reform associated with leaving the EU and the planned Constitution, Rights and Democracy Commission should be used by the Government as an opportunity to discuss and clarify the aims of citizenship policy. Parliament, experts and the public should be involved in this debate.**
- **The Government should set out the aims of citizenship policy in the UK to prospective citizens and the wider public, alongside an explanation of the responsibilities and rights involved in becoming a British citizen. These should be made available in simple language on the Home Office website and in relevant official documents such as the Life in the UK handbook, which needs considerable review.**
- **The Inquiry's view is that citizenship affords responsibilities and rights and also is a common bond. Citizenship policy should therefore have two aims: to make these rights and duties meaningful and to strengthen British citizenship as a social bond.**
- **The acquisition of British citizenship should be seen as a positive decision that the Government welcomes and wants to encourage. The Life in the UK handbook should send out a message of encouragement and welcome to those who have decided to become British citizens.**
- **Civil society organisations, employers, local authorities and city mayors and the devolved governments in Northern Ireland, Scotland and Wales should also encourage the uptake of citizenship.**
- **A key aim of policy reform should be to simplify policy, address anomalies within the system and reduce barriers that prevent people who meet qualification criteria from becoming British citizens. Policy change should not be pursued if it acts as a barrier, preventing people from gaining British citizenship to which they might otherwise be entitled.**

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## 2. What eligibility criteria should applicants fulfil before becoming British citizens?

Applicants for British citizenship need to fulfil a set of residence, good character, English language and civic knowledge requirements in order to become British citizens. The Inquiry reviewed the current eligibility criteria, and concluded that they are generally fair, but there remains a legacy of anomalies and arbitrary and complex regulations in relation to those who are automatically British citizens by virtue of their birth. Simplification of immigration and nationality law was also a recommendation of the recent Windrush Lessons Learned Review. Allowing all children who are born in the UK to become British citizens – as was the case before 1983 – would also simplify nationality law and address some of these anomalies.

### **Recommendations:**

- **Based on independent advice the Government should review eligibility and routes to British citizenship with the aim of simplification, addressing anomalies including those that relate to a person's date of birth.**
- **Nationality law should be amended to allow children born in the UK to be British citizens automatically.**

## 3. Is the current application process easy to navigate or does it act as a barrier to those who would otherwise be eligible for British citizenship?

The Inquiry reviewed the application process, the level at which fees are set and sources of advice and help for applicants. The UK's citizenship fees are the highest of all developed countries. For the cost of becoming a British citizen (£1,330 for an adult and £80 for the ceremony), a person could become a citizen of Australia (£155), Canada (£373), New Zealand (£243) and the United States (£590). The inquiry believes that current fee levels are a barrier to the uptake of British citizenship for many families – an issue that was highlighted in almost all the evidence submitted to the Inquiry.

The Inquiry recommends that the Home Office takes independent advice and reviews its policy. It should set out its rationale for the current fee levels, balancing these against other public policy aims of the Government. If there are societal benefits attached to citizenship in respect to increased community cohesion, there are also arguments to reduce the financial barriers to obtaining British citizenship.

Evidence also suggests a lack of advice for applicants and that it is difficult for people to complete an application form without expert assistance. Some applicants struggle to book appointments to upload their documents in the service centres run by Sopra Steria. While the Home Office needs to guard against fraudulent applications, there are strong arguments for simplifying the

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citizenship application process, which could be achieved without risking abuse.

Simplifying the application process, providing more advice and reviewing fee policy are therefore priority areas for citizenship reform.

### **Recommendations:**

- **While it is reasonable for citizenship fees to cover administrative costs, the Home Office should undertake a review of fee policy, with the aim of reducing financial barriers to the acquisition of British citizenship among people who would otherwise qualify for citizenship. The review should examine the impact of current fee levels on individuals and wider society, as well as the rationale for setting fees at a level far in excess of the costs of administration.**
- **The Inquiry recommends that citizenship by registration is made free for those who become British by this route – a group that mostly comprises children. Other groups who would benefit from this fee reduction include those with subsidiary categories of British nationality such as British Overseas Territories Citizens and British National (Overseas) passport holders from Hong Kong, who now have a route to citizenship through the bespoke British National (Overseas) visa.**
- **Future increases in fees for Indefinite Leave to Remain (ILR) and citizenship by naturalisation should be pegged to the rate of inflation in the same way as other fees such as Air Passenger and Vehicle Excise Duties.**
- **The Government should review the citizenship application process with the aim of making it something that most people can complete themselves, without the need for legal advice.**
- **Investment in IT in the Home Office should be used as an opportunity to simplify the application form. The requirement to be physically present in the UK exactly five years before an application is submitted should be dropped. Applicants should not be asked for information that the Government already holds on them, for example, HMRC and DWP records that show their legal residence in the UK.**
- **There should be an urgent Home Office review of the Sopra Steria document uploading service from the perspective of fees, the location of uploading points and the availability of appointments. The Home Office should consider reinstating local authority nationality checking services if the performance of the Sopra Steria service does not improve.**
- **People should be able to apply for citizenship and their first passport in the same process and receive their certificates of naturalisation or registration and their British passport at their citizenship ceremony.**

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- **The Home Office should produce a short, clear and accessible advice leaflet on applying for citizenship, which should be available in printed form and online. Relevant opportunities should be used to give this information to people, for example when they register a baby's birth, or by signposting from other Government web pages.**
  - **City mayors, local authorities and employers should play a role in the provision of advice about the application process. Civil society organisations working with migrants and refugees should also encourage the uptake of citizenship and offer advice and assistance.**

#### 4. Are there vulnerable groups who face particular barriers to becoming British citizens?

Submissions to the open call for evidence suggested that some groups of people found it particularly difficult to become British citizens, even when they fulfil residency, good character, language and civic knowledge requirements. The Inquiry decided to look at the treatment of such vulnerable groups, from the perspective of the eligibility criteria and specific barriers to British citizenship. The experiences of children in care, children born outside marriage or civil partnership, stateless people and UK-born children who are eligible for citizenship under Section 1(4) of the British Nationality Act 1981 were examined in detail. The level at which citizenship fees are set is a barrier which disproportionately impacts on some of the above groups, as they tend to have lower incomes and fewer savings.

The Inquiry welcomes the 2018 decision to give children in care in England and Wales access to legal aid for immigration matters, including citizenship applications. However, the lack of affordable advice is a further barrier that may deter vulnerable people from becoming British citizens, despite meeting other qualifications. The Inquiry concluded that there are practical changes that could be made that would simplify nationality law and enable the above groups to become British and fully participate in the economic and social life of the UK.

#### **Recommendations:**

- **Citizenship by registration should be free for those who become British by this route. This group mostly comprises children and those with subsidiary categories of British nationality, such as British Overseas Territories Citizens and British National (Overseas) passport holders from Hong Kong who now have a route to citizenship through the bespoke British National (Overseas) visa.**
- **Nationality law should be amended to allow children born in the UK to be British citizens automatically, restoring a policy that applied before 1983.**



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- **Vulnerable groups of people should be encouraged to take legal advice, which should be affordable and widely available in all parts of the UK.**
  - **Those applying to remain in the UK under statelessness determination procedures should be allowed to work while their application is pending or receive help with their accommodation and subsistence through a system akin to the current asylum support system.**

## 5. Does the Life in the UK citizenship test achieve its aims and should there be revisions to the test and the English language requirements?

The Nationality, Immigration and Asylum Act 2002 provided the legal basis for the *Life in the UK* citizenship test, obliging applicants for British citizenship to show they have sufficient knowledge of the language and life in the UK. The inquiry reviewed the test and language requirements to see if they met their stated aims, as well as assisting integration.

Fluency in English is foundational to the two-way process of integration. It helps newcomers to the UK become fully part of the economic and community life of the country. Poor English makes people more vulnerable to loneliness, unemployment and exploitation. Language barriers can increase misunderstandings and tensions between new arrivals and long-settled residents. Policy that encourages the learning of English should be welcomed, including language requirements. The Inquiry believes that the current English language requirements – a B1 level in speaking and listening English – should be retained at the same level, as they strike the right balance between incentivising learning and not setting too high a bar, which could exclude large numbers of people.

Among those who gave evidence to the inquiry there was a consensus that applicants for British citizenship should show that they can speak English and know about the history, laws and values of the UK. Most prospective and new citizens support this view and want to learn about the UK's history and traditions. However, the Inquiry believes that the citizenship test needs reform in both its format and content. A multiple-choice test does not encourage debate and dialogue about our shared values, which are much more likely to be reinforced through face-to-face interaction.

### **Recommendations:**

- **The content and format of the Life in the UK test and handbook should be subject to review by an independent advisory body. New and long-standing British citizens should be involved in this process.**
- **Drawing on policy in Germany and Norway, the Home Office should pilot a ten-session British citizenship course where**

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**applicants would study alongside British sixth formers. Both groups would learn about the geography and history of the UK, its administrative and political systems and the shared values that underpin our way of life. These courses might be organised by schools, colleges, or National Citizen Service providers, with those enrolled in such programmes required to pass a short test as part of the course that, by its nature, will also test their English language skills. Should these pilots be successful, such citizenship courses should replace the current test as the method by which to test knowledge of life in the UK.**

- **The English language requirements covering applicants for Indefinite Leave to Remain (ILR) and British citizenship should be retained at the current B1 level.**
- **The Government should set up an independent ‘Learning English’ Freeview channel which would help prospective British citizens practice their English, but also broadcast material relevant to the citizenship course and to promote integration.**

## 6. How can the acquisition of citizenship become a positive and meaningful experience?

As noted above, face-to-face discussion about the meaning of citizenship would make its acquisition more positive and meaningful. Citizenship ceremonies were also introduced to give greater meaning to becoming a British citizen. The Inquiry believes that these ceremonies are important and do meet this aim. They are popular with those who attend them, and they offer the opportunity to welcome newcomers and communicate the common bond of citizenship to both new citizens and existing ones. But ceremonies rarely involve local residents in the UK. In contrast to practice in countries such as Australia, they are not high-profile events and there is little effort to publicise them. Despite an abundance of historic buildings, the UK rarely holds ceremonies in iconic locations. Nor does the UK offer citizenship to people who have made a great contribution to life in the UK, or to reward remarkable bravery. There is a real need to breathe new life into these important events.

### **Recommendations:**

- **Each year, the Prime Minister and her Majesty the Queen should hold a high profile citizenship ceremony where British citizenship is awarded to a select number of people who have been outstandingly brave or made a great contribution to life in the UK, either as an individual or because they represent a particular group – for example, key workers – whose contribution is valued.**
- **Councils should hold ceremonies at iconic locations and encourage local residents, schools, faith and civil society organisations to be involved in these events.**

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- **The option to attend citizenship ceremonies should be offered to new citizens who are children.**
  - **The number of guests that a new citizen can bring to a ceremony should be increased to five (from the current limit of two).**
  - **Citizenship ceremonies should help encourage civic participation. Information about volunteering and voter registration should be given out at the ceremonies.**
  - **New citizens should be presented with their first passport at their citizenship ceremony.**
  - **The Home Office, supported by local authority registrars, should issue good practice guidance to make sure that the ceremonies achieve their aim of promoting a cohesive society, communicating the common bond of citizenship and a warm welcome to those who have chosen to make the UK their home.**

## 7. Is the UK fulfilling its duties to British citizens who live overseas, including those who hold subsidiary categories of British nationality and stateless people?

Citizenship policy extends beyond the borders of the UK and covers the 5.4 million British citizens who live abroad, those with subsidiary categories of British nationality and stateless people. The Inquiry believes that greater consideration needs to be given to British citizens who live overseas, including the situation faced by the 900,000 British citizens living in the EU, which must be kept under review. The Inquiry welcomes the recent announcement to offer all those entitled to British National (Overseas) passports in Hong Kong a new bespoke status of five years' limited leave to remain in the UK, with the ability to live and work in the UK and a route to citizenship after five years.

Many British citizens who live abroad retain strong ties to the UK and their skills could be harnessed as 'soft power' to promote trade and to act as cultural ambassadors. This is a missed opportunity by the Foreign Commonwealth and Development Office.

### **Recommendations:**

- **The Government must make sure that all British citizens abroad have access to advice, consular assistance and protection, keeping the situation faced by British citizens in EU countries under review.**
- **The Government should uphold the commitment made in the 2018 immigration white paper to give British citizenship to current British Overseas Territory Citizens.**
- **The UK Government should work with international partners to seek solutions for the estimated 10-15 million**

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**people who are stateless in today's world. It should support UNHCR's work on statelessness and use its influence as a Commonwealth country to put pressure on India, Malaysia and Pakistan to seek solutions for stateless people in these countries.**

- **The Foreign, Commonwealth and Development Office should put in place a strategy to engage with the British diaspora and mobilise their soft power to support the UK's long-term global influence and economic and political goals.**

## 8. What are the best mechanisms for providing parliamentary oversight for this complex area of law and policy?

Nationality law and policy is complex, and this makes parliamentary scrutiny difficult. An additional challenge is that much policy is set out in nationality guidance which, unlike immigration rules, is not presented to parliament. The Inquiry considered approaches that would increase the oversight of nationality law and also increase discussion about this subject. An independent expert body to provide oversight of citizenship policy appears to be the best approach to provide oversight of citizenship law and policy.

### **Recommendation:**

- **The Government should set up an independent advisory group on citizenship to look at the aims of citizenship policy, the responsibilities and rights attached to British citizenship, routes to citizenship, the application process, ceremonies and the content of the Life in the UK test. This advisory group should also undertake structured engagement with new and prospective British citizens and the wider public to hear their views on these issues.**

Nearly 40 years ago, the Government passed the British Nationality Act 1981, its last major reform of citizenship policy. In the four decades since this legislation was passed, British society has seen many changes. Many of the institutions that once united us have lost their hold and our society has become more individualistic and fragmented. The last 40 years have also seen significant demographic change, including increased international migration.

In this context, the social bonds that unite us become more important. British citizenship is one such bond, but only if newcomers are encouraged to become citizens and British citizenship is a meaningful condition for us all.

In publishing this report, the Inquiry hopes that it will promote debate on this important issue and spark policy reform so that citizenship can truly become one of the common bonds that unites us all in a society that is fair and welcoming.

# British Future...

Published 2020 by:

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**British Future** is an independent, non-partisan thinktank and registered charity engaging people's hopes and fears about integration and migration, identity and race, so that we share a confident and welcoming Britain, inclusive and fair to all.

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