

London Borough of Brent

Executive

12th November 2003

REPORT FROM THE DIRECTOR OF ENVIRONMENT

FOR ACTION

NAME OF WARDS

ALL

Report Title: Citizenship Ceremonies

1.0 SUMMARY

1.1 This report sets out the implications for the Council of the government's decision, contained in the Nationality, Immigration and Asylum Act 2002, to introduce citizenship ceremonies for all applicants for naturalisation or for registration as a British citizen.

2.0 RECOMMENDATIONS

- (i) Members note the implications of the provisions for Citizenship Ceremonies contained within the Nationality, Immigration and Asylum Act 2002.
- (ii) Members agree that standard Citizenship Ceremonies should be group events during normal office hours in the Council Chamber.
- (iii) Members agree the additional fees and appropriate venues for non-standard ceremonies contained in Annex 1 of this report.
- (iv) Members agree that a civic dignitary should be in attendance at each standard ceremony whenever possible.

3.0 BACKGROUND

3.1 The White Paper, 'Secure Borders, Safe Haven: Integration with Diversity in Modern Britain', published in February 2002, set out the government's proposals for enhancing the significance of attaining British citizenship.

3.2 The Nationality, Immigration and Asylum Act 2002 ('the Act'), which received Royal Assent on 7th November 2002, includes provisions that will require all applicants for naturalisation or registration as a British citizen to attend a citizenship ceremony. These provisions will take effect on 1st January 2004.

4.0 FINANCIAL IMPLICATIONS

- 4.1 All expenditure on Citizenship Ceremonies will be contained within a financial framework agreed with the Home Office at no net cost to the Council. We estimate that the total expenditure for the newly created Citizenship Team will be £178K per annum. This figure represents all staffing, accommodation and all other incidental costs including the provision of gifts and refreshments as recommended by the Home Office.
- 4.2 The income will come directly from the Home Office and will be based on a fixed fee for every applicant. This fee has yet to be finally agreed by the Treasury but is likely to be in the region of £68 per applicant. Firm estimates on the total number of applicants in Brent have been difficult to establish but we understand that Brent will be the busiest area in the UK. The latest figures from the Home Office indicate that we may process up to 3500 applications per annum. However, for financial purposes we have been prudent in our income projections and have worked on 3000 applications per annum as being a worst-case scenario. This will give us an excess of income over expenditure of £26K per year. If we process the predicted 3500 applicants per annum our excess will rise to £60K.
- 4.3 Unfortunately the set up costs for this initiative will be incurred in the current financial year and the income will only come on stream in 2004/05. The set up cost incurred in 2003/04 will be around £27K. This will put the Registrar's Unit in deficit in 2003/04 but any overspend will be recovered in the next financial year

5.0 STAFFING IMPLICATIONS

- 5.1 Early indications are that, to deal with the additional workload that Citizenship Ceremonies will impose on the unit, we will need to recruit a minimum of three additional administrative support staff. However, as mentioned in the previous paragraph all costs for additional staff will be met through fees income.

6.0 LEGAL IMPLICATIONS

- 6.1 Section 3 of the Act inserts a new section 42 into the British Nationality Act 1981 requiring applicants for British Citizenship to undergo a Citizenship Ceremony. The ceremony must contain an oath of allegiance and a pledge.
- 6.2 The official taking the oath is the superintendent registrar for births, deaths and marriages.
- 6.3 As detailed in the report the Council must provide a basic ceremony prescribed and paid for by the Secretary of State and can provide arrangements or facilities in addition to those prescribed.
- 6.4 The Race Relations (Amendment Act 2000 amends the Race Relations Act 1976 and requires local authorities to have due regard to the need to eliminate unlawful discrimination and publish a Race Equality Scheme and

assess the likely impact of policies on the promotion of race equality and monitor them. Advice from the Home Office is that the local authority's functions in relation to citizenship ceremonies would not be covered by such a scheme as they are limited to making the practical arrangements for conducting ceremonies. They make no decision as to who is granted citizenship, or who attends. However if the Council's Scheme specifically stated it would monitor ethnicity in this type of ceremony then it would be bound to do so.

- 6.5 Under the Freedom of information Act 2000 citizens can ask for information on services offered by their local authority and the issue arises as to whether the authority can be compelled to give out details of who will be attending a citizenship ceremony and whether the exchange of personal data between the government and the local authority is covered by the data protection legislation requiring registration etc. The local authority is clearly able to exchange information in order to carry out its functions under the Act. However, when the part of the Freedom of Information Act allowing an individual a right of access to information comes into force in January 2005 the local authority will have to rely on the exemption prohibiting disclosure of personal data in s 40 if it is to keep details of attendees confidential. Of course such information could be disclosed with the individuals consent but it is quite possible the individual may not want his or her whereabouts or address disclosed for good reasons. The situation will have to be monitored to see how the law develops.

7.0 DETAIL

7.1 The Current Situation

At present all persons that wish to make application for British citizenship usually do so by post including all the supporting documentation. Most applicants will need to satisfy the Home Secretary that they meet the following requirements:

- They have Indefinite Leave to Remain in the UK, are free of immigration restrictions, have five years (three years for spouses) residence in the UK, have sufficient knowledge of English, Welsh or Scottish Gaelic and be of good character and sound mind.
- Other British nationals who have an entitlement to register as British citizens can do so after five years residence in the UK.

- 7.2 Once a favourable decision is reached a hard copy of the oath of allegiance is sent out by post to the applicant with instructions for it to be sworn before an approved person (that is a person legally authorised to witness a statutory declaration or oath). The applicant is then required to return the oath, suitably witnessed, within three months. On receipt of the sworn oath the nationality certificate is sent by post and that is the point at which nationality is conferred.

- 7.3 This process is purely bureaucratic and is very typical of the low-key approach that the UK has adopted towards the acquisition of citizenship and

there are are no arrangements at present for the occasion to be marked by any sort of public event. Many other countries already have some form of ceremony to celebrate the acquisition of citizenship and there is some evidence that they can have an important impact on promoting the value of the process.

7.4 The Proposed Changes

The Government has steered legislation through Parliament, in the form of the Nationality, Immigration and Asylum Act 2002, which will compel applicants for citizenship to go through a ceremony as an integral part of the naturalisation/registration process. They hope that the introduction of these ceremonies will give added significance to the acquisition of citizenship and provide an occasion at which the applicant and their close friends and family can celebrate the event. The legislation states that registration officers will perform these 'Citizenship Ceremonies' and it will be down to the local authority to decide the venues in which they will take place. However, it is expected that the local authority will specify venues that are seemly and dignified.

7.5 Location of Ceremonies in Brent

The primary thinking behind the legislation is that new citizens can be welcomed into the community in which they have decided to become a part and it seems right and proper that standard ceremonies should be offered in civic premises. The standard ceremony will be paid for by the Home Office who will reimburse a pre-determined fee to the local authority for each applicant. This fee will have been collected as part of the naturalisation application fee. It is expected that these standard ceremonies will be offered in groups of around 20/30 people and applicants will be given the opportunity to invite at least two or three family members or guests. The most appropriate venue in Brent for this type of event would seem to be the seat of local democracy, the Council Chamber, and I recommend that this venue be offered for standard ceremonies during normal working hours of the Council. This proposal would not create many difficulties as the Council Chamber is under utilised during normal working hours and is used primarily during the evening.

7.6 The regulations are also likely to give applicants the opportunity to request an individual ceremony or a customised ceremony in other premises and at times more suitable to their lifestyle. They will also be able to choose to have their ceremony in another local authority area and this provision will be particularly popular for applicants who have friends and family in other parts of the UK. We would be able to offer the Marriage Room of the Register Office in the evenings and at weekends at times when weddings are not taking place and I recommend this option to members. However, unlike weddings there will be no requirement for the ceremony to be an 'open' public event and during the summer months we will be able to offer the Marriage Garden as an alternative non-standard option for ceremonies. We would also be able to seek other suitable premises for non-standard ceremonies and it is anticipated that these venues would be approved in much the same manner as that for civil

weddings without the requirement to go through a formal licensing process. The local authority will be able to levy an additional fee for non-standard ceremonies and a proposed scale of charges is attached at Appendix 1 of this report for members to agree.

7.7 Potential Number and Timing of Ceremonies

The arrangements for holding a ceremony will be instigated by the Home Office notifying successful applicants for citizenship and informing the local authority for the area in which the applicant lives. The area for notification will be determined by the postcode of the applicant and the Citizenship Ceremony will have to take place within 3 months of the notification being received.

7.8 We have provided the Home Office with the postcodes contained within the Brent Council area and they have given us figures of the number of applicants with Brent postcodes during the 12 months covering May 2002 to April 2003. The indications are that Brent will perform well in excess of 3000 ceremonies per annum. This is the highest number of Citizenship Ceremonies performed by a single local authority in the UK.

7.9 The original proposal for implementation of the Citizenship Ceremonies aspect of the legislation was that it should be in place by Autumn 2003. However, due to IT infrastructure problems at the Home Office this implementation date had to be delayed. It was decided, in consultation with Ministers, that nominated local authorities should pilot the provisions of the scheme before national roll out in Spring 2004. Seven local authorities in the UK have been identified as areas for early implementation. The areas chosen are Brent, Wandsworth, Kent, Telford and Wrekin, Cardiff, Oldham, Liverpool and Glasgow. Early implementation will commence in these areas in February 2004 following a high profile first ceremony that is likely to take place in Brent. Because this will be the first ceremony of this kind ever to take place in the UK there will be huge national and international media interest. This is a great opportunity for Brent to demonstrate how well we can manage an event of this nature and also gain some positive publicity.

7.10 Citizenship Ceremony – Proposed Content

There are two cornerstones around which a citizenship ceremony will be developed. The first is the making of the citizenship oath and pledge. The second is the issue of the certificate that confers nationality on the applicant. The Government wishes to ensure that the citizenship ceremony is more than a bureaucratic event. It should be more of a memorable celebration recognising the commitment the new citizen has made to the United Kingdom and allowing the local community to welcome him/her formally. In Brent we intend that these ceremonies will be a celebration of our cultural diversity and we will be looking at ways in which the local community can be actively involved.

7.11 It has been proposed that the ceremony will open with a standard welcome speech delivered by a registration officer. Although the content of this speech

will be provided in guidance to registration officers, there will be scope for local authorities to add locally developed content.

- 7.12 The Government hopes that ceremonies will be well attended by prominent people in the community, such as Members of Parliament, the Mayor or Leader of the Council, elected members and other dignitaries, possibly local celebrities or community leaders. The first stage of the ceremony is the ideal time for this civic dignitary to address the group. The problem in Brent is that there will be so many citizenship ceremonies taking place every year that the time commitment placed on the 'civic dignitaries' will be great. Even if the majority of applicants opt for a standard group ceremony we would have to provide 2/3 ceremonies per week every week of the year. We have actively targeted members to encourage their involvement and we hope to establish a team of around 15/20 civic dignitaries who are each prepared to attend about 6/7 ceremonies a year.
- 7.13 The making of the new citizenship oath and pledge will be at the heart of the citizenship ceremony. It will therefore be fundamental that a registration officer is satisfied that it has been made in a dignified manner. It will also be appropriate for the registration officer to introduce the oath and pledge with a short explanation of its meaning and significance.
- 7.14 All applicants will be required to have sufficient knowledge of the English language, and in due course education in language and citizenship will be provided to assist applicants meet this requirement. However, at this stage there will be significant variations in the linguistic ability of applicants and the registration officer will be expected to guide the group or individual through the oath and pledge in manageable chunks.
- 7.15 Following the making of the oath and pledge the registration officer will call up the new citizens one by one, present them with their certificate and welcome pack 'graduation style' and the new citizen will sign a register to be kept locally. This will be an opportunity for the new citizen to be photographed with the local dignitary or registration officer. It will then fall upon the registration officer or guest speaker to congratulate the group and make a final speech.
- 7.16 The Government are consulting on whether the Union Flag should be displayed during the ceremony and whether the ceremony should be concluded with the playing of the national anthem. Early indications from the consultation process are that both these elements will prove to be popular.

7.17 Fees for Conducting Ceremonies

The Act requires the Home Office to pay each local authority for any work they carry out in connection with citizenship. The basis of the fee will be full cost recovery and a sub-group of the Citizenship Ceremonies Working Group, which includes local authority representatives, was set up to calculate a reasonable fee based upon an agreed standard form of ceremony. The fee will be collected by the Home Office at the time of application and will include all their administrative charges for the application process along with an

element to reflect the fact that applicants will have to go through a citizenship ceremony. The agreed fee for all the standard ceremonies performed by each local authority will be submitted monthly. All non-standard ceremonies will attract an additional fee which will be determined by the local authority.

7.18 Security

It will be necessary for us to consider security at ceremonies and whether there is any possibility of the proceedings being disrupted by unwanted guests. The fact that there is no requirement for the ceremony to be an open public event will help in this respect also the very good community relations that we enjoy within the Brent Council area. However, this will not take away the responsibility from the Council to ensure that citizenship ceremonies are conducted in dignified surroundings.

7.19 Record Keeping

Local Authorities will be expected to keep records of the number of citizenship ceremonies they perform in in which venues they have taken place. These records will be necessary for audit purposes and to ensure that the Council has been reimbursed by the Home Office for all the ceremonies performed. It will also be important to keep comprehensive records of all the certificates of naturalisation that have been issued and to account for those certificates in cases where the ceremony did not take place. We will liase with Core IT on the development of a computerised database system for record keeping when we are certain what the requirements will be.

8.0 CONCLUSIONS

The introduction of citizenship ceremonies will have a very high political profile and is likely to attract widespread media interest nationally. It is likely that Brent will be one of the first areas in the UK to perform ceremonies and it is probable that the Home Secretary will want to be in attendance at the first ceremony as one of the dignitaries. Citizenship ceremonies will also present an opportunity for the Council to have direct personal contact with in excess of 10,000 citizens per year, all of whom will go away with an impression of Brent Council as an organisation. It is therefore vital that the arrangements and delivery of these events is of a very high standard and that elected members are actively supportive of the process.

Background Papers

Anyone requiring further information on this report should contact Mark Rimmer, Service Director, Registrar's Service, Town Hall, Forty Lane, Wembley, Middlesex, HA9 9HD. Telephone: 020 8937 1011.

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Appendix 1

**Scale of Charges for Non-Standard
Citizenship Ceremonies**

Type of Ceremony	Days of week/times of day	Cost
Small group ceremonies	Monday – Friday (Evening)	£40.00 per person
5 – 10 people with maximum of 3 guests each		
Small group ceremonies	Saturday	£60.00 per person
5 – 10 people with maximum 3 guests each		
Small group ceremonies	Sunday	£80.00 per person
5 – 10 people with maximum 3 guests each		
Individual ceremonies	Monday – Friday (Evening)	£95.00 per person
Maximum 40 guests		
Individual ceremonies	Saturday	£115.00 per person
Maximum 40 guests		
Individual ceremonies	Sunday	£130.00 per person
Maximum 40 guests		