

Changes to Home Office Guidance on good character requirement for citizenship - Parliamentary briefing February 2025

New rules mean that people who have arrived in the UK irregularly will likely be refused British citizenship, regardless of how long they've been in the UK. These rules further marginalise refugees and will impact integration in their communities. We want the Government to repeal this guidance change as a matter of urgency.

Summary of the changes

On 10 February 2025, the UK Home Office introduced updates to the "good character" requirement for British citizenship applications. The new guidance establishes that:

- Anyone who entered the UK irregularly, regardless of how long ago, will normally be refused citizenship.
- Applicants who arrived without valid entry clearance or electronic travel authorisation after undertaking a "dangerous journey" (e.g. crossing the Channel in small boats or concealed in vehicles) will also normally be refused citizenship.
- These changes apply to applications made on or after 10 February 2025. For applications before this date, the previous guidelines still apply. Under these, irregular entry was considered a negative factor for a limited period of time, allowing people to successfully apply for citizenship 10 years after irregularly entering the country.
- The Home Office has stated that discretion may be exercised in "exceptional, compelling, and mitigating circumstances", but this is unlikely to be applied.
- Citizenship applications already cost £1,630 for adults and carry no right of appeal. This deters refugees and other vulnerable people from applying, even when they may qualify under discretionary exceptions.

"People fleeing persecution don't have the luxury of choosing their route – they take the first safe option available. Citizenship offers vital stability, a sense of belonging, and security – it's the end goal of being a refugee. Denying this right creates immense uncertainty and undermines the UK's long-held tradition of compassion and welcome." – "M", a refugee originally from Kenya

1. The guidance ignores that fact that most refugees have no choice but to take irregular routes

The majority of refugees have had no choice but to take irregular routes to reach the UK due to the lack of safe and legal alternatives. At present, these rules are estimated to impact about 70,000 people.

- **This punishes people for seeking safety:** Refugees fleeing persecution often undertake dangerous journeys because there are no safe routes available.
- **It is a form of racial injustice:** These rules disproportionately target people of colour who are more likely to come from countries without reciprocal visa-free travel agreements or legal pathways to the UK. This entrenches systemic racial inequality within immigration and citizenship processes.

- This **breaches international law**, raising concerns about the protections in Article 31 of the UN Refugee Convention, which protects refugees from penalties for irregular illegal entry.

2. The guidance risks negating the Border, Security, Asylum and Immigration Bill's repeal of sections of the Illegal Migration Act (IMA)

These changes follow the Government's proposed repeal of large parts of the Illegal Migration Act 2023. The updated guidance essentially reinstates the citizenship ban originally introduced in the IMA, using the "good character" requirement as a workaround to block refugees and other vulnerable individuals from naturalising as British citizens.

"As a refugee, this means I may never truly belong anywhere. I can't get a passport from my home country, and now I'm being denied the chance to become a British citizen. Do you really believe that if I had the time and choice to find a way to come to this country legally I would have chosen the illegal way and risk my child's life going through all the terror I went through to come here and seek protection?" – "B" from Refugee Women Connect

3. The guidance will have a devastating impact on people who are trying to rebuild their lives here

- **It undermines inclusion:** Citizenship is essential for refugees to rebuild their lives, be part of our communities, and feel long-term security. This policy harms inclusion efforts, fosters marginalisation, and excludes people from rights and protections reserved for citizens.
- **It causes greater uncertainty:** The lack of clear exemptions for refugees creates confusion and fear. Many will avoid applying altogether to avoid losing the application fee. This lack of clarity extends to the implications for stateless people and children born in the UK to refugee parents, creating further uncertainty for already vulnerable groups who have already faced the uncertainty of the asylum process.
- **It leads to permanent exclusion:** Many refugees rely on citizenship as a pathway to full inclusion into British society. Blocking access to citizenship creates communities of permanently marginalised people who cannot fully participate in civic life.

Our recommendations

Refugees and others who take irregular journeys due to a lack of safe routes should not be penalised. **We are calling for you to urge that these changes are repealed**, along with:

- Strengthened systems and legislation to protect the right to claim asylum on arrival, regardless of mode of arrival, and in accordance with refugee rights protections.
- The Home Office must ensure that citizenship pathways are accessible, affordable and aligned with human rights obligations.
- The Government must address the root causes of irregular migration by expanding safe and legal pathways for people to seek asylum in the UK.

Please contact katyp@refugee-action.org.uk if you require further information, or would like to meet to discuss or hear from people with lived experience of the asylum system.