



# **BN12 - REGISTRATION OF SOMEONE WHO IS A BRITISH OVERSEAS TERRITORIES CITIZEN, A BRITISH OVERSEAS CITIZEN, A BRITISH SUBJECT, A BRITISH PROTECTED PERSON OR A BRITISH NATIONAL (OVERSEAS)**

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1. Section 4 of the British Nationality Act 1981 allows a person of any age to be registered as a British citizen *otherwise than by descent* if he or she:

- is a British overseas territories citizen, *or* a British Overseas citizen, *or* a British subject (under the British Nationality Act 1981), *or* a British protected person *or* a British National (Overseas) (see Notes 1 to 6); **and either**
- can meet certain, mainly, residence requirements (see paragraphs 2-3); **or**
- is, or has at any time been, in certain types of service in a British overseas territory (see paragraph 4)

In addition:

- British overseas territories citizens can, if the Home Secretary agrees, be registered as British citizens *otherwise than by descent* if they meet the requirements described in paragraph 5
- British Overseas citizens, British subjects (under the British Nationality Act 1981) and British protected persons may have a right to be registered as British citizens *by descent* if they meet the requirements described in paragraph 6

British citizens *otherwise than by descent* can pass on their citizenship to their children who are born outside the United Kingdom and the qualifying territories (see Note 7). British citizens *by descent* can **only** pass on their citizenship to children born outside the United Kingdom and the qualifying territories in very limited circumstances – these are explained in leaflet BN4, which is available on our website or by contacting the Nationality Quality and Enquiry Team or British Post abroad (see paragraph 7).

## **REGISTRATION UNDER SECTION 4 ON THE GROUNDS OF RESIDENCE IN THE UNITED KINGDOM**

2. A person applying on the grounds of residence in the United Kingdom:

- a. must be a British overseas territories citizen, *or* a British Overseas citizen, *or* a British subject (under the British Nationality Act 1981), *or* a British protected person *or* a British National (Overseas); **and**
- b. (if aged 10 or over on the date the application is made) must be of good character (see Note 8); **and**
- c. must have been *either*:
  - in the United Kingdom (see Note 9) at the beginning of the 5 year period that ended on the date the application is received (the “qualifying period”); *or*
  - settled (see Note 10) in the United Kingdom immediately before 1 January 1983; **and**
- d. should not have been outside the United Kingdom for more than 450 days in the 5 year qualifying period; **and**
- e. should not have been in breach of the immigration laws (see Note 11) at any time in the 5 year qualifying period); **and**
- f. should not have been outside the United Kingdom for more than 90 days in the last 12 months of the 5 year qualifying period; **and**
- g. should not, at any time in the last 12 months of the 5 year qualifying period, have been subject to any restriction under the immigration laws on the period for which he or she can stay in the United Kingdom

### **SPECIAL CIRCUMSTANCES**

3. Everyone who applies **must** be free from any time restriction under the immigration laws when the application is received. They **must** also meet the requirements described in paragraph 2(a), (b) and (c). 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 that there are special circumstances in your case, you should explain them when you apply.

### **REGISTRATION UNDER SECTION 4 ON THE GROUNDS OF CROWN OR SIMILAR SERVICE**

4. The Home Secretary can agree to register a person as a British citizen on the grounds of Crown or similar service if he or she:

- a. is a British overseas territories citizen, *or* a British Overseas citizen, *or* a British subject (under the British Nationality Act 1981), *or* a British protected person *or* a British National (Overseas); **and**
- b. (if aged 10 or over on the date the application is made) is of good character (see Note 8); **and**
- c. is, or has at any time been, in:
  - Crown service under the government of a British overseas territory; *or*
  - service (paid or unpaid) 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 (e.g. executive or legislative bodies, education boards, trade advisory boards, military bodies etc)

Applications on the grounds of relevant service in a British overseas territory will be granted only in exceptional cases. In particular, the person applying must show that he or she:

- is, or has been, the holder of a responsible post and has given outstanding service (i.e. he or she has played such an important part in the government of the territory that the service could be regarded as benefiting the United Kingdom); **and**
- has close connections with the United Kingdom (e.g. ancestors who were born in the United Kingdom, close relatives who are British citizens or living in the United Kingdom, education in 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. If you are not sure if you might qualify for registration because of service of this kind, you should write to the Governor of the territory concerned.

### **REGISTRATION UNDER SECTION 4A (BRITISH OVERSEAS TERRITORIES CITIZENS ONLY)**

5. A British overseas territories citizen may, if the Home Secretary agrees, be registered as a British citizen if he or she:

- a. is a British overseas territories citizen by connection with a qualifying territory (see Note 7); **and**
- b. has not previously renounced (given up) British citizenship; **and**

c. (if aged 10 or over on the date the application is made) is of good character (see Note 8)

You should explain any special circumstances that you feel the Home Secretary should take into account when considering your application.

### **REGISTRATION UNDER SECTION 4B (BRITISH OVERSEAS CITIZENS, BRITISH SUBJECTS AND BRITISH PROTECTED PERSONS ONLY)**

6. A person has a right to be registered as a British citizen if the Home Secretary is satisfied that the person:

- a. is a British Overseas citizen, *or* a British subject (under the British Nationality Act 1981) *or* a British protected person; **and**
- b. has no other citizenship or nationality (see Note 12); **and**
- c. has not renounced, voluntarily relinquished or lost (whether through action or inaction) any other citizenship or nationality (see Note 13) since 4 July 2002

NB. A person who is registered under section 4B of the British Nationality Act 1981 will become a British citizen *by descent* and will not normally be able to pass on that citizenship to any children he or she later has if they are born abroad.

### **ADDRESS FOR GENERAL ENQUIRIES, LEAFLETS AND APPLICATION FORMS**

7. If you meet the requirements in paragraphs 2 to 5, you should apply for registration on Form B(OTA). If you do not meet any of those requirements, but you meet the requirements in paragraph 6, you should apply for registration on Form B(OS). A guide on how to apply is supplied with each form.

If you are in England, Scotland, Wales or Northern Ireland, and have any questions about this leaflet or about being a British citizen, please contact:

Home Office Department 2  
Nationality Quality and Enquiry Team  
Border and Immigration Agency  
Po Box 306  
Liverpool L2 0QN

Telephone: 0845 010 5200

If you want to apply to register as a British citizen, you can get an application form and guide by telephoning 0117 344 1462.

If you have any questions about citizenship or you want to ask for an application form (and you are not in England, Scotland, Wales or Northern Ireland), please contact:

- the Lieutenant-Governor, if you are in the Channel Islands or the Isle of Man
- the British Embassy or Consulate, if you are in a foreign country or Ireland
- the British High Commission, if you are in a Commonwealth country
- the Governor, if you are in a British overseas territory

Please provide the following information:

- 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 (if applicable); and
- details of your periods of residence in the United Kingdom (if applicable)

Leaflets and application forms are also available on our website.

### CHILDREN UNDER 18

8. Children under 18 can apply for registration under section 4, 4A or 4B of the Act if they meet the requirements in paragraphs 2-6. If you want to apply for any children under 18 to be registered, a separate Form B(OTA) (section 4 or 4A) or Form B(OS) (section 4B) must be completed for each child.

Those children who are not eligible to be registered *may* still be registered if the Home Secretary agrees. In such cases, a separate Form MN1 should be completed for each child concerned.

### FEES

9. You have to pay a fee, and you **must** send it with the application. **NB. An application will not be valid if you do not enclose the correct fee.**

Details of the current fees are on our website, and you will be sent fees information with the application form if you ask for one.

### THE EFFECT REGISTRATION HAS ON OTHER CITIZENSHIPS OR NATIONALITIES

10. If you are a British overseas territories citizen, a British Overseas citizen, a British subject under section 31 of the British Nationality Act 1981 (see Note 4) or a British National (Overseas), you will not lose that status if you are registered as a British citizen. However, if you are a British overseas territories citizen, you may find that your immigration status could be affected in the British overseas territory concerned and you should contact the Governor of that territory if you have any questions about the possible effect on your immigration status.

If you are a British protected person or a British subject under section 30 of the 1981 Act (see Note 4), you will automatically lose that status if you are registered as a British citizen.

### NOTES

1. People who, immediately before 1 January 1983, were citizens of the United Kingdom and Colonies through their own, or a parent's, or a grandparent's birth, legal adoption, naturalisation or registration in a British overseas territory, automatically became a British Dependent Territories citizen (see Note 2) on 1 January 1983. From 1 January 1983, people might 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.

People who were British overseas territories citizens by connection with a qualifying territory (see Note 7) immediately before 21 May 2002 became British citizens automatically on that date and will not therefore need to make any application for registration under the Act (see Note 2). The requirements described in paragraph 5 therefore apply only to people who became British overseas territories citizens on or after 21 May 2002.

In the following cases, a person who held British Dependent Territories citizenship may have lost that citizenship later:

- Those who held that citizenship by connection with Hong Kong lost it on 1 July 1997 when sovereignty over the territory reverted to China (unless they also held it by connection with another British overseas territory). If they had no other nationality on that date, they automatically became British Overseas citizens
- Those who held that citizenship by connection with St Christopher and Nevis may have lost it on 19 September 1983 when the territory became an independent Commonwealth country

2. The British Overseas Territories Act 2002 made some changes to the British Nationality Act 1981. For example:

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 has been known as “British overseas territories citizenship”.

If you were a British overseas territories citizen by connection with a qualifying territory (see Note 7) immediately before 21 May 2002, you automatically became a British citizen on that date **so do not need to apply for British citizenship**. In certain cases, a person who is born in a qualifying territory on or after 21 May 2002 may already be a British citizen.

Further information about birth in a British overseas territory is contained in leaflet BN4, which is available on our website or from the Nationality Quality and Enquiry Team or British Post abroad (see paragraph 7).

3. A person who was a citizen of the United Kingdom and Colonies immediately before 1 January 1983 and did not become a British citizen or a British Dependent Territories citizen automatically became a British Overseas citizen on that date. Since 1 January 1983, a person can only become a British Overseas citizen in very limited circumstances. Further information about British Overseas citizenship, including how people can become British Overseas citizens, is in leaflet BN2, which is available on our website or by contacting the Nationality Quality and Enquiry Team or British Post abroad (see paragraph 7).

4. A person is a British subject under section 30 of the British Nationality Act 1981 if he or she was a British subject without citizenship immediately before 1 January 1983 or a woman who registered as a British subject under section 1 of the British Nationality Act 1965.

A person is a British subject under section 31 of the British Nationality Act 1981 if he or she has a connection with Ireland and has made an appropriate declaration under that section or, before 1983, under section 2 of the British Nationality Act 1948.

Further information about British subject status, including how people can become British subjects since 1 January 1983, is in leaflet BN3, which is available on our website or by contacting the Nationality Quality and Enquiry Team or British Post abroad (see paragraph 7).

5. A person who, immediately before 1 January 1983, was a British protected person will normally still be a British protected person under the British Nationality Act 1981 unless he or she has acquired another nationality.

6. People who were British Dependent Territories citizens by connection with Hong Kong could register as a British National (Overseas) before 1 July 1997 by applying to the Home Secretary or his overseas representative.

**7.** The British overseas territories are (currently):

Anguilla, Bermuda, British Antarctic Territory, British Indian Ocean Territory, Cayman Islands, Falkland Islands, 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.

The “qualifying territories” are the British overseas territories except for the Sovereign Base Areas of Akrotiri and Dhekelia.

**8.** Criminal record checks are carried out in all cases (unless the application is being made under section 4B of the 1981 Act or is for a child aged under 10). If a person has a conviction which is not yet “spent” under the Rehabilitation of Offenders Act 1974, an application is unlikely to be successful.

We will normally disregard a single conviction for a minor offence (e.g. speeding or other “regulatory” offences) which result in a bind over, conditional discharge or relatively small fine or compensation order, if a person is suitable for citizenship in all other respects. Offences involving dishonesty (e.g. theft), violence or sexual offences are not classed as minor offences. Drink-driving offences, driving while uninsured or disqualified are not minor offences either.

Further information about the “good character” requirement is contained in the relevant guide which accompanies the application form.

**9.** For the purposes of the British Nationality Act 1981, the United Kingdom means England, Scotland, Wales, Northern Ireland, the Channel Islands and the Isle of Man.

**10.** “Settled” means ordinarily resident in the United Kingdom without being restricted, under the immigration laws, as to how long you can stay here.

**11.** A person is “in breach of the immigration laws” if he or she is in the United Kingdom and does not, at that time, have:

- leave to enter or remain in the United Kingdom, **or**
- the right of abode in the United Kingdom, **or**
- a right to reside in the United Kingdom under EC law (and is not a family member of such a person), **or**
- the right to enter or remain in the United Kingdom under section 8(1) of the Immigration Act 1971 (i.e. as a member of the crew of a ship or aircraft), **or**
- exemption from immigration control under section 8(2)-8(4) of the Immigration Act 1971 (i.e. diplomats, armed forces personnel, and employees of certain international organisations)

**12.** For the purposes of British nationality law, Indian Overseas Citizenship is regarded as a “nationality”. A person who holds a passport or other document indicating that he or she has the citizenship of another country will not be regarded as being solely British unless the authorities of that country confirm that the document concerned was issued in error and that the person was not, at that time, a citizen of that country.

**13.** Some countries may treat the acquisition of another country’s passport (including one that describes the holder as, for example, a British Overseas citizen or British subject) as grounds for deprivation of its citizenship. For the purposes of registration under section 4B, we would regard the loss of another country’s citizenship in this way as “voluntary”.

**The law covering registration is in the British Nationality Act 1981 and the Regulations made under it, and in the British Overseas Territories Act 2002, the Nationality, Immigration and Asylum Act 2002 and the Immigration, Asylum and Nationality Act 2006. The information given here 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.**