

Case Study

Marco*

Child in care: EEA national, good character requirement

If you met Marco at age 16, you'd have thought that he was British. He had a British accent, had lived in the UK his whole life, and thought of himself as British. But he was not a British citizen. The following is an example of an application for British citizenship that was successful despite the challenging circumstances and background of the client.

Marco was born in the UK in 2002 to EEA national parents. Sadly, he was abused and neglected as a baby and was referred to children's services. He had a chaotic, abusive childhood. His mother was an alcoholic and died in 2009. His father has learning difficulties and was not capable of caring for Marco adequately.

Marco was placed on the child protection register in 2004 due to neglect. He was taken into police protection in 2005, and an emergency protection order was issued. He was placed on the child protection register again in 2010. He was placed in foster care in 2016, and a care order issued in 2017.

Marco was referred to KIND UK at age 16, in 2018. By this time, his mother had been deceased for many years and his learning-disabled father had left the UK and was not in contact with Marco. The local authority had parental responsibility for Marco as a child in care, and he now had a pro-active social worker who made significant efforts to resolve Marco's immigration and citizenship issues.

As a child born in the UK and resident in the UK for the first 10 years of his life, Marco had a statutory entitlement to register as a British citizen at age 10, under Section 1(4) of the British Nationality Act (1981). However, no one assisted Marco to register as British at age 10, when it would have been a straightforward application.

After age 10, to register as a British citizen, Marco was required to show that he was of 'good character'. Unfortunately, Marco's traumatic childhood resulted in him getting in trouble from around age 12.

By the time Marco was referred to KIND UK for assistance with his citizenship issues, he had several criminal convictions, for which he had received youth cautions and non-custodial sentences, for offenses including use of harmful/threatening words, anti-social vehicle use, and theft. Marco's father instigated and participated in the theft offense. The most recent conviction was within the past year when Marco was referred to KIND UK.

To support Marco's application for British citizenship, his social worker prepared a helpful letter confirming that Marco was a fantastic young person. He had had a very difficult life, but he was developing practical skills like building, was great with children, and helped his foster family around the house.

The letter also emphasised objective evidence of the harmful effects of neglect and abuse and that acquiring British citizenship was in Marco's best interests. His social worker's letter was detailed and showed that she really knew Marco.

An independent reviewing officer and a children's services team manager also provided helpful letters of support. There was, however, no really strong evidence of rehabilitation, such as community service, as is available in some cases. The supporting letters from the social care team were vital to Marco's application.

Fortunately, Marco's application for British citizenship was granted within a few months. This gave him much-needed security, and enables him to undertake activities that are a normal part of life in today's world, such as opening a bank account, getting a job, enrolling in higher education, getting student loans, renting accommodation, accessing welfare benefits if needed, voting, and much more.

**Name changed to protect privacy*

KIND UK (Kids in Need of Defense UK) works to protect undocumented children in the UK.

- We provide free legal help to children, young people and families as they navigate the UK's immigration and nationality procedures. We partner with lawyers and law firms across the country to ensure the best quality legal advice and representation
- We protect the rights and wellbeing of undocumented children and young people
- We campaign for systemic change to ensure that all children are safe and able to thrive regardless of their immigration or nationality status

Last year we supported over 700 undocumented children, young people and families. Over 450 lawyers from 20 partner law firms worked on KIND cases, and we achieved a success rate of 99%.

KIND UK is a collaboration between five award-winning, UK based organisations that specialise in children's immigration and asylum law: Migrant and Refugee Children's Legal Unit, JustRight Scotland, Coram Children's Legal Centre, Central England Law Centre, and Greater Manchester Immigration Aid Unit.

We partner with KIND, a US charity supporting legal representation for children facing deportation proceedings alone.

For information about accessing KIND UK's services visit:

www.kidsinneedofdefense.org.uk/cases-we-take

Initial information about a child's immigration status/citizenship at:

www.pathtopapers.com

For information on other sources of legal advice visit:

www.kidsinneedofdefense.org.uk/where-to-get-legal-advice

For queries about this resource, please contact:

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