

EEA Citizens: do your children have the right to British citizenship without you knowing it?

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It is a little known fact that children who were born in the UK to a parent from a country in the European Economic Area (EEA) may have an automatic right to British citizenship. As complications due to Brexit increasingly threaten families, this is worth investigating, and different timescales apply:

- A child born before 2 October 2000 is automatically British – if one of the parents can prove that at the time of birth they were correctly exercising an EU Treaty right, ie: working, studying, job-seeking or self-sufficient in the UK.
- A child born between 2 October 2000 and 29 April 2006 is automatically born British only if either parent had written confirmation from the Home Office that they had indefinite leave to enter or remain in the UK, or held a permanent residence document. In reality, those who do not have written confirmation of status from the Home Office will find it difficult to prove that their child is British.
- For children born after 30 April 2006, the situation is simpler. If an EEA parent had permanent residence at the time of birth, the child is automatically British. Until Brexit, EEA citizens and their family members can apply for a permanent residence document. If they can show that they had already been living in the UK and exercising an EU Treaty right for five years or more at the time of birth, then the Home Office should backdate the date permanent residence was acquired to that five year anniversary or 30 April 2006, whichever is later.

Children and adults who can prove that they are British citizens can apply for a passport immediately, and avoid expensive, lengthy and unnecessary applications to register or naturalise as British citizens. We have advised a number of families on precisely this issue, helped them to obtain historical evidence to prove their case (up to 20 years after the birth) and successfully presented their applications to the Home Office.

We regularly guide clients through the process so they can be secure in the knowledge that their future in the UK is safe, irrespective of the political context or the overall outcome of Brexit.

For further help or information, please contact your usual Withers contact or a member of the immigration team.

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