

# **British Nationality (Irish Citizens) Bill**

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## EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Home Office with the consent of Lord Hay of Ballyore, the Member in Charge of the Bill, have been ordered to be published as HL Bill 71—EN.



# British Nationality (Irish Citizens) Bill

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[AS BROUGHT FROM THE COMMONS]

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- 2 Extent, commencement and short title



[AS BROUGHT FROM THE COMMONS]

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# B I L L

TO

Make provision for Irish citizens who have been resident in the United Kingdom for five years to be entitled to British citizenship; and for connected purposes.

**B**E IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

## 1 Acquisition of British citizenship: Irish citizens

- (1) The British Nationality Act 1981 is amended as set out in subsections (2) to (4).
- (2) After section 4A insert—

### “4AA Acquisition by registration: Irish citizens

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- (1) An Irish citizen is entitled to be registered as a British citizen if—
  - (a) an application for their registration is made under this section, and
  - (b) they satisfy the requirements specified in subsection (2).

- (2) The requirements are that—

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- (a) the person was in the United Kingdom at the beginning of the period of five years ending with the date of their application;
- (b) the person was absent from the United Kingdom for—
  - (i) no more than 450 days in the period of five years ending with the date of their application, and
  - (ii) no more than 90 days in the period of 12 months ending with the date of their application; and
- (c) the person was not in the United Kingdom in breach of the immigration laws at any time in the period of five years ending with the date of their application.

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- (3) If in the special circumstances of a particular case the Secretary of State thinks fit, the Secretary of State may treat the person as satisfying a requirement specified in subsection (2), even if they did not in fact satisfy the requirement.

- (4) This section is subject to sections 31, 32 and 36 of the Illegal Migration Act 2023 (restriction of eligibility for citizenship etc).”
- (3) In section 41A (registration: requirement to be of good character), in subsection (1), after “4A,” insert “4AA,”.
- (4) In section 50A (meaning of references to being in breach of immigration laws)— 5
- (a) in subsection (1), after paragraph (a) insert—
- “(aa) section 4AA(2)(c);”;
- (b) in subsection (2)(b), for “or 4(2)” substitute “, 4(2) or 4AA”.
- (5) In section 32 of the Illegal Migration Act 2023 (British citizenship), in subsection (1), after paragraph (b) insert— 10
- “(ba) section 4AA of that Act (acquisition of British citizenship by registration: Irish citizens);”.

## 2 Extent, commencement and short title

- (1) This Act extends to England and Wales, Scotland and Northern Ireland. 15
- (2) This Act also extends to the Channel Islands, the Isle of Man and the British overseas territories within the meaning of the British Nationality Act 1981 (see section 50(1) of that Act).
- (3) This Act comes into force on such day as the Secretary of State may by regulations made by statutory instrument appoint. 20
- (4) This Act may be cited as the British Nationality (Irish Citizens) Act 2024.



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*Brought from the Commons on 29th April 2024*

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