



Home Office

UK Border Agency

GUIDE S3

Registration of a stateless person as:

- a British citizen, or
- a British overseas territories citizen

A guide for those born in the United Kingdom or a British overseas territory on or after 1 January 1983

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1

Introduction to the guide

- *This guide and the application form S3 apply to a stateless person born in the United Kingdom or a British overseas territory on or after 1 January 1983 who wishes to acquire British citizenship or British overseas territories citizenship.*
- For your application to succeed you will need to show that you satisfy a number of requirements. This guide aims to help you to make a successful application. It tells you what information to put into each section of the application form and which documents you need to supply.
- It is important that you take care in completing the form and in making sure that you satisfy the requirements for registration. You also need to make sure that you have paid the correct fee (see fees leaflet supplied separately). If you pay by cheque you should ensure that you have sufficient funds available. We will accept credit/debit card payment or payment by transcash. Please do not send **cash or postal orders. If you do not pay the correct fee your application will be returned to you unprocessed.**
- *Please quote any Home Office or Border and Immigration Agency or UK Border Agency reference number from any previous application or correspondence.*

N.B. Before 26 February 2002, the British overseas territories and British overseas territories citizenship were called dependent territories and British Dependent Territories citizenship.

2

The requirements you have to meet

Notes

To be registered:

- you must have been *stateless* when you were born

AND

- you must always have been *stateless*

AND

- you must have been born on or after 1 January 1983

AND

- you must have been born in the *United Kingdom* or a *British overseas territory*

- A person is *stateless* if he or she is not regarded by the authorities of any country as a citizen or national of that country.

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

- The places which have been *British overseas territories* at any time since 1 January 1983 are:

Anguilla, Bermuda, British Antarctic Territory, British Indian Ocean Territory, Cayman Islands, Falkland Islands and Dependencies (see the note below), Gibraltar, Hong Kong (see the note below), Montserrat, Pitcairn, Henderson, Ducie and Oeno Islands, St. Christopher and Nevis (see the note below), St. Helena and Dependencies, South Georgia and the South Sandwich Islands (see the note below), the Sovereign Base Areas of Akrotiri and Dhekelia, Turks and Caicos Islands and the Virgin Islands.

Note:

Hong Kong has not been a British overseas territory since 30 June 1997.

St Christopher and Nevis has not been a British overseas territory since 18 September 1983.

South Georgia and the South Sandwich Islands were formerly dependencies of the Falkland Islands but were not British overseas territories between 3 October 1985 and 3 December 2001.

If you are not sure whether a particular place was in a British overseas territory at the relevant time, you should telephone or email the Liverpool Contact Centre (see page 6) or contact the Governor of the territory concerned.

Notes

AND

- you must have been in the United Kingdom or a British overseas territory at the beginning of the period of 5 years ending with the *date of application*
- The *date of application* is the date it is received by the appropriate British Government representative (see Section 6) - e.g. if your application were to be received on 30 September 2008, the 5 year qualifying period would be from 1 October 2003 to 30 September 2008.

AND

- you should not have been *absent* from the United Kingdom and the British overseas territories for more than *450 days* in that 5 year period
- If you were *absent* for more than *450 days*, the Home Secretary/Governor may make an exception, and agree to registration, if he thinks there are special circumstances in your case.

AND

- you must be under 22 years old on the *date of application*
 - a British citizen
 - a British overseas territories citizen
 - a British Overseas citizen or
 - a British subject

A child who is born in a British overseas territory may already be a British overseas territories citizen if, when the child was born, one of the parents was a British overseas territories citizen or settled in a British overseas territory.

A child who is born in the United Kingdom or, since 21 May 2002, a qualifying territory (i.e. one of the British overseas territories listed above other than the Sovereign Base Areas of Akrotiri and Dhekelia) may already be a British citizen if, when the child was born, one of the parents was a British citizen or settled in the United Kingdom or in that particular territory.

A minor who does not meet the requirements listed above may still have a right to be registered as a British citizen or a British overseas territories citizen depending on residence and the parent's citizenship.

The Home Secretary may also be prepared to exercise discretion to register a minor if there are special circumstances (for example, if the parents are applying for registration themselves).

3

Which citizenship will you acquire?

If you meet the requirements listed in Section 2 of the guide and you are registered by the Home Secretary or the Governor, you will become:

- a British citizen - if you have spent more time in the United Kingdom than in the British overseas territories during the 5 year qualifying period
- a British overseas territories citizen - if you have spent more time in the British overseas territories than in the United Kingdom during the 5 year qualifying period.

N.B. Only British citizens have the right to enter and live in the United Kingdom.

4

How to fill in the application form

If the applicant is under 18, the application form should normally be filled in by the parent or guardian (giving the minor's particulars).

You must ensure that your name, date of birth, and the place and country where you were born are clearly written in BLOCK LETTERS, in black or blue black ink. Any mistake you make is likely to end up on your certificate and may cause difficulties and delay in you becoming a British citizen or in obtaining a British passport.

Make sure that all the information is correct before you submit your application. It is a criminal offence to give false information knowingly or recklessly.

You may, if you wish, receive help completing your application form. You may use the services of an agent such as a solicitor or other competent adviser. For more information about competent advisers, see the box headed "OISC and Immigration Advice" on page 8.

You may also apply via the Nationality Checking Service. This is a partnership with local authorities, which has been introduced by a number of local authorities in the UK. The Nationality Checking Service enables people wanting to apply for naturalisation to make their application in person at their local Register Office. In return for a small fee, local authority officers will help applicants to complete their application forms and check that the correct fee has been paid. They will also copy valuable documents and certify them as true copies, before returning the originals to you in person.

Local authorities provide the Nationality Checking Service at the point of application only, and will not act as your agent while your application is being considered. Local authorities are, like other competent advisers, registered with the Office of the Immigration Services Commissioner.

To check whether the Nationality Checking Service is available near you refer to the UK Border Agency website at www.ukba.homeoffice.gov.uk. or call the Liverpool Contact Centre on 0845 010 5200. Please note that you may use any local authority offering the Nationality Checking Service not just the one where you live. The service is being expanded over time to cover more local authorities.

However, applying for registration is a straightforward process which does not require the use of specialist agencies. You should be capable of applying successfully by following the guidance provided in this guide and ensuring that you are able to satisfy the requirements. First hand advice is available from the Liverpool Contact Centre:

Email: nationalityenquiries@ind.homeoffice.gsi.gov.uk.

Telephone: 0845 010 5200

Lines are open from 9.00am to 9.00pm

Guides and application forms are issued free of charge.

Information you give will be treated in confidence, but may be disclosed to Government Departments, the Security Service and other agencies, local authorities and the police, where it is necessary for immigration or nationality purposes or to enable these bodies to carry out their own functions.

Now turn to Section 1 of the application form.

Section 1: Personal Information

- 1.1 Please enter your Home Office, Border and Immigration Agency or UK Border Agency reference if you have one
- 1.2 Enter your surname/family name as you want it to appear on your certificate
- 1.3 Enter all your other names as you want them to appear on your certificate
- 1.4 Enter your name at birth (if different from what you have entered at 1.2 and 1.3)

Your name at birth must be given on the application form, for identity purposes, but may be omitted from your certificate of registration if you have a special reason for requesting this - for example because you were adopted or are no longer living in the gender you were considered to have at the time of your birth.

N.B - Place and country of birth names shown on the certificate will be names in current acceptable use (and will be in English where an English version exists.)

- 1.5 Enter your date of birth
- 1.6 Enter your place and country of birth
- 1.7 &
- 1.8 Only enter requested details if you entered details at 1.4
- 1.9 Enter details of your present address and ensure that you give your postcode. We need this to arrange a citizenship ceremony. **If you do not give your postcode your application will be delayed.**
- 1.10 Enter details of present address of person signing the application (if different)
- 1.11 Enter your telephone numbers and those of the person signing the application (if different)
- 1.12 Enter your email address or that of the person signing the form
- 1.13 -
- 1.17 Enter details of your marriage/civil partnership and spouse (if applicable)
- 1.18 Enter explanation as to why you have been stateless from birth
- 1.19 -
- 1.31 Enter details of your parents

1.32 -

- 1.35 If someone is acting on your behalf such as a solicitor or you are making the application through a consulate, you should provide their details so that we can contact them. Unless you are being represented by a private individual, it is the agent's business name, telephone number etc which should be put here.

OISC and Immigration Advice

Immigration or nationality advisers acting in the course of business (whether paid or unpaid) are regulated by the Office of the Immigration Services Commissioner (OISC), an independent body. The provision of such advice is prohibited unless a person works for an organisation registered with, or exempted by, the OISC or is authorised to practice (like solicitors and barristers) by a designed professional body.

Certain categories (e.g. public health bodies) are exempted from the regulatory scheme by Ministerial Order. It is a criminal offence to provide advice or services in contravention of the regulatory scheme.

Further information about the regulatory scheme can be obtained from:

Office of the Immigration Services Commissioner
5th Floor
Counting House
Tooley Street
London SE1 2QN
Tel: 020 7211 1500
Fax: 020 7211 1553

A full list of OISC regulated advisers is available on its website at www.oisc.gov.uk

1.36 -

- 1.38 If your application is approved, you will need to take part in a citizenship ceremony. The venue will normally be within a local authority area near where you live. If you want the ceremony in another area you should enter the name and address of that local authority office including the postcode.

You will be expected to attend a ceremony to become a British citizen. Successful applicants are exempted from ceremonies rarely and then only if they are physically unable to attend or if their mental state would make it inappropriate to attend. If you wish to be exempted you should say why on a separate sheet of paper and provide supporting evidence.

N.B. Minors (under 18) do not need to attend a citizenship ceremony.

Section 2: Residence Requirements

- 2.1 Enter the day you first arrived in the UK or the British overseas territories with a view to staying on a long-term basis, and the airport or seaport through which you then entered. If this is less than 5 years before the date on which we receive the application, you might not meet the residence requirement (see page 4) and your application may be unsuccessful.
- 2.2 Fill in this table showing the periods you have been away from the UK and the British overseas territories during the last 5 years. Insert the number of days you were away from the UK and the British overseas territories in the last column ignoring the day you left and the day you arrived back in the UK or British overseas territories. If there is not enough room for all your absences then continue on a separate sheet of paper. Add up the total and write it in the space indicated.

NB You should also check that you were physically present in the UK 5 years before the date that the application will be received by the UK Border Agency or other receiving authority (see page 14 "Where to send your application form"). If you do not meet this requirement your application is unlikely to be successful.

To satisfy the residence requirement the total number of days absence for the whole 5 year period should not exceed 450.

There is discretion to disregard absences in excess of the limits, and we would normally do this for the following reasons:

- they are the result of circumstances beyond the person's control (e.g. serious illness or accident which prevented the person from returning from a visit to a country outside the UK or the British overseas territories); or
- they amount to no more than 30 days; or
- refusal would seriously disadvantage the person (statelessness alone is not enough: the person must show some serious disadvantage because of statelessness)

Failure to complete section 2.2 will result in delays to you application.

- 2.3 Provide all your home addresses for the past 5 years.
- 2.4 You should explain the reasons for any excess absences

Section 3: Referees and Identity

Your application must be endorsed by two referees and a recent passport size photograph stapled or clipped into the space provided. The photograph must show the whole of the front of your face in reasonable light. It should not show your face wholly or partly concealed by your hair (beards, sideburns and moustaches excepted) or by a scarf or traditional dress. It should not show you wearing dark glasses or a hat, hood, cap or scarf.

Each referee should have known you personally for at least 3 years.

One referee should be a person of any nationality who has professional standing, such as a doctor, a minister of religion, civil servant or a member of a professional body, e.g. accountant or solicitor (but not representing you with this application). A list of acceptable professional persons can be found on our website.

The other referee must be the holder of a British citizen passport and either a professional person or over the age of 25.

Each referee should be:

- not related to you
- not related to the other referee
- not your solicitor or agent representing you with this application
- not employed by the Home Office

We will not accept a referee who has been convicted of an imprisonable offence during the last 10 years and the sentence has not become spent under the Rehabilitation of Offenders Act 1974. Under that Act certain convictions may be regarded as "spent" in the United Kingdom after certain periods of time from the date of conviction if a person has not been convicted of other offences during that time. "Spent" means that it will be ignored. A leaflet about this called "Wiping the Slate Clean" is available from the Home Office, Direct Communications Unit, 2 Marsham Street, LONDON SW1P 4DF

Checks may be carried out to ensure that the referees do not have unspent convictions and are qualified to act for you and that their signatures are genuine. It is a criminal offence to provide false information knowingly or recklessly punishable with up to 3 months imprisonment or by a fine not exceeding £5,000 or both under section 46(1) of the British Nationality Act 1981.

Once you have two referees and they have completed Section 3 you should recheck the information you have provided and go to Section 4.

Section 4: Declaration

Read this section carefully before inserting your name clearly in box 4 .1 and ticking each box at 4.2 - 4.6 to confirm the points raised.

If you meet the requirements described in this guide sign and date the form in box 4.8. You are advised to read this guide carefully to ensure that you do satisfy all the requirements.

If you do not meet the requirements but think the Home Secretary should exercise discretion in your favour you should provide in section 4.7 the special circumstances in your case. If your special circumstances are not accepted your application will be refused and your fee will not be fully refunded.

Applications that fail generally do so because the residence requirements have not been satisfied.

You must sign the form yourself. If you cannot sign the form you must make a mark or a fingerprint and ask one of your referees to sign saying that it is your mark or fingerprint. If the applicant is not of sound mind and you are acting on his or her behalf, you should sign to indicate your responsibility for the accuracy and completeness of the information provided. You must support this by explaining, in a covering letter, who you are and why the applicant cannot act on their own behalf. Confirmation from the applicant's medical practitioner or consultant should also be provided.

If the declaration in section 4 of the form is not completed, it will be invalid.

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What documents you will need to send

PLEASE NOTE: It is our policy to return valuable documents by secure post. If you wish your documents to be returned by other postal service or courier you will need to supply a pre-paid delivery envelope ensuring that the full postage stamps or fees are included.

This section tells you the sort of documents you will need to send for us to consider your application. We cannot consider your application unless we have supporting documents. **If you do not submit your application with supporting documents and the correct fee then the application will be returned to you unprocessed.**

Documents. With the application form, you should also send evidence:

- *that the applicant has been stateless from birth.* For example, a letter from the authorities in the country in which he/she was born, stating that he/she is not, and never has been, a citizen of that country.
- If either of your parents holds a non-British nationality, a letter from the authorities of the country concerned saying that you have never held that country's citizenship or nationality.
- If you have lived for period of 5 years or more outside the United Kingdom, outside the territory where you were born and outside any country of which either of your parents is a citizen or national, a letter from the authorities of that country of residence saying you have never held that country's citizenship or nationality.

NB: If your parents hold different non-British citizenships or nationalities, or either of them holds more than one citizenship or nationality, you will need to get letters from all of the countries concerned. Similarly, if you have resided for 5 years or more in more than one country, you will need to get letters of confirmation from all of the countries concerned.

Unless otherwise indicated any reference to "parent" means for;

Children born before 1 July 2006

- the mother (if the child was born on or after 1 January 1983) - before 1983 women were not able to pass on citizenship to their children
- the father (but only if he was married to the mother)

NB. If the parents were not married when the child was born, but then get married the marriage might legitimate the child's birth. If it does, the child would become a British citizen (and would be regarded as having been one from birth) if the father was a British citizen (or settled) when the child was born. Children of a void marriage may also in some circumstances, be treated as legitimate.

Or;

Children born on or after 1 July 2006

- the mother (i.e. the woman who gives birth to the child)
- the father if:
 - a. he is married to the mother at the time of the birth; **or**
 - b. he is treated as the father under section 28 of the Human Fertilisation and Embryology Act 1990; **or**
 - c. (if *neither* (a) *nor* (b) apply) he can satisfy certain requirements as regards proof of paternity - i.e. he is named as the father on a birth certificate issued within 1 year of the child's birth or he can satisfy the Home Secretary that he is the father of the child (by means of DNA test results, court orders or other relevant evidence)

Please note that any person born before 1 July 2006 whose claim is based upon the citizenship or status of his/her father must show that he/she is the legitimate child of the father (e.g. by sending his/her birth certificate and the parents' marriage certificate).

- *that the applicant has been in the United Kingdom or a British overseas territory for a period of 5 years entered in Section 2 of the application form.* Please send the passport or passports (including stateless persons travel documents) which cover the whole of the qualifying period. If you cannot do this, please explain why and send as much as you can of the following
 - * letters from your employers during the qualifying period
 - * letters from schools or other educational establishments which were attended during the qualifying period
 - * a letter from the HM Revenue & Customs National Insurance Contributions Office showing that you have paid National Insurance contributions during the qualifying period, or an equivalent letter in the case of a British overseas territory
 - * P60 forms or a letter from the HM Revenue & Customs (or the equivalent in a British overseas territory) showing that you have paid tax during the qualifying period
 - * any other documents which show that you lived in the United Kingdom or the British overseas territories during the qualifying period.

Please note that if the application is made by a guardian for a person under 18, evidence of their right to do so, such as a deed, will or court order is needed.

NOTE: Information you give us will be treated in confidence, but may be disclosed to other Government Departments and agencies and local authorities to enable them to carry out their functions.

6 Where to send your application form

Once you have completed and signed the application form and enclosed the documents, you must arrange to pay the correct fee. If you are paying by debit/credit card you should complete the payment slip attached to the fee leaflet. If you are paying by cheque you should ensure that funds are available in your account, or you should arrange to pay by Transcash or Credit/Debit card. Cash or postal orders cannot be accepted.

If your fee is paid through an account which belongs to someone else, please give their details in the space provided on the payment slip attached to the fee leaflet in case it is necessary to refund all or part of the fee.

If you are in England, Wales, Scotland or Northern Ireland send the form with the fee and supporting documents to

UK Border Agency
Department 1
PO Box 306
LIVERPOOL
L20QN

If you are in the Channel Islands or the Isle of Man, you should send them to the Lieutenant-Governor.

If you are in a British overseas territory, you should send them to the Governor.

If you are elsewhere, you should send them to the nearest British Consulate, Embassy or High Commission.

You must submit your application as explained above. You should not send an application direct to the Home Office from outside the UK even if you normally live there. The date of application will be the date it is **received** by the Home Office or the local British government representative as shown above. It is not the date on which you send it.

7 What happens next

It is important that you take care in completing the form and in making sure that you satisfy the requirements for registration. You also need to make sure that you have paid the correct fee (see the fees leaflet). If you pay by cheque you should ensure that you have sufficient funds available, otherwise you should consider paying by Transcash. We will also accept credit/debit card payment. Cash/postal orders are not acceptable. **If you do not pay the correct fee your application will be returned to you unprocessed.**



What you can expect from us

Once we have received your application form we will create a computer file to track and process your application. Your application will be acknowledged. During busy times this may take up to 2-4 weeks.

The Liverpool Contact Centre will deal with any enquiries about your application once it has been made.

Email: nationalityenquiries@ind.homeoffice.gsi.gov.uk

Telephone 0845 010 5200

Lines are open from 9.00 am to 9.00 pm

We will check your application against the documents you have sent in and make a number of enquiries. The documents may be checked to ensure their authenticity. If you provide forged or fraudulently obtained documents you may be investigated under section 46 of the British Nationality Act 1981. We will press for prosecution which may include up to 3 months imprisonment or a fine not exceeding £5,000 or both.

If we need more documents we will write and ask you for them. We will give you three weeks to respond. If you do not respond within the time we allow you, then we will decide your application on the information we already have, but there is a risk that your application will not succeed. We will try to complete our enquiries quickly, usually within six months, but sometimes it takes longer.

We undertake to process your application quickly and in accordance with the law and agreed policy and procedures. We will deal with any enquiries courteously and promptly. **You must keep us informed of any changing circumstances including change of address or agent.**

You may be asked to attend an interview conducted on behalf of the UK Border Agency by the police or other representative. If so, arrangements will be made with you about the interview, which may be at your home. You may be asked to give more details about your application. The person interviewing you will expect you to talk without an interpreter.

If your application is unsuccessful we will write and tell you why. Although there is no legal right of appeal or review we will consider representations if you consider that a decision to refuse your application was not soundly based on nationality law or prevailing policy and procedure as described in this guide or in any other communication you have received from us or on our website at www.ukba.homeoffice.gov.uk. Representations must explain why you think we have not correctly applied the law and policy in your case. We will respond either by confirming that law and policy had been correctly applied or by answering particular points you raise concerning the way that law and policy were applied.

We strive to provide a first rate service, but occasionally difficulties arise that prevent us from dealing with applications to our usual high standards. In the unlikely event that you wish to complain, details of how to make a complaint are given on page 18.

9

Waiting times

While we try to deal with cases quickly this cannot be guaranteed and we cannot register you until we are satisfied that all the requirements have been met.

Information on average waiting times can be found on the website at www.ukba.homeoffice.gov.uk or by telephoning 0845 010 5200

Lines are open from 9.00 am to 9.00 pm

Applicants outside England, Wales, Scotland and Northern Ireland should contact the office where they made their applications or telephone 44 151 672 5626

The length of time you will have to wait for your application to be decided will not affect your existing rights in the UK.

10

Deprivation of citizenship

You may be deprived of British citizenship if it is found to have been obtained by fraud, false representation or the concealment of any material fact. The Home Secretary may also deprive you of British citizenship if, in his opinion, it would be in the public interest for him to do so and you would not thereby be made stateless.

Ministers suggested during the passage of the Immigration, Asylum and Nationality Act 2002 that deprivation may be appropriate where the person:

- has encouraged or assisted others to commit acts of terrorism;
- has committed war crimes, public order offences or other serious crime;
- has carried out acts seriously prejudicial to vital national interests, including espionage and acts of terrorism directed at the United Kingdom or an allied power.

A certificate of registration may, as a matter of law, be ineffective from the outset if it is obtained by means of impersonation.

11

What we expect from you

Applications are considered quickly - usually within six months of receipt. We expect you to make appropriate arrangements to ensure that you can respond to our enquiries or requests for documents within the period we allow.

While the application is under consideration we expect you to tell us about anything which alters the information you have given us. This will include changes of marital or civil partnership status or home address or agents acting on your behalf. It also includes police investigation or anything that may result in charges or indictment.

We also expect to be treated politely and with respect by you and any agent acting on your behalf.

If your application is successful and you are living in the UK, you will be invited to attend a citizenship ceremony. You will receive an invitation letter from the Home Office and this will confirm the local authority you should contact to arrange your ceremony. We expect you to arrange to attend a ceremony within 3 months of receiving your invitation otherwise it will expire and you will have to re-apply for registration and pay a further processing fee.

12

Citizenship ceremonies

What do you have to do?

At the ceremony you will be asked to affirm or swear an oath of allegiance to Her Majesty the Queen and to pledge your loyalty to the UK. Following this you will be presented with your certificate of naturalisation as a British citizen.

You must make immediate contact with the local authority, as you only have 90 days in which to attend the ceremony. The date by which you must attend your ceremony will be given in your Home Office citizenship ceremony invitation letter. If you do not attend the ceremony within 90 days without good reason, your application for citizenship will be refused and you will need to re-apply.

Making the Oath (or Affirmation) and Pledge at a citizenship ceremony is a legal requirement, and the point at which you will become a British citizen. You are, therefore expected to attend a ceremony. If you have special needs or concerns about saying the Oath (or Affirmation) and Pledge in English, you should bring these to the attention of the local authority once you have your invitation letter.

When you make contact with the local authority you will be asked a number of questions to establish your identity. Checks may be made with the Home Office to confirm your identity.

Ceremonies are arranged locally and reflect the particular community to which you now belong. You will meet a local dignitary or celebrity and be told something about the area and what can be expected of you as a British citizen.

Provision has been made by order under the Welsh Language Act 1993 for prospective British citizens making the citizenship Oath (or Affirmation) and pledge in Wales to do so in the Welsh language. The Citizenship Oath and Pledge (Welsh Language) Order 2007 contains the approved translations and came into force on 1 June 2007.

13

And finally

We hope that this guide has helped you to prepare and successfully register for British citizenship. If you have found it useful and our staff helpful, or if you had an enjoyable citizenship ceremony, or if you have found our service unsatisfactory or do not understand the outcome, why not tell us? You should email us in the first instance to:

nationalityenquiries@ind.homeoffice.gsi.gov.uk

If you remain unhappy with the service provided by Nationality Group, you may wish to complain by writing to:

UK Border Agency
Change and Reform Directorate
Briefing and Complaints Section
11 Floor, West Wing
Block C
Whitgift Centre
Wellesley Road
Croydon
CR91AT

