

## **“Refugee Citizenship Ban” - Feb 2025**

### **Changes to the ‘Nationality: good character’ guidance**

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*This is based on an online briefing delivered by Syed Naqvi and Sonali Naik KC on 01 April 2025. It is intended to provide general information on the changes to the policy guidance and is not legal advice.*

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This factsheet has been put together to address the updates to the ‘Nationality: good character requirement’<sup>1</sup> that came into effect on 11 February 2025.

These updates specifically refer to the methods of arrival and entry to the UK and so-called ‘dangerous journeys’; it is expected that these changes will have a particular impact on people who are compelled to make irregular journeys to the UK, including refugees and people seeking asylum, as well as other migrants.

*Any applications for citizenship that were submitted **on or before the 10th of February 2025 will not be impacted** by the below updates to the guidance.*

### **Updates (19 August 2025)**

- ITN made an application for a client in April who arrived via a lorry in 2003 and his application was approved in June.
- Wilsons Solicitors LLP are acting in a judicial review of the guidance brought by a Syrian refugee. They are waiting on a decision on permission to go to court, which they expect to receive in the next 1-3 months. If permission is granted, there would be a full hearing and a decision on the judicial review by the High Court some time in 2026.

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<https://assets.publishing.service.gov.uk/media/67adb81548e2d90159f8abf3/Nationality+policy+-+good+character.pdf>

## What does 'good character' mean?

Everyone who applies for British Citizenship has to be shown to be of "good character". 'Good character' is not defined in any law. Instead, there is a 60 page [guidance document](#) which Home Official decision makers must refer to to make a judgement on whether or not someone is of 'good character'. This means that good character decisions are 'discretionary' - i.e. that they will be determined on a case by case basis based on the judgement of the person evaluating the application and the evidence and arguments that you put to them.

## What do the amendments say?

### **'Illegal' entry:**

*"Any person applying for citizenship from 10 February 2025, who previously entered the UK illegally will normally be refused, regardless of the time that has passed since the illegal entry took place." (p50)*

### **Regarding arrival without a required valid entry clearance or electronic travel authorisation, having made a dangerous journey:**

*"A person who applies for citizenship from 10 February 2025 who has previously arrived without a required valid entry clearance or electronic travel authorisation, having made a dangerous journey will normally be refused citizenship. A dangerous journey includes, but is not limited to, travelling by small boat or concealed in a vehicle or other conveyance. It does not include, for example, arrival as a passenger with a commercial airline." (p51)*

The guidance makes it clear that "it is not limited to" the examples provided thereby giving the Home Office caseworker wider powers to deny citizenship to prospective applicants.

This change is likely to disproportionately affect refugees, many of whom have no choice but to undertake dangerous journeys to reach safety. For example, those who have crossed the Channel in small boats or hidden in lorries to escape war, persecution, or other life-threatening situations may now face challenging barriers to becoming British citizens.

Although the policy has been amended to include "dangerous journeys", there are pre-existing provisions within the guidance that list "illegal entry" as a ground for somebody to be judged to be of "bad character".

## What do the amendments mean?

There are clear indicators that people who would previously have been granted citizenship are more likely to be refused, and that the policy is effectively discouraging citizenship.

There are already several legal challenges to the guidance, including those that argue that the amendments are incompatible with Article 31 of the Refugee Convention, which states that “refugees should not have any penalties imposed upon them as a consequence of illegally entering or being present in the country of refuge illegally in order to seek sanctuary”.

It will take some time for these legal challenges to go through the courts; we do not know whether they will be successful, and how the guidance may be amended in the future.

We recognise this brings up lots of questions, so the below attempts to answer some initial ones we have been asked.

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## FAQs

### 1. How much does it cost to apply? Is any financial assistance available?

- For a child - they may be eligible for a fee waiver, but the Home Office fee for child applications is £1,214
- For an adult - the current <sup>2</sup>fee is £1,735

Naturalisation applications are not normally eligible for legal aid.

You may be able to apply for exceptional case funding for legal aid ('ECF')<sup>3</sup>. ECF allows applicants to access legal aid even when their case falls outside the scope of legal aid providing they are financially eligible and can demonstrate that failure to provide funding could violate their human rights. However, the applicant will still need to pay the Home Office fee even if they are eligible for ECF.

ITN may be able to support you with applying for ECF.

### 2. Should I spend the time and money in applying for citizenship ?

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<sup>2</sup> <https://www.gov.uk/government/publications/fees-for-citizenship-applications>

<sup>3</sup> <https://www.gov.uk/guidance/legal-aid-apply-for-exceptional-case-funding>

It is best to get legal advice on your case. Some things to think about are:

- Do I fall within the policy?
- Did I enter 'illegally'?
- If so, what are the reasons for this?
- How will the Home Office view me?
- Is there anything I can say about why I did that?

If you have entered the UK through an irregular route, it can be helpful to put in your own representations to address the issues the guidance raises - if you are a refugee or person seeking asylum (asylum seeker), is there a good reason why you arrived/ entered the way that you did. There is discretion from the Home Office to overlook this.

### **3. I arrived under control of an agent, do the amendments in the guidance apply to me?**

- Most likely yes.
- As above, good character is discretionary and you may be able to make representations as to why you had to travel in the way that you did, and refer to the Refugee Convention if you arrived to seek asylum. There is a risk of losing the Home Office fee if the application is refused.
- Citizenship refusals do not carry a full merits rights of appeal.
- **Nationality reconsideration:** There is an option of a nationality reconsideration which involves the Home Office carrying out a reconsideration of a refusal decision upon a payment of a fee of £482. As part of the review, you can address the Home Office's refusal points and provide further clarification.
- **Judicial review:** If your reconsideration request is refused you may be able to carry out a judicial review of the refusal decision. A judicial review is a type of legal case where the judge reviews the lawfulness of a decision or action made by a public authority (in this case the Home Office). Judicial review, especially for litigants in person (*individual, company or organisation who has to go to court without legal representation from a solicitor or barrister.*), can be complex and financially risky so litigants in person should be cautious about commencing judicial review proceedings without the help of a lawyer as an applicant who loses a judicial review case will normally have to pay the other side's legal costs. Legal aid could be available to some applicants depending on the merits of their case and their financial circumstances. In the event that an applicant is eligible for legal aid, their legal costs could be covered by the Legal Aid Agency. Having the benefit of legal aid could also provide costs protection to

applicants against adverse cost consequences in the event that they are unsuccessful.

A helpful introduction to judicial review guidance published by the Public Law Project is set out [here](#)<sup>4</sup>.

#### 4. What do the amendments mean for children?

According to a clarification published at the end of March<sup>5</sup> - “When assessing good character, it is normally appropriate to disregard immigration breaches if it is accepted this was outside of the applicant’s control. Given illegal entry is normally considered outside a child’s control, most children would not be held accountable for their immigration breach. The 10 February 2025 amendments to the good character policy did not alter this position.”

Despite the above indication from the Home Office ministers, it will still be up to the individual caseworkers to make an assessment on a child’s eligibility (or the eligibility of an adult who was brought to the UK as a child).

#### 5. Would family members of a refugee (who had entered the UK illegally) but the refugee’s family members who came to the UK through the family reunion route be impacted?

Good character is an individual assessment; families who arrive in the UK through family reunification routes should not be impacted by the mode of entry of their sponsor.

#### 6. What can I do to strengthen my chances of a proposed application being approved?

- **Answer within the guidance** - assessment of negative and positive factors. Any citizenship application must represent a true and accurate picture of yourself in the best light that you can, supported by any evidence that you have.
- **Seek legal advice** (which can be expensive and legal aid is not always available).
- **Address all the criteria, and address why** you made/ were compelled to make the choices that you did
- Include any evidence you have on who you are/ what you do/ factors that demonstrate why

The good character guidance has changed. The emphasis is now on immigration history and immigration offences. Put forward arguments to address that.

<sup>4</sup> <https://publiclawproject.org.uk/content/uploads/2019/02/Intro-to-JR-Guide-1.pdf>

<sup>5</sup> <https://questions-statements.parliament.uk/written-questions/detail/2025-03-17/hl5846>

## 7. What are my options if my application is refused?

If you are refused on character grounds, the Home Office should explain in more detail what the reasons are.

You can request an internal review (see above). This costs £482 pounds. It is rare for cases to be overturned on review

There is no right of appeal in nationality applications. The only method of challenge is through judicial review in the high courts. Things to consider:

- You have to fund the application
- You have find a solicitor
- You must demonstrate that the HO decision was unlawful/ breach of policy/ breach of Refugee Convention/ unreasonable view of the facts.
- Legal opinion from the solicitor/ barrister on whether there is an ability to challenge the decision.
- In high court judicial review cases - if you lose, you are liable to pay the government costs. If you litigate with legal aid it gives you protection against having to pay. The high costs are a systemic disincentive to litigate.

## 8. Should I apply now/ should I wait?

- It is difficult to say how applications will be treated. Policies can change - it might get harsher down the line.
- Not naturalizing can have a big impact on refugees and travel, and on securing your future.

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## Summary of key points

- The policy has changed
- There are clear indicators that people who would previously have been granted citizenship are more likely to be refused.
- There is **discretion** - good character must be assessed on a case by case basis
- There are legal arguments about discrimination of refugees and childrens.
- There are individual factors that allow the application of discretion in a particular situation.

## More info/ resource

- If you entered the UK as a refugee and now have indefinite leave to remain (ILR) - please get in touch with Syed at ITN at [snaqvi@itnsolicitors.com](mailto:snaqvi@itnsolicitors.com).

ITN may be able to apply for exceptional case funding (legal aid).

You will still have to pay the home office fees, but ITN can support your applications on a legal aid basis.

- [‘Nationality policy - good character requirement’ - caseworker guidance](#)
- [Gov.UK info page: ‘Get a citizenship application fee waiver if you’re under 18’](#)
- [Just Right Scotland Info sheet on “Refugee Citizenship Changes: what you need to know”](#)
- See MRN’s [good character resources page](#), and [keep in touch](#).

### Note on the use of language:

We have referred to “illegal” entry within this document to avoid confusion as it is the language used by the Home Office and in the nationality caseworker guidance document. We continue to push back against the increasing dehumanisation of migrants, including refugees and people seeking asylum, and stand in solidarity with all migrants in their fights for rights and justice.

As Migrants’ Rights Network, we reject the word “illegal” to describe undocumented migrants or those who were forced to make irregular journeys to seek safety. The word ‘illegal’ is dehumanising, immoral, and contributes to the demonisation of migrant communities. The word is also used to scapegoat migrants who are forced into unsafe routes, when the outrage should really be directed towards government failures to provide safe routes. [See our Words Matter explainer here.](#)