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Mr Amir Farooqui

By e-mail: request-325135-961d91e5@whatdotheyknow.com

FOI Reference: 39108

Date: 21 April 2016

Dear Mr Farooqui

Thank you for your e-mail of 29 March, in which you ask for the following information about referees for citizenship applications for children under the age of 18.

1. Are these professionals under any obligation to provide such reference, if they were professionally engaged with the applicant for an amount of time that meets the requirement?
 - a. If yes, can I get a copy of the relevant documents that say so?
 - b. If no, why not?
2. Are these professionals under any obligation to respond to such request-for-reference in writing, even if they could not provide such reference?
 - a. If yes, can I get a copy of the relevant documents that say so?
 - b. If no, why not?
3. Is such professional within his rights to refuse to give such reference unreasonably? (For example, a GP of 1½-year-old girl said that he could not provide such reference, as it is against the 'policy of the practice'. On requesting a copy of the policy or his response in writing, he simply declined. Just to add, the GP was the first doctor of the applicant since her birth.)
4. What options does the applicant have if such professional unreasonably refuse to provide such reference? (Keeping in mind that 1½-year-old girl would not have many professionals who were professionally engaged with her.)
5. Is the unreasonable refusal from such professionals to provide such reference, been considered before applying this condition in MN1?
 - a. If yes, can I get a copy of the relevant documents that say so?

- b. If yes, was their corresponding guideline published/issued to the relevant bodies, like Medical Council, or to others to guide the professionals in a manner to deal with such request?
- c. If no, why not?

Your request has been handled as a request for information under the Freedom of Information Act 2000.

Our staff guidance on referees can be found in Chapter 6 of the Nationality caseworker guidance:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/510654/chapter-6-general-information-v6_0.pdf.

In our previous response we explained that the purpose of requesting referees was to establish the applicant's identity and, in the case of a child, to enable us to be satisfied that the child is known to the authorities.

There is no legal obligation for a professional person to agree to act as a referee in a child's application, and such a person can only do so out of choice. We accept that some people may not wish to do so – in fact doctors were removed from the list of acceptable referees at the request of the British Medical Association to prevent surgery time being used for form signing.

The requirement to provide referees is an administrative one and is not laid down in regulations. This means that there is discretion to waive this requirement if necessary, as long as we are satisfied about the applicant's identity. However, parents should make every effort to provide the details of someone who can confirm the child's identity.

Where a child cannot provide a referee that they have dealt with in a professional category (but the parents can show that they have attempted to obtain one), UKVI will normally accept two referees that meet the normal criteria for adult applications. One should be a person of professional standing, as per the published list, and the other should be the holder of a British citizen passport and either a professional person or over the age of 25.

If you are dissatisfied with this response you may request an independent internal review of our handling of your request by submitting a complaint within two months to the address below, quoting reference 39108. If you ask for an internal review, it would be helpful if you could say why you are dissatisfied with the response.

Information Rights Team
Home Office
Fourth Floor, Peel Building
2 Marsham Street
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e-mail: foirequests@homeoffice.gsi.gov.uk

As part of any internal review the Department's handling of your information request will be reassessed by staff who were not involved in providing you with this response. If you remain dissatisfied after this internal review, you would have a right of complaint to the Information Commissioner as established by section 50 of the Freedom of Information Act.

Yours sincerely

Jane Whitehead

International and Immigration Policy Group (IIPG)