



COVENTRY LAW CENTRE

IMMIGRATION

Registration as a British citizen by someone who is:

- a **British overseas territories citizen;**
- a **British Overseas citizen;**
- a **British subject;**
- a **British protected person; or**
- a **British National (Overseas)**

British Nationality Act 1981

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Although every effort is made to ensure the information in this leaflet is accurate and up to date, it should not be treated as a complete and authoritative statement of the law and does not constitute legal advice - we cannot be held liable for any inaccuracies and their consequences. The information in this leaflet is written for people resident in, or affected by, the laws of United Kingdom only.

1. Section 4 of the British Nationality Act 1981 allows British overseas territories citizens, British Overseas citizens, British subjects (under the British Nationality Act 1981), British protected persons and British Nationals (Overseas) (see notes 1 to 6) to be registered as British citizens if they can meet certain residence requirements. Adults and children under 18 may apply. The Home Secretary can agree, in special circumstances, to register as a British citizen any of the people mentioned above who are, or have at any time been, in Crown service under the government of a British overseas territory or similar service in a British overseas territory (see note 7). Under Section 4A, the Home Secretary can also agree to register British overseas territories citizens as British citizens in other circumstances. This leaflet briefly explains this part of the Act.

All British citizens have the right of abode in the United Kingdom without restriction under the immigration laws.

British overseas territories citizens may find that they have already acquired British citizenship automatically and so do not need to make any application under the Act (see note 2).

If after reading this, you are still not sure whether you can apply to become a British citizen, please write to the address below giving:

- your full name and address;
- your date, place and country of birth;
- your present nationality;
- the date and place of your first arrival in the United Kingdom; and
- details of your periods of residence in this country.

Requirements

2. The person applying must:

a. be either a British Overseas territories citizen, a British Overseas citizen, a British subject under the British Nationality Act 1981, a British protected person or a British National (Overseas); and

b. meet:

either; the residence requirements in paragraph 3 (but see also paragraph 4 – special circumstances).

or; the Crown or similar service requirement in paragraph 5

or; the requirements (applicable to British overseas territories citizens only) in paragraph 6.

3. The residence requirements are that:

a. the person applying must have been in the United Kingdom (see note 8) at the beginning of the five-year period ending with the date of the application. The requirement to be in the United Kingdom at the beginning of the five-year period does not apply to a person who was settled (see note 9) in the United Kingdom immediately before 1 January 1983;

b. in the five-year period referred to in (a) above the person was not outside the United Kingdom for more than 450 days;

- c. in the last 12 months of that five-year period, he or she was not outside the United Kingdom for more than 90 days;
- d. in the last 12 months of that five-year period, his or her stay in the United Kingdom was not subject to any time limit under the immigration laws; and
- e. he or she was not, at any time in that five-year period, in the United Kingdom in breach of the immigration laws.

Special circumstances

4. Everyone who applies (unless they are covered by paragraphs 5 or 6 below) must be free from any restriction under the immigration laws at the time they apply. They must also meet the requirement described in paragraph 3(a). But the Home Secretary may make an exception to the other requirements if he thinks that there are special circumstances. If you do not meet those requirements, but you believe there are special circumstances in your case, you should explain them when you apply.

Crown or similar service

5. An alternative to the five-year residence requirement is that the person applying is, or has been:
- in Crown service under the government of a British overseas territory ; or
 - in service as a member of a body established by law in a British overseas territory, the members of which are appointed by or on behalf of the Crown. Registration will be exceptional. The person applying must show that he or she:
 1. is, or has been, the holder of a responsible post;
 2. is, or has been, giving outstanding service; and
 3. has some close connection with the United Kingdom.

The applicant must explain the special circumstances he or she feels the Home Secretary should take into account when considering the application. Anyone who thinks he or she might qualify for registration because of service of this kind should write to the Governor of the British overseas territory concerned.

Additional provision (for British overseas territories citizens only)

6. Section 4A of the British Nationality Act 1981 allows the Home Secretary to register British overseas territories citizens as British citizens at his discretion.

The requirements for registration under this section are that the person applying:

- is a British overseas territories citizen other than by connection only with the Sovereign Base Areas of Akrotiri and Dhekelia; and
- has not previously ceased to be a British citizen as a result of a declaration of renunciation.

The Home Secretary will not normally agree to registration if an applicant is not of good character. You should explain any special circumstances that you feel the Home Secretary should take into account when considering your application.

For general enquiries, leaflets and application forms

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

Children under 18

8. Children under 18 can also become British citizens by registration under Section 4 or 4A of the Act if they meet the requirements in paragraphs 2 and 3 or adult applicants should include the names and details of all their children who they want to be registered on the application form. Those children who are not entitled to be registered may still be registered if the Home Secretary agrees.

Oath of allegiance

9. Only British protected persons over 18 have to take an oath of allegiance before they are registered as British citizens under Section 4 of the Act.

Fees

10. You have to pay a fee, and you must send it with the application. The current fees information will be sent with the application form if you ask for one.

The effect registration has on other citizenships or nationalities

11. British overseas territories citizens, British Overseas citizens, British subjects (under section 31 of the British Nationality Act 1981) and British Nationals (Overseas) will not lose that status when they are registered as British citizens. However, British overseas territories citizens may find their immigration status could be affected in the British overseas territory concerned and they should contact the Governor if they have any questions. British protected persons and British subjects (other than those under Section 31 of the 1981 Act) will automatically lose that status when they are registered as British citizens.

Notes

1. A person who, immediately before 1 January 1983, was a citizen of the United Kingdom and Colonies because of his or her own or a parent's birth, naturalisation or registration in a dependent territory, automatically became a British Dependent Territories citizen under the British Nationality Act 1981 on 1 January 1983. From 1 January 1983, people could become British Dependent Territories citizens (or, after 26 February 2002, British overseas territories citizens) if they were born, adopted, registered or naturalised in a British overseas territory or if one of their parents was born, adopted, registered or naturalised in a British overseas territory.

2. The British Overseas Territories Act 2002 has made some changes to the British Nationality Act 1981. Since 26 February 2002, the dependent territories have been officially known as "British overseas territories", British Dependent Territories citizens have been known as "British overseas territories citizens" and British Dependent Territories citizenship as "British overseas territories citizenship". A further change took place on 21 May 2002. If you were a British overseas territories citizen (except by virtue only of a connection with the Sovereign Base Areas of Akrotiri and Dhekelia) immediately before 21 May 2002, you automatically became a British citizen on that date **so do not need to apply for British citizenship**. You

may also be a British citizen if you are born on or after 21 May 2002 in a British overseas territory to a parent who is a British citizen.

3. A person who, immediately before 1 January 1983, was a citizen of the United Kingdom and Colonies and did not, on that date, automatically become a British citizen or a British Dependent Territories citizen, automatically became a British Overseas citizen under the British Nationality Act 1981 on 1 January 1983. From 1 January 1983, a person can become a British Overseas citizen in very limited circumstances. Some people automatically became British Overseas citizens when Hong Kong stopped being a British dependent territory. A person who, before 1 July 1997, was a British Dependent Territories citizen only by a connection with Hong Kong, who would otherwise have been stateless when Hong Kong stopped being a British dependent territory, automatically became a British Overseas citizen on 1 July 1997. Any of his or her children born after that date would also be British Overseas citizens if they would otherwise be stateless.

4. A person who, immediately before 1 January 1983, was a British subject without citizenship, a British subject under section 2 of the British Nationality Act 1948 or a woman registered as a British subject under section 1 of the British Nationality Act 1965, automatically became a British subject under the British Nationality Act 1981 on 1 January 1983. From 1 January 1983, the following people can become British subjects:

- citizens of Ireland who were citizens of Eire and British subjects immediately before 1 January 1949 (when the British Nationality Act 1948 came into force) – by making a claim to have remained British subjects;
- children under 18 – by being registered if the Home Secretary agrees;
- women who, immediately before 1 January 1983, were married to British subjects and who are still married – by being registered as British subjects (provided they applied for registration before 1 January 1988)

5. A person who, immediately before 1 January 1983, was a British protected person is still a British protected person under the British Nationality Act 1981.

6. You could be registered as a British National (Overseas) before 1 July 1997 by applying to the Home Secretary or his overseas representative. To qualify for registration, the person applying must have been a British Dependent Territories citizen by connection with Hong Kong.

7. The British overseas territories are currently:

Anguilla, Bermuda, British Antarctic Territory, British Indian Ocean Territory, Cayman Islands, Falkland Island, Gibraltar, Montserrat, Pitcairn, Henderson, Ducie and Oeno Islands, St Helena and Dependencies, South Georgia and the South Sandwich Islands, the Sovereign Base Areas of Akrotiri and Dhekelia, Turks and Caicos Islands, Virgin Islands.

8. The United Kingdom means, for the purposes of the British Nationality Act 1981, England, Scotland, Wales, Northern Ireland, the Channel Islands and the Isle of Man.

9. ‘Settled’ means ordinarily resident in the United Kingdom without being restricted under the immigration laws, as to how long you can stay here.

The law covering registration is in the British Nationality Act 1981 and the regulations made under it. The information 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.