



# BN2 - GENERAL INFORMATION ABOUT BRITISH OVERSEAS CITIZENSHIP

[www.ukba.homeoffice.gov.uk](http://www.ukba.homeoffice.gov.uk)

1. These pages explain how the British Nationality Act 1981, which came into force on 1 January 1983, applies to British Overseas citizens. These pages also explain how certain people who are connected with Hong Kong could become British Overseas citizens.

Any reference in these pages to the United Kingdom means England, Scotland, Wales, Northern Ireland, the Channel Islands and the Isle of Man.

### **PEOPLE WHO BECAME BRITISH OVERSEAS CITIZENS ON 1 JANUARY 1983**

2. You became a British Overseas citizen on 1 January 1983 if:

- you were a citizen of the United Kingdom and Colonies on 31 December 1982; **and**
- you did not become either a British citizen or a British Dependent Territories citizen (see Note A) on 1 January 1983

Generally speaking, you became a British citizen on 1 January 1983 if you were a citizen of the United Kingdom and Colonies by birth, descent, legal adoption, naturalisation or registration in the United Kingdom, or if you lived in the United Kingdom, whilst a citizen of the United Kingdom and Colonies, for at least five years at any time before 1 January 1983.

Generally speaking, you will have become a British Dependent Territories citizen (see Note A) on 1 January 1983 if you were a citizen of the United Kingdom and Colonies by birth, descent, legal adoption, naturalisation or registration in a place which was a British overseas territory (see Note A) on 1 January 1983.

### **CHILDREN BORN ON OR AFTER 1 JANUARY 1983 TO BRITISH OVERSEAS CITIZENS**

3. British Overseas citizens cannot normally pass on their citizenship to their children who were born on or after 1 January 1983. However, a child will be a British Overseas citizen when he or she is born if:

- one of the parents (see Note B) is, a British Overseas citizen; **and**
- the child is born on or after 1 January 1983 in the United Kingdom or a British overseas territory (see Note A); **and**
- the child would otherwise be stateless

### **REGISTRATION AS A BRITISH OVERSEAS CITIZEN**

4. A person who is stateless may be entitled to be registered as a British Overseas citizen. There are more details about how the Act reduces statelessness in leaflet BN5, which you can get on our website or from the Nationality Quality and Enquiry Team or British Post abroad (see paragraph 10).

5. The Home Secretary can register any child under 18 as a British Overseas citizen but will normally only agree to registration if:

- at least one of the parents (see Note B) is a British Overseas citizen, **and**
- the child is stateless (and cannot acquire another nationality), **and**
- there are compassionate circumstances (e.g. the child cannot benefit from state facilities, such as health care and education, because he or she does not have a passport), **and**
- the family is facing deportation from the country in which they live and there is no other country apart from the United Kingdom to which they could travel if deported, **and**
- the child is of good character (if the child is aged 10 or over)

Further information about registration as a British Overseas citizen and the relevant application forms are available on our website or from the Nationality Quality and Enquiry Team or British Post abroad (see paragraph 10).

### **EFFECTS OF THE HONG KONG (BRITISH NATIONALITY) ORDER 1986**

6. A person who was a British Dependent Territories citizen (see Note A) by connection only with Hong Kong lost that citizenship automatically on 30 June 1997. However, the Hong Kong (British Nationality) Order 1986 said that:

(a) a person who had no other nationality (and would have become stateless) would become a British Overseas citizen on 1 July 1997

(b) a person who was born on or after 1 July 1997, and who would otherwise be born stateless, would be a British Overseas citizen if, when the person was born, either parent was a British National (Overseas) or a British Overseas citizen (as described in 6(a))

7. The 1986 Order also said that children who were born stateless on or after 1 July 1997 are entitled to be registered as British Overseas citizens within 12 months of the birth if:

- when they were born, one of their parents (see Note B) was a British Overseas citizen (as described in 6(b) above); **and**
- the mother or father (see Note B) of the parent concerned was a British Dependent Territories citizen (see Note A) who, on 30 June 1997, had that citizenship by connection (other than by descent) with Hong Kong (or would have done if they had not died)

### **RENUNCIATION OF BRITISH OVERSEAS CITIZENSHIP**

8. If you are a British Overseas citizen you may renounce (give up) your British Overseas citizenship as long as:

- you already have, or are about to get, some other citizenship or nationality, **and**
- you are either aged 18 or over or have been married, **and**
- you are not of unsound mind

Further information about renunciation of British Overseas citizenship and the relevant form RN1 is available on our website or from the Nationality Quality and Enquiry Team or British Post abroad (see paragraph 10).

### **REGISTRATION AS A BRITISH CITIZEN**

9. If you are a British Overseas citizen, you *may* be entitled to be registered as a British citizen if:

- you have lived in the United Kingdom for 5 years (NB. If you are registered under this provision, you will be a British citizen *otherwise than by descent*, which means that you will be able to pass on your citizenship to your children if they are born abroad);

OR

- the Home Secretary is satisfied (a) that you do not have another nationality or citizenship (see Note C) and (b) that if you ever had another nationality or citizenship, you have not renounced or voluntarily lost it (see Note D) since 4 July 2002 (NB. If you are registered under this provision, you will be a British citizen *by descent*, which means that you will not be able to pass on your citizenship to your children if they are born abroad)

If you are a British Overseas citizen, you may also be able to register as a British citizen at the Home Secretary's discretion if you are, or have ever been, either (a) in Crown service under the government of a British overseas territory or (b) in service as a member of a body established by law in a British overseas territory.

Further information about registration as a British citizen is contained in leaflet BN12. Leaflet BN12, and the relevant application forms for registration as a British citizen, are available on our website or from the Nationality Quality and Enquiry Team or British Post abroad (see paragraph 10).

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

10. If you are in England, Scotland, Wales or Northern Ireland, and you have any questions about this leaflet or about being a British Overseas 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 make an application for registration as a British citizen or British Overseas citizen, you can get an application form and guide on our website or 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.

### **PASSPORTS**

11. If you have any questions about British passports, you can obtain further advice and information on the Identity and Passport Service website at [www.passport.gov.uk](http://www.passport.gov.uk) or by contacting the 24-hour Passport Adviceline on 0870 521 0410. If you are not in England, Wales, Scotland or Northern Ireland, you can also contact your nearest British Post abroad (see paragraph 10).

## NOTES

A. The British overseas territories<sup>1</sup> on 1 January 1983 were:

Anguilla, Bermuda, British Antarctic Territory, British Indian Ocean Territory, Cayman Islands, Falkland Islands and Dependencies<sup>2</sup>, Gibraltar, Hong Kong<sup>3</sup>, Montserrat, Pitcairn, Henderson, Ducie and Oeno Islands, St. Christopher and Nevis<sup>4</sup>, St. Helena and Dependencies, the Sovereign Base Areas of Akrotiri and Dhekelia in Cyprus, Turks and Caicos Islands and Virgin Islands.

B. Meaning of “parent”

### Children born before 1 July 2006

“Parent” means:

- 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)

If the parents were not married when the child was born, but then get married, the marriage might legitimate the child's birth. Children of a void marriage may also, in some circumstances, be treated as legitimate.

### Children born on or after 1 July 2006

“Parent” means:

- the mother (i.e. the woman who gives birth to the child) or
- 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)

C. For the purposes of British nationality law, Indian Overseas Citizenship is regarded as a “nationality”.

D. Some countries may treat the acquisition of another country's passport (including one that describes the holder as a British Overseas citizen) as grounds for deprivation of its citizenship. For the purposes of registration, we would regard the loss of another country's citizenship in this way as “voluntary”.

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<sup>1</sup> Before 26 February 2002, the British overseas territories were known as the "British dependent territories" and, since then, British Dependent Territories citizens(hip) has been known as "British overseas territories citizens(hip)".

<sup>2</sup> South Georgia and the South Sandwich Islands were the "Dependencies" of the Falkland Islands, but were not dependent territories during the period 3 October 1985 - 3 December 2001.

<sup>3</sup> Hong Kong ceased to be a British dependent territory on 30 June 1997 (i.e. when sovereignty over the territory reverted to China).

<sup>4</sup> St Christopher and Nevis ceased to be a British dependent territory on 18 September 1983 (when it became an independent Commonwealth country).

**The law covering British Overseas citizenship is in the British Nationality Act 1981, the Regulations made under it, and in the Hong Kong (British Nationality) Order 1986 and the Immigration, Asylum and Nationality Act 2006. The information given here is only a brief guide to the law and the Home Secretary's policy. It is not a complete statement of either the law or policy.**