



THE BORDERS, CITIZENSHIP AND IMMIGRATION BILL

PARLIAMENTARY BRIEFING IN SUPPORT OF AMENDMENT 85

House of Lords - Committee stage

1. Amendment

Page 32, line 3, leave out 'different' and insert 'lower'

2. Our purpose for supporting amendment 85

To ensure that:

- The executive is not given broad powers to *amend this Act* and increase the qualifying periods for naturalisation through the use of delegated legislation;

3. Detailed reasons for supporting the amendment

*"We've had to put on hold having children, buying a house and generally laying down roots here as we have no idea how the new citizenship proposals are going to effect us, and whether in fact we'll all be able to stay here together as a family in the coming future"*¹

It must be recalled that acquisition of nationality, and therefore naturalisation is a question of *fundamental importance*. Nationality not only formally links individuals to the state in a world divided into nation states, but also provides individuals with a number of important rights and expectations in a domestic,

¹ A quote from a concerned migrant who telephoned JCWI on 05.02.09 and does not wish to be named

supranational and international setting.² Furthermore, the structure of settlement/citizenship envisaged by the Government is such that British citizenship is to acquire a renewed *significance given that it will be tied to residential stability and to welfare entitlement*. As such, increases in the qualifying period have the propensity to significantly impact upon the lives of migrants, and engage legal and human rights obligations.³

Given the above, we believe that the executive should not be given such broad and sweeping powers that would allow an increase in the qualifying period without being subject to the same constraints that might otherwise apply. We have prepared a separate briefing on the activity condition and the qualifying periods.

For further information about this briefing please contact Hina Majid who is the Legal Policy Director at the Joint Council for the Welfare of Immigrants. Her e-mail address is hina.majid@jcwi.org.uk. Her phone number is 0207 553 7463

² Freedom of movement-i.e. an unconditional right of entry, residence and departure, 2. security of residence- i.e. an absolute protection from deportation and removal from the UK, 3. consular protection, 4. an expectation of diplomatic protection, 5. political rights including the right to vote and stand for election, 6. Expectation of a passport and 6. Citizenship of the Union and the rights that derive from it including rights of free movement within the Union itself, voting rights in local and elections in the European parliament, diplomatic and consular protection and a right to petition the European ombudsman.

³ Claims under Article 8 ECHR – the right to private and family life together with legal arguments about ‘legitimate expectations’

