

Research Briefing

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British Citizenship (Northern Ireland) Bill 2023-24



Summary

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Summary

The [British Citizenship \(Northern Ireland\) Bill 2023-24](#) would make it easier for people from the Republic of Ireland to become British citizens. It would allow people to acquire British citizenship by registration after five years' residence without having to sit a citizenship test, which is required for the standard process of becoming British by naturalisation.

The measure originated as a Private Member's Bill sponsored by Gavin Robinson of the Democratic Unionist Party. The Government announced during second reading that it supports the bill, with some proposed modifications. In particular, it will table amendments to open the new registration route to all Irish citizens (not just those born in the Republic of Ireland) resident anywhere in the UK (not just Northern Ireland).

DUP parliamentarians Lord Hay of Ballyore and Gregory Campbell have long campaigned for more relaxed citizenship rules for people born in the Republic of Ireland. Lord Hay, a former Speaker of the Northern Ireland Assembly, was born in Donegal and moved to Northern Ireland as a child. The Government's support for the bill forms part of the [Safeguarding the Union deal to restore the devolved Northern Ireland Assembly and Executive](#). Labour also supports the bill.

Around 270,000 people born in the Republic of Ireland had been living in the UK (excluding Scotland) for at least five years and do not have a British passport, according to the 2021 Census. It is not clear how many of those eligible in principle would be interested in British citizenship even on the improved terms offered by the bill. Dual citizenship is allowed, but many Irish residents are likely to identify as Irish only and [already have a special status in UK law](#).

[Second reading took place on 26 January 2024](#). A date for committee stage was yet to be confirmed at time of writing.

1 Background: British citizenship for people born in Ireland

1.1 Historical separation of Irish and British citizenship

Before 1922, all of Ireland was part of the United Kingdom and people born there were British citizens (then known as ‘British subjects’). Between 1922 and 1949, the southern 26 counties formed the Irish Free State, a Dominion within the British Empire.¹

The 1922 constitution provided for Irish citizenship, and the Free State passed a citizenship law in 1935.² UK law, however, continued to regard people born in the Irish Free State as British subjects until 1949.³

The former Free State became a republic in 1949. Under the British Nationality Act 1948, which came into force on 1 January 1949, people born in the 26 counties ceased to be British subjects.⁴ Irish citizens who had been British subjects before 1949 could choose to retain that status on the grounds of Crown service, having a British passport or “associations by way of descent, residence or otherwise with the United Kingdom”.⁵ It remains possible to this day for Irish citizens born British subjects before 1949 to reclaim British subject status (although this status is no longer the same as full British citizenship).⁶

By contrast, birth in what is now the Republic of Ireland after 1 January 1949 does not confer any special entitlement to British nationality.

People born in the Republic of Ireland who move to the UK can apply for British citizenship after five years, through the normal naturalisation process. This is relatively rare. Since 2010, fewer than 200 Irish people per year on average have naturalised as British.⁷

¹ See Commons Library briefing CBP-9260, [The Anglo-Irish Treaty, 1921](#)

² Constitution of the Irish Free State (Saorstát Eireann) Act 1922, [schedule 1](#), article 3; [Irish Nationality and Citizenship Act 1935](#)

³ Adrian Berry, [Irish British Subjects](#), 8 March 2016; *Murray v Parkes* [1942] 2 K.B. 123

⁴ Laurie Fransman KC, Adrian Berry and Alison Harvey, *Fransman’s British Nationality Law*, 3rd edition, 2011, p1015

⁵ [British Nationality Act 1948, s2](#)

⁶ [British Nationality Act 1981, s31](#); GOV.UK, [Types of British nationality – British subject](#), accessed 6 February 2024

⁷ Home Office, [Citizenship detailed datasets, year ending September 2023](#), tab Cit_D02

People born in Northern Ireland

The six counties making up Northern Ireland remained, and remain, part of the UK. People born there are generally British citizens from birth, provided at least one of their parents is British, Irish or has permanent residence rights (as in any other part of the UK).⁸ They are also entitled to Irish citizenship by virtue of birth in Northern Ireland, and the Belfast/Good Friday Agreement confirms the right of people born in Northern Ireland to hold dual nationality.⁹

The Common Travel Area

Irish citizens moving to any part of the UK are exempt from immigration formalities and enjoy Common Travel Area rights to work, study, vote and access education and healthcare.¹⁰ In effect, they are treated as though they were British citizens.¹¹

In practice, then, “citizens of the Republic have no particular need of the immigration status conferred by the acquisition of British nationality” (as the leading nationality law textbook puts it).¹² But as the Belfast/Good Friday Agreement recognises, citizenship is also a matter of identity.

1.2

DUP advocacy for easier route to citizenship for Irish residents

Members of the Democratic Unionist Party (DUP) have a [longstanding interest](#) in the position of people born in the Republic of Ireland since 1949 who live in Northern Ireland and identify as British. As Gregory Campbell, MP for East Londonderry, expressed the issue in 2023:

... there are thousands of citizens across the United Kingdom, many of them in Northern Ireland, who were born a few miles across the border in the Irish Republic after 1948 but who are currently not allowed to get a British passport. Technically, even though they reside in the UK, have lived in the UK for

⁸ [British Nationality Act 1981, s1](#)

⁹ [Irish Nationality and Citizenship Act 1956, s6; Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland](#), 10 April 1998, Article 1(vi)

¹⁰ See Commons Library briefing CBP-7661, [The Common Travel Area and the special status of Irish citizens in UK law](#)

¹¹ [PBC Deb \(Bill 104\) 11 June 2020 c97](#), as expressed by then immigration minister Kevin Foster: “Effectively, Irish citizens become identified—I accept that this is perhaps a slightly controversial thing to say in the context of people’s identity—as British in our system of migration. Effectively, their Irish passport becomes equivalent to a UK national’s passport”.

¹² Laurie Fransman KC, Adrian Berry and Alison Harvey, *Fransman’s British Nationality Law*, 3rd edition, 2011, p1019

decades, are taxpayers in the UK and vote in the UK, they cannot get a British passport without naturalising at a cost of £1,300 [now £1,580].¹³

One such person is Lord Hay of Ballyore, a DUP peer. He told the Northern Ireland Affairs Committee that the cost, time, paperwork and [citizenship test](#) required for the normal naturalisation process felt unfair:

I was born in east Donegal. I am about 10 miles from the border. Many other people who were born in border towns, only a few miles from the border, have come to live and make their home in Northern Ireland. [...] I am 71 years of age. I have lived in Northern Ireland practically all my life. I have paid taxes, national insurance and all that. I am a Member of the House of Lords... I do not think I should have to take a test to see whether my British citizenship stands up.¹⁴

The committee's subsequent report in July 2021 described the citizenship test as "irrelevant and offensive" for people in Lord Hay's position. It also suggested that the Government abolish naturalisation fees for Irish citizens.¹⁵ Lord Hay later secured a Lords debate on the issue, and Gregory Campbell a Westminster Hall debate, both in October 2022.¹⁶

At the time, the Government said it was only fair to treat people from Ireland the same as those from any other country when it comes to obtaining British citizenship. Ministers argued that lowering naturalisation fees for Irish citizens would discriminate against people from other countries seeking to become British.¹⁷

¹³ [HC Deb 6 June 2023 c695](#)

¹⁴ Northern Ireland Affairs Committee, [Oral evidence: Citizenship and Passport Processes in Northern Ireland](#), HC 1111, 14 April 2021, Qq40-41

¹⁵ Northern Ireland Affairs Committee, [Citizenship and passport processes relating to Northern Ireland \(PDF\)](#), HC 158 2021-22, 7 July 2021

¹⁶ [HL Deb 26 October 2022 c1532](#); [HC Deb 18 October 2022 c239WH](#)

¹⁷ House of Lords Library, [British passports, citizenship, and barriers for people born in the Republic of Ireland](#), 20 October 2022

2

What would the bill do?

The bill contains a single substantive clause. As introduced, this would allow people born in the Republic of Ireland after 31 December 1948 to register as British citizens after living in Northern Ireland for five years. The Government will propose changing this so that the bill covers Irish citizens born at any time who live anywhere in the UK for five years. This section outlines the bill on the assumption that these amendments are made.

2.1

How would the new route to citizenship work?

The clause would insert a new section 4AA into the British Nationality Act 1981. This would provide a new route to British citizenship, using the process known as registration. Unlike naturalisation, which is in principle at the discretion of the Home Secretary, someone who meets the criteria for this new registration route would be legally entitled to become a citizen.

The main criteria for section 4AA registration as an Irish citizen would be to have lived in the UK legally for five years and be of good character. The person would not qualify for registration if they were outside the UK for more than 450 days over the five years of residency or for 90 days in the final year (with discretion for the Home Secretary to overlook excess absences if they see fit). These are the same rules as for the ordinary naturalisation process.

The bill would not remove the usual requirement to attend a citizenship ceremony to make an oath of allegiance and pledge of loyalty.¹⁸ Nor would it create an exemption from the standard fee that the law requires the Home Office to charge for registration.¹⁹ The registration fee for adults is currently £1,351 plus £80 for the citizenship ceremony (a little cheaper than naturalisation, which is £1,500 plus £80).²⁰

A fee exemption or reduction for the new registration route would require changes to secondary legislation. The Government has indicated that it could charge a lower fee than usual but “no firm decision has been made”.²¹

¹⁸ Under [section 42 of the 1981 Act](#), this is required of all adults becoming a British citizen by naturalisation or registration, unless granted an exemption at the Home Secretary’s discretion; the grant of citizenship does not take effect until the person has completed the ceremony

¹⁹ [Immigration and Nationality \(Fees\) Order 2016, SI 2016/177, art 10](#), table 7.2; [Immigration and Nationality \(Fees\) Regulations 2018, SI 2018/330, sch 8](#), para 2, table 19.2.2 (for adults) and table 19.3.1 (for children)

²⁰ UK Visas and Immigration, [Home Office immigration and nationality fees](#), 31 January 2024, table 10

²¹ [HC Deb 26 January 2024 c562](#)

Therefore the main differences between this new registration process and the existing naturalisation process for Irish citizens would be no Life in the UK citizenship test and potentially lower fees. There would also be no requirement to demonstrate an intention to remain in the UK long term (a minor rule in naturalisation).

Irish citizens: existing naturalisation process vs proposed registration route		
	Naturalisation	Section 4AA registration
Five-year residence period	Required*	Required
Intention to stay living in the UK test	Required	Not required
Citizenship test	Required	Not required
Good character test	Required	Required
Citizenship ceremony	Required	Required
Fees	Required (£1,580)	TBD (£1,431 by default)

Source: Library analysis of British Nationality Act 1981 and British Citizenship (Northern Ireland) Bill, assuming Government amendments are incorporated. Omits naturalisation requirements to be settled in the UK and have sufficient language skills, which Irish citizens satisfy automatically. *Note that Irish citizens married to a British citizen can naturalise after three years rather than five.

2.2 How many people would be eligible?

As introduced, the bill would have applied to a relatively small cohort of people born in the Republic of Ireland but resident in Northern Ireland for five years. The latest available data indicates that there were around 34,000 such people in 2021, of whom around 31,000 did not have a current UK passport.²²

The bill will now enable citizenship by registration for any Irish citizen resident anywhere in the UK for five years. In England and Wales, there were around 240,000 people born in the Republic of Ireland and resident for five years without having a UK passport, as of 2021. In addition, many people born outside Ireland would have Irish citizenship by descent or naturalisation.

An equivalent estimate for Scotland cannot be calculated, since detailed data from the same Census round (2022 in Scotland) has yet to be published. In 2011, there were around 23,000 people resident in Scotland who were born in Ireland, although no further breakdown is available as to length of residence or any kind of proxy for nationality.²³

²² The Northern Ireland Census asked about passports held, as did the Census in England and Wales, and neither asked about citizenship/ nationality. This data is not a perfect proxy for citizenship because it is not a requirement of UK citizenship to have a current passport.

²³ National Records of Scotland, 2011 Census: Table KS204SC - Country of birth

The table below shows the available figures for Northern Ireland, England, and Wales.

UK residents born in Ireland, 2021 Census figures					
By year of arrival to the UK; excludes Scotland; rounded to nearest thousand					
	Passport held			Total non-UK passport	UK passport
	Irish passport (and not UK)	Other	No passport		
Born in Ireland, resident in Northern Ireland					
Arrived before 2017	26,000	2,000	4,000	31,000	3,000
Arrived any time	31,000	2,000	4,000	37,000	3,000
Born in Ireland, resident in England and Wales					
Arrived before 2017	216,000	3,000	20,000	239,000	63,000
Arrived any time	236,000	4,000	21,000	260,000	65,000

Source: ONS, [Country of birth, passports held and year of arrival in the UK](#), via the 2021 Census custom table builder; NISRA, [Country of Birth by Year of Arrival in Northern Ireland by Passports Held](#) via 2021 Census flexible table builder. Figures may not sum exactly due to rounding.

It is not clear how many of those eligible in principle would be interested in British citizenship even on the improved terms offered by the bill. Dual citizenship is allowed, but many Irish residents of the UK are likely to identify as Irish only.

Nor is it strictly necessary on pragmatic grounds. As mentioned in section 1.1 above, Irish citizens enjoy a special status in UK law that makes British citizenship unnecessary as a practical matter.²⁴

However, some long-term residents may feel British and want a British passport as a marker of that identity—particularly in Northern Ireland. Others may judge that British citizenship could be useful to acquire, particularly if offered at a lower cost than through naturalisation, in case UK policy on the equal treatment of Irish citizens ever changes in future.

²⁴ See Commons Library briefing CBP-7661, [The Common Travel Area and the special status of Irish citizens in UK law](#)

3

Progress of the bill

The measure began as a Private Member's Bill, introduced by Gavin Robinson (Democratic Unionist Party). Second reading took place on 26 January 2024.²⁵

Mr Robinson said that expecting Irish citizens with long-standing connections to the UK to follow the usual naturalisation route failed to appreciate the “special relationship” between the two countries, which were one state for over 100 years. He noted in particular the position of people from the border counties of Donegal, Monaghan and Cavan—such as Lord Hay of Ballyore—moving to Northern Ireland.

Stephen Kinnock (Labour) said that the Official Opposition supported the bill. He noted, however, that there appeared to be “no expectation of a blanket fee exemption for applicants under the new rules”.

Tom Pursglove, the Minister for Legal Migration, announced that the Government also supported the bill: it would “help reaffirm and reflect the unique position of Irish nationals in the UK”.

This support is subject to some proposed changes in committee:

... the Bill will become marginally broader and more inclusive. First, it will be available to Irish nationals, regardless of how they became Irish, and not just to those born in Ireland. Secondly, it will not have a requirement that an Irish national must have been born after a certain date. Thirdly, qualifying residents will be able to be from any part of the United Kingdom, and not just Northern Ireland. We are confident that those changes will address equality concerns with the current version of the Bill, while still benefiting those whom the hon. Gentleman wanted to cover.

Mr Robinson said he was happy with these changes.

The minister added that the new route to citizenship would “potentially” come with a lower fee but no firm decision has been made and he was open to further conversations on the point.

A date for committee stage was yet to be confirmed at time of writing.

On 30 January 2024, DUP leader Sir Jeffrey Donaldson announced that his party had endorsed a deal to restore the devolved Northern Ireland Assembly and Executive. These have not been fully functioning since February 2022.²⁶ A Government Command Paper outlining the deal listed the bill as a measure to strengthen Northern Ireland's place in the Union.²⁷

²⁵ [HC Deb 26 January 2024 c556](#)

²⁶ See Commons Library briefing CBP-9954, [Northern Ireland devolution: Safeguarding the Union](#)

²⁷ HM Government, [Safeguarding the Union](#), CP 1021, 31 January 2024, p71

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