

REQUEST FOR DIRECTOR DECISION – ADD2423

Title: Citizenship Payment Plan

Executive Summary:

The Social Integration Team is seeking approval to spend £24,000 to contribute towards the pilot of the Citizenship Payment Plan; a project that supports families with funding children's applications for citizenships. This funding will be used to pilot an expansion of the original pilot, to enable more families to qualify for this support. The funding will be ringfenced for use in London.

This GLA grant aligns with the Mayor's social integration priorities for young Londoners with insecure immigration status.

The Citizenship Payment Plan supports families to cover the cost of their children's citizenship application fees by:

- Working with legal partners that are experts in children's immigration and citizenship matters to identify and support eligible families;
- Offering a one-off loan to the family of eligible children to cover the cost of a citizenship application;
- Setting up a repayment plan to recoup the cost of the application fee over the course of 12 months with monthly interest-free payments; and
- Using repaid fees to cover the cost of a citizenship fee for another family.

Decision:

That the Assistant Director of Communities and Social Policy approves:

Expenditure of £24,000 in financial year 2019/20 to support the Citizenship Payment Plan to develop a pilot for funding the citizenship fees of children of undocumented parents. This will be in addition to the existing Citizenship Payment Plan model which funds the citizenship fees of children with parents who have leave to remain.

AUTHORISING DIRECTOR

I have reviewed the request and am satisfied it is correct and consistent with the Mayor's plans and priorities.

It has my approval.

Name: Jeanette Bain-Burnett

Position: Assistant Director of
Communities & Social Policy

Signature: J. Bain-Burnett

Date: 11/2/20

PART I - NON-CONFIDENTIAL FACTS AND ADVICE

Decision required – supporting report

1. Introduction and background

- 1.1. The Mayor has committed to support young Londoners with insecure status to access their legal rights to citizenship and residence, working in partnership with stakeholders in order to do so. This includes supporting with legal provision for young Londoners.¹
- 1.2. In January 2020, the Mayor of London released research estimating that 107,000 undocumented children under the age of 18 are living in London.² The Mayor has called this issue a 'national disgrace' and called on the Government to adequately fund immigration advice services, cut extortionate immigration and citizenship fees, and reinstate legal aid for children's immigration cases.³
- 1.3. In December 2019, the High Court found that children's citizenship fees to be unlawful, finding a 'mass of evidence' to demonstrate that the fee prevented many children from registering for British citizenship.⁴ The UK's citizenship fees for children are among the highest in the world – the fee is £250 in Germany, £500 in the United States, £160 in Australia and £300 in Canada.⁵
- 1.4. The Nationality Act 1981 removed entitlement to birth right citizenship for those born in the UK to foreign national parents.⁶ Consequently, only children who are born when their parents have British citizenship or settled status in the UK (such as indefinite leave to remain, or permanent residence in the UK as an EEA National) are automatically entitled to citizenship.
- 1.5. Those without an automatic entitlement to citizenship are required to make an application to the Home Office for citizenship or leave to remain. Those who are born in the UK and remain in the UK for the first 10 years of life may have a right to apply for British citizenship. There is also an option for children under the age of 18 to be registered as British citizens at the discretion of the Secretary of State, where they do not already have an entitlement under other immigration routes.
- 1.6. The aftermath of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) has almost eradicated legal aid for immigration advice and representation, causing a subsequent reduction in the availability of quality, affordable legal advice. Certain areas in the UK are characterised as legal 'advice deserts'.⁷ Children's citizenship applications are not funded through legal aid, placing them out of scope for many who are eligible.
- 1.7. Following drastic cuts to immigration legal aid through LASPO, the cost of citizenship applications has concurrently risen by over 50%. An application to register a child as a British citizen rose from £673 in

¹ Mayor of London (2018) All of Us: Social Integration Strategy

https://www.london.gov.uk/sites/default/files/final_social_integration_strategy.pdf pp.61-2 [accessed 30 Jan 2020]

² Mayor of London (2020) London's children and young people who are not British citizens

<https://www.london.gov.uk/what-we-do/communities/migrants-and-refugees/londons-children-and-young-people-who-are-not-british-citizens> [accessed 30 Jan 2020]

³ Mayor of London (2020) Press release: Mayor calls for urgent action to support young undocumented Londoners

<https://www.london.gov.uk/press-releases/mayoral/calls-for-urgent-action-to-support-young-londoners>

⁴ The Guardian (2019) <https://www.theguardian.com/uk-news/2019/dec/19/high-court-says-uks-1012-child-citizenship-fee-is-unlawful> [accessed 30 Jan 2020]

⁵ House of Commons Hansard (2018) British Citizenship Fees:

Children <https://hansard.parliament.uk/Commons/2018-09-04/debates/5A44F907-7F59-46F2-A015-8AE28CB16237/BritishCitizenshipFeesChildren> [accessed 30 Jan 2020]

⁶ Legislation.gov (2020) British Nationality Act 1981 <http://www.legislation.gov.uk/ukpga/1981/61> [accessed 30 Jan 2020]

⁷ The Guardian (2013) Legal aid cuts 'will create advice deserts'

<https://www.theguardian.com/law/2013/apr/01/legal-aid-cuts> [accessed 30 Jan 2020]

2013⁸ to the current fee of £1012.⁹ For children that are born in the UK, or have lived in the UK for the majority of their lives, the cost of securing their future prospects in the UK has skyrocketed. Parents may prioritise funding their own immigration applications, as they need leave to remain to continue working to support their children. Parents may mistakenly believe that their British-born children are automatically eligible to British citizenship and do not realise that their children do not have a legal status in the UK, until they reach 18 and face barriers while seeking access to higher education or employment.

- 1.8. Children living without citizenship in the UK face being unable to access work, student loans for university education,¹⁰ or the risk of deportation and detention once they turn eighteen and have no leave to remain in the UK. Without secure status in the UK, young people face being unable to access employment, housing, opening a bank account and increased risks of exploitation through the effects of hostile environment policies.
- 1.9. If young people do not apply for citizenship while they are entitled to do so before turning eighteen, they face a protracted process of accessing settlement over a 10-year period. They incur costs of thousands of pounds for their Home Office applications and the immigration health surcharge¹¹ every few years until they become eligible to apply for citizenship, following 10 years of continuous leave to remain. Young people are also required to raise funds to cover solicitor advice and representation, or navigate complex immigration application processes themselves. Families and individuals end up having to borrow large sums of money from other struggling family members, turning to high interest lenders, or partaking in other high-risk options to fund their applications for settlement. Being tied into the expensive and complex immigration system for years on end also creates mental health issues for young people.¹²
- 1.10. Young people who are born in the UK to migrant parents, or have lived in the UK since they were young, are at an immediate disadvantage in relation to their peers with British citizenship. The Citizenship Payment Plan aims to create more opportunities for children to secure citizenship and get on with their lives.
- 1.11. The Citizenship Payment Plan (CPP) provides an opportunity for families to fund applications for their children's citizenship applications and then set up a repayment plan for these families, in order recoup the cost over a fixed period. This funding is then used to fund the citizenship application of other children.
- 1.12. Legal representatives, working with KIND UK and Just for Kids Law will refer families that may be eligible to the scheme through an online application.¹³ The CPP then assesses each application on an individual case-by-case basis. The CPP then supports qualifying families to fund the cost of a child's citizenship application fee by paying the fee directly to the Home Office. The CPP then provides a zero percent interest payment plan, which is repaid in twelve equal instalments over the course of a year.
- 1.13. Those eligible to apply for a loan must satisfy the following criteria:

⁸ The National Archives (2020) Home Office fees

<https://webarchive.nationalarchives.gov.uk/20130503182340/http://www.ukba.homeoffice.gov.uk/aboutus/fees/> [accessed 30 Jan 2020]

⁹ Gov.uk (2018) Guidance: Fees for citizenship applications <https://www.gov.uk/government/publications/fees-for-citizenship-applications> [accessed 30 Jan 2020]

¹⁰ Let us Learn (2020) <http://letuslearn.study/> [accessed 30 Jan 2020]

¹¹ Gov.uk (2018) Pay for UK healthcare as part of your immigration application <https://www.gov.uk/healthcare-immigration-application> [accessed 30 Jan 2020]

¹² The Guardian (2020) I grew up here, but Britain is doing all it can to stop me becoming a citizen <https://www.theguardian.com/commentisfree/2018/may/04/britain-citizen-university-let-us-learn> [accessed 30 Jan 2020]

¹³ Citizenship Payment Plan (2020) <https://edaid.com/cpp> [accessed 30 Jan 2020]

- be over 18 years old;
- be the parent or guardian of the child(ren) registering for citizenship;
- the child/children must be eligible with a clear and strong legal case for their citizenship (as assessed by one of the trusted legal partners);
- have (or be willing to set up) a UK bank account in their name;
- be able to afford 12 monthly instalments of at least £84 following the payment of the citizenship fee to the Home Office;
- be able to set up a direct debit mandate for 12 payments over 12 months; and
- have a National Insurance number.

2. Objectives and expected outcomes

Objectives

2.1 During the three-year pilot, the project will intend to:

- provide 200 families with funding to apply for citizenship for their child;
- support these 200 families to repay the costs of the application over a 12-month period;
- use the repayments of families supported to cover the cost of citizenship applications for more families; and
- use the data that is collected through the project to advocate for scaling up the project, contribute towards relevant stakeholder engagement on the issues that the project presents and contribute to awareness-raising about the struggles that families are facing.

Expected outcomes

2.2 Outcomes for legal providers:

- The project will enable legal providers that have partnered with the project (Coram Children's Legal Centre and Central England Law Centre) to resolve immigration issues for families in a more timely manner. This will be particularly relevant where the cost of citizenship applications can cause a delay in the resolution of children's applications or leave the issue unresolved. This will also have a positive impact on the number of families that providers of legal advice and representation can support.

2.3 Outcomes for advocacy around immigration and asylum issues:

- The learning captured from this project will contribute to advocacy around the needs of children with an entitlement to citizenship with quality data to demonstrate the efficacy of the project and the number of families that are struggling under the current system.
- If this project is successful, it provides further incentive for a range of funders to support this work or to make the case for the Government to reverse the rise in fees.

2.4 Outcomes for statutory organisations:

- If the project is successful, the next stages for the project will explore the possibility of support from a range of statutory partners, such as local Government stakeholders.

3. Equality comments

- 3.1. Under Section 149 of the Equality Act 2010, as a public authority, the GLA must have 'due regard' to the Public Sector Equality Duty (PSED), that is the need to:
- Eliminate unlawful discrimination, harassment and victimisation;
 - Advance equality of opportunity; and
 - Foster good relations between people who have a protected characteristic and those who do not.
- 3.2. Equality, integration and inclusion inform this work. Supporting young people to access citizenship in an affordable way helps to mitigate the effects of discrimination and social exclusion arising out of insecure immigration status.
- 3.3. By supporting families to access affordable routes to secure citizenship for their children, the effects of debt and financial struggles are mitigated.
- 3.4. The effects of mental health struggles that arise out of financial struggles, being implicated in complex Home Office processes for many years, the threat of deportation and uncertainty over rights and entitlements are mitigated by providing affordable routes to citizenship for children through this scheme.
- 3.5. The guidance and resources are produced in accordance with best practice for accessible communications.

4. Other considerations

Key risks and issues

| Risk | Mitigation measures | Current probability (1-4) | Current impact (1-4) | RAG |
|---|---|---------------------------|----------------------|-----|
| The pilot highlights issues that are not workable or sustainable. | This is only a pilot so the intention is to trial the process and see where there are opportunities for improvement. | 3 | 1 | G |
| Parents cannot repay the cost of the loan in a timely manner | The project recognises this and would support families on a case-by-case basis in order to support them through the process and provide a repayment plan where appropriate. | 3 | 3 | G |

| | | | | |
|--|---|---|---|---|
| A project like this could weaken advocacy around reducing or waiving citizenship fees for British national children. | The CPP project leads have taken this into account and one of the organisations that they are working with (Coram CLC) has been one of the sector leaders in campaigning on this issue. The intention is for the data from this project to demonstrate the importance of providing support for children to register as British citizens. | 3 | 2 | G |
|--|---|---|---|---|

- 4.1. There are no conflicts of interest to note for any of those involved in the drafting or clearance of the decision.

Links to Mayoral strategies and priorities

- 4.2. This work forms part of the Mayor's social integration strategy 'All of Us', to remove barriers to integration relating to ability to access legal rights to citizenship and residence.

Impact assessments and consultations.

- 4.3. Through the Citizenship and Integration Initiative (CII) the GLA is in close contact with civil society organisations that work with young Londoners with insecure immigration status and eligibility for citizenship, including organisations that are involved in the pilot.
- 4.4. The GLA recently published research that estimates more than half of the UK's 674,000 undocumented adults and children live in London (397,000). It is estimated that 215,000 undocumented children are in the UK, which suggests that the population of undocumented children in the UK increased by almost 56% between March 2011 and March 2017. Of this, 107,000 children are living in London and there are a further 26,000 undocumented young Londoners (aged 18-24). A significant proportion of these young people may be eligible for citizenship.

5. Financial comments

- 5.1. Approval is being sought for expenditure of £24,000 to contribute towards the expansion of the Citizenship Payment Plan pilot programme.
- 5.2. This expenditure will be funded from the Insecure Status 2019/20 programme budget, held within the Communities and Social Policy unit.

6. Planned delivery approach and next steps

| Activity | Timeline |
|---|-------------------------------|
| GLA funding awarded to CPP | February 2020 |
| Researcher recruited to the project | April 2020 |
| Research coordinates a series of meetings, roundtables and other stakeholder engagement. Some initial grants will be made to families during this research period, primarily to test the approach emerging from the research. This will be conducted in partnership with Citizens UK, a partner organisation. | May/June - September 2020 |
| CPP begins granting funding to families based on the final recommended approach | July/August 2020 - April 2021 |
| Conclusion and evaluation of the pilot | April 2021 |

Appendices and supporting papers:

None.

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FoIA) and will be made available on the GLA website within one working day of approval.

If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary. **Note:** This form (Part 1) will either be published within one working day after it has been approved or on the defer date.

Part 1 - Deferral

Is the publication of Part 1 of this approval to be deferred? NO

If YES, for what reason:

Until what date: (a date is required if deferring)

Part 2 – Sensitive information

Only the facts or advice that would be exempt from disclosure under FoIA should be included in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a part 2 form – NO

ORIGINATING OFFICER DECLARATION:

Drafting officer to
confirm the
following (✓)

Drafting officer:

Rupinder Parhar has drafted this report in accordance with GLA procedures and confirms the following:

✓

Corporate Investment Board

This decision was agreed by the Corporate Investment Board on 10 February 2020.

ASSISTANT DIRECTOR OF FINANCE AND GOVERNANCE:

I confirm that financial and legal implications have been appropriately considered in the preparation of this report.

Signature



Date

10/2/20