

Community
Legal Service



COVENTRY LAW CENTRE

IMMIGRATION

British Citizenship Registration of Children

This leaflet explains information about British citizenship – Registration of Children

British Nationality Act 1981

General

1. There are two provisions in the British Nationality Act 1981 under which children born in the United Kingdom on or after 1 January 1983 have the right to be registered as British citizens. These are explained in paragraph 3 below. There are also provisions in the Act where children born on or after 1 January 1983 outside the United Kingdom to British citizen parents are entitled to be registered as British citizens. These are explained in BN4, “Children Born Outside the UK”.

Registration at the Home Secretary’s discretion

2. If a child does not have an entitlement to registration as a British citizen, the Home Secretary may agree to register him or her under Section 3(1) of the Act. It is not possible to set out all the circumstances in which the Home Secretary would normally be prepared to approve registration. The Home Secretary will take account of the connections the child has with the United Kingdom, where the child is likely to live in the future and the parents’ views and nationality. In the case of an older child, the Home Secretary will also consider whether he or she is of good character and how long he or she has lived in the United Kingdom, particularly if the child is nearly 18. A child will not normally be registered if his or her stay in the United Kingdom is subject to any time limit under the immigration laws.

Children born in the United Kingdom on or after 1 January 1983

3. After 1 January 1983, children born in the United Kingdom (see note A) will be British citizens if one of their parents (see note B) is, at the time of the birth, a British citizen. It does not matter whether the parent concerned became a British citizen by birth, adoption, descent, naturalisation or registration. If neither parent is a British citizen the children will still be British citizens if one of their parents is ‘settled’ (see note C) in the United Kingdom.

Children who do not automatically become British citizens have the right to be registered as British citizens if:

- the child was born in the United Kingdom on or after 1 January 1983; and
- one of the child’s parents has, since the birth, become a British citizen or settled in the United Kingdom; and
- an application for registration is made before the child is 18;

OR

- the child was born in the United Kingdom on or after 1 January 1983; and
- he or she is 10 or over on the date of the application; and
- during the first 10 years of the child’s life, he or she has lived in the United Kingdom without being absent for more than 90 days in any one of those 10 years. (If the absences in any one year are more than 90 days, the Home Secretary may make an exception to the residence requirements if he thinks that there are special circumstances in a particular case.)

Legitimacy

4. Children who were illegitimate at birth may, in some circumstances, have become legitimate if their parents got married. Children of a void marriage may also, in some circumstances, be treated as legitimate. In certain cases of this kind, children who were born outside the United Kingdom may be British citizens (if their mothers were not citizens) if the fathers were British citizens otherwise than by descent at the time of the birth. If your child's case is in either of these categories, do not make a formal application (unless it would be subject to a time limit) but send full details to one of the addresses listed in paragraph 8 (which tells you where to write, depending on where you live).

Loss of present nationality

5. Children who are registered as British citizens may, as a result, lose or risk losing their existing nationality or citizenship. This depends on the law of the country concerned and, if you need any information about your case, please contact the authorities of the country concerned before you apply.

Adopted children

6. If you are a British citizen and you adopt a child overseas, the child will not automatically become a British citizen. However, the Home Secretary may agree to register the child. If you have any questions about registration, please contact one of the addresses in paragraph 8 (which tells you which office to contact, depending on where you are). A child who is legally adopted in the United Kingdom becomes a British citizen on the date of the adoption if the adopter (or one of the adopters if the adoption is a joint one) is a British citizen. You do not have to apply to register your child if this is the case.

How to apply for registration

7. If you want to apply for your child to be registered as a British citizen, you should use application form MN1 (or Form T if your child meets the requirements explained in paragraph 3). Paragraph 8 tells you which office to contact for a form, depending on where you are. The accompanying guide will explain where to send the form when you have filled it in. If the registration is approved, you will be sent a certificate confirming that your child has been registered as a British citizen.

You will have to pay a fee for registering your child. Details of the fee you have to pay, and how to pay it, are fees information will be sent with the application form if you ask for one.

Addresses for general enquiries, leaflets and application forms

8. You can contact Coventry Law Centre on our fee legal advice line on Tuesdays and Thursdays between 10:00am and 12noon on 024 76253168

Notes

- A. The *United Kingdom* means England, Scotland, Wales, Northern Ireland, the Channel Islands and the Isle of Man.

- B. *'Parent'* means, in the case of an illegitimate child, the mother. Otherwise, it refers to either the mother or father.
- C. *'Settled'* means ordinarily resident, living in the United Kingdom without being subject under the immigration laws to any restriction on the period for which a person may remain. No one can be ordinarily resident if they are in the United Kingdom in breach of the immigration laws. Nor are certain people regarded as settled even though they are exempt from immigration control, for example, members of diplomatic or consular missions, visiting forces or international organisations.

The law covering registration is in the British Nationality Act 1981 and the Regulations made under it. The information given in this leaflet is only a brief guide to the law and to the Home Secretary's policy. It is not a complete statement of either the law or policy.

The information you give will be treated in confidence, but we may give it to other government departments and agencies and local authorities so they can carry out their work.

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