



Home Office

The Home Office response to the Independent Chief Inspector of Borders and Immigration's report:

A re-inspection of the Home Office's application of the good character requirement in the case of young persons who apply for registration as British citizens

August 2018 - January 2019

The Home Office thanks the Independent Chief Inspector of Borders and Immigration (ICIBI) for his report.

The Home Office is pleased that the inspection found that the new nationality guidance for caseworkers was set out much more clearly than the chapters it replaced, as well as including guidance on Section 55, the 'best interests of the child' and on compelling circumstances'. It is also reassuring that the inspectors were content that vulnerabilities were being identified, noted and addressed as a matter of routine.

The Home Office recognises that there was a delay in publishing the updated guidance on good character due to the complexity of that review. It was finally published on 14 January 2019. The Department remains focused on implementing recommendations as quickly as possible.

The Home Office is grateful to the ICIBI for highlighting the benefit of monitoring how the new good character guidance has been received, understood and applied by decision makers, as well as the practical effect on character considerations. We are also grateful to the ICIBI for highlighting potential areas for improvement, such as ensuring that records reflect the full consideration of the case and that refusal notices give all these details.

The Home Office takes its responsibilities to children and young people very seriously, including focusing on safeguarding, promoting the welfare of children and ensuring that the best interests of the child remain a primary consideration.

The Department accepts the first ICIBI recommendation in full and partially accepts the second recommendation.

The Home Office response to the recommendations:

The Home Office should:

- 1. Monitor closely (pending a further inspection in 2019-20) how the ‘Nationality: good character requirement’ (Version 1) issued on 14 January 2019 has been received, understood and applied by decision makers and what practical effect it has on good character considerations in the case of young persons.**

1.1 Accepted

- 1.2 Caseworkers have been involved in developing the guidance which applies to all applications received by the Department after 14 January 2019. Training has been delivered to caseworkers and bespoke workshops have taken place including one delivered by the policy team. This training has been supplemented by discussion at team briefings. The ICIBI report recognised that the Department had already implemented a requirement that all proposed refusals are referred to a Senior Executive Officer (SEO) Technical Specialist, which will further ensure consistency. The Department will, by the end of August 2019, complete a detailed review of all cases refused on good character grounds under the new policy up to the end of June 2019, ensuring that the guidance has been received, understood and is being applied correctly.

- 2. Ensure that its records in the case of child applicants refused registration on ‘good character’ grounds contain a full and accurate account of the considerations that have been given to the Home Secretary’s Section 55 obligations and that the child’s ‘best interests’ have been thoroughly explored, including the child’s “voice”, and are clearly articulated along with any ‘compelling circumstances’, and ensure that the Refusal Notice contains all of these details**

2.1 Partially Accepted

- 2.2 The Department fully recognises the value of accurate record keeping, including adding more detail on the factors taken into account in reaching a decision. The ICIBI report reflected that the requirements for record keeping and the refusal notice templates have already been updated. The report also recognised that the Department had already implemented a requirement that all proposed refusals are referred to a Senior Executive Officer (SEO) Technical Specialist, which will ensure consistency of record keeping. The Department is reviewing training and guidance to ensure records contain a full and accurate account of the decision and that decision letters contain full details. Updated training will be fully embedded by the end of August 2019.
- 2.3 The Department is committed to ensuring that the child’s best interests are a primary consideration in the process of decision making and is reviewing processes and procedures to ensure this happens. The Department was pleased that the ICIBI report records that Inspectors were content that vulnerabilities were being identified, noted and addressed as a matter of routine.
- 2.4 The Home Office can only partially accept this recommendation on the basis that the child’s voice is not a mandatory part of the citizenship application. Citizenship applications for children are almost exclusively made by a responsible adult or guardian on behalf of the child applicant and no direct interaction with the child is necessary nor takes place. The application form for the registration of a child under the age of 18 as a British citizen provides an opportunity for the responsible adult or guardian to provide any additional relevant information for the Department to consider. This information can include the views

of the child's voice along with any compelling circumstances. If evidence of the child's opinion or voice is submitted with their application this would be considered and where an application falls to be refused, addressed within the refusal notice.