



BN4 - BRITISH CITIZENSHIP - CHILDREN BORN OUTSIDE THE UNITED KINGDOM SINCE 1 JANUARY 1983

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GENERAL

1. The purpose of this leaflet is to explain how parents who are British citizens can pass their citizenship on to their children born outside the United Kingdom on or after **1 January 1983**.

In this leaflet:

- (a) The “United Kingdom” means England, Scotland, Wales, Northern Ireland, the Channel Islands and the Isle of Man
- (b) Reference to “qualifying territories” mean the British overseas territories (see Note A) other than the Sovereign Base Areas of Akrotiri and Dhekelia
- (c) Unless otherwise indicated, any reference to “parent” means:

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.

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)

2. Before 1983, only men were able to pass on their citizenship to their children who were born outside the United Kingdom – and only if the children were legitimate (see Note B). Since 1 January 1983, women have also been able to pass on British citizenship to their legitimate **and** illegitimate children who were born outside the United Kingdom. On 1 July 2006, the right to pass on citizenship to illegitimate children was extended to men, provided they could be regarded as the child’s “father” (see paragraph 1(c) above).

3. Another important change was made on 21 May 2002 and affects children who are connected with the British overseas territories (see Note A). On that date, people who were British overseas territories citizens (formerly known as British Dependent Territories citizens) became British citizens automatically as long as they had that citizenship by connection with a qualifying territory (see paragraph 1(b) above). There are other circumstances in which children connected with a qualifying territory are British citizens from birth or can be registered as British citizens, and these are explained in paragraphs 6-14 below.

BRITISH CITIZENS OTHERWISE THAN BY DESCENT AND BRITISH CITIZENS BY DESCENT

4. Every British citizen is either a British citizen *otherwise than by descent* or a British citizen *by descent*.

This difference is important because the type of citizenship people have decides the way in which they can pass British citizenship on to their children who were born outside the United Kingdom.

Generally speaking a British citizen *otherwise than by descent* is a British citizen who was born, adopted, naturalised or, in most cases, registered in the United Kingdom or a qualifying territory.

A British citizen by descent could have become such a citizen in a number of ways – for example:

- by birth outside the United Kingdom to a parent who was a British citizen, but was not in the kind of service described in paragraph 11
- by registration (as described in paragraph 13A)
- by registration at the Home Secretary’s discretion (see paragraph 15) if one of the parents was a British citizen when the child was born

Note C explains which people became British citizens on 1 January 1983.

CHILDREN WHO ARE BORN IN A BRITISH OVERSEAS TERRITORY

General

5. A child who is born in a British overseas territory (see Note A) will be a British overseas territories citizen otherwise than by descent if, when the child was born, a parent was:

- a British overseas territories citizen; or
- settled in a British overseas territory (see Note D)

The British Nationality Act 1981 contains special arrangements for children born stateless in a British overseas territory to become British nationals at birth. Further information is in leaflet BN5, which is available on our website or from the Nationality Quality and Enquiry Team or British Post abroad (see paragraph 19 below).

Children born before 21 May 2002

6. A child who is born in a British overseas territory (see Note A) before 21 May 2002 and who is a British overseas territories citizen will **also** have become a British citizen *otherwise than by descent* on that date unless the child was:

- a British overseas territories citizen only by connection with the Sovereign Base Areas of Akrotiri and Dhekelia (in Cyprus); **or**
- already a British citizen *by descent*

Children born on or after 21 May 2002

7. A child who is born in a qualifying territory on or after 21 May 2002 will be a British citizen *otherwise than by descent* if, when the child is born, one of the parents is:

- a British citizen (it does not matter whether the parent is a British citizen *by descent* or *otherwise than by descent*); **or**
- settled *either* in the United Kingdom *or* in that territory (see Note D)

8. A child born in a British overseas territory who is not a British overseas territories citizen (as described in paragraph 5) may have a right to be registered as a British overseas territories citizen if:

- one of the parents becomes a British overseas territories citizen or settled in a British overseas territory (see Note D); **or**
- the child lives in that territory for the first 10 years of his or her life and was not absent from that territory for more than 90 days in any one of those years (see leaflet BN9); **or**
- on the basis of residence in a British overseas territory (if he or she is aged under 22 and has always been stateless – see leaflet BN5)

A child who is registered as a British overseas territories citizen by connection with a qualifying territory may then be able to register as a British citizen. Further information about registration is in leaflet BN12, which is available on our website or from the Nationality Quality and Enquiry Team or British Post abroad (see paragraph 19 below).

CHILDREN WHO ARE BORN OUTSIDE THE UNITED KINGDOM TO BRITISH CITIZENS OTHERWISE THAN BY DESCENT

9. If you are a British citizen *otherwise than by descent* and you have a child who is born:

- outside the United Kingdom before 21 May 2002, **or**
- outside the United Kingdom and the qualifying territories on or after 21 May 2002

your child will be a British citizen *by descent*.

However, in certain cases, a child who is born to a British citizen *otherwise than by descent* may also be a British citizen *otherwise than by descent* (see paragraph 11 below).

The British Nationality Act 1981 contains special arrangements for children born stateless in a British overseas territory to be registered as a British national. Further information is in leaflet BN5, which is available on our website or from the Nationality Quality and Enquiry Team or British Post abroad (see paragraph 19 below).

CHILDREN WHO ARE BORN OUTSIDE THE UNITED KINGDOM TO BRITISH CITIZENS BY DESCENT

10. If neither parent is a British citizen *otherwise than by descent*, but one of the parents is a British citizen *by descent* a child who is born:

- outside the United Kingdom before 21 May 2002, **or**
- outside the United Kingdom and the qualifying territories on or after 21 May 2002

will not be a British citizen when he or she is born (unless the British citizen parent concerned is in one of the 3 types of service listed in paragraph 11). However, the child may be entitled to be registered as a British citizen (see paragraphs 13-14).

CHILDREN WHO ARE BORN TO PARENTS IN CROWN AND SIMILAR TYPES OF SERVICE

11. Different rules apply to children born to a parent who is a British citizen in Crown service (see Note E), or in specially designated service (see Note F), or in European Community institution service (see Note G).

A child will be a British citizen otherwise than by descent at birth if, when the child is born, one of the parents:

- is a British citizen; **and**
- is working outside the United Kingdom (or outside the United Kingdom and the qualifying territories if the child is born on or after 21 May 2002) in one of the types of service mentioned above; **and**
 - (in the case of Crown or specially designated service) was recruited to that service in the United Kingdom or, if the child was born on or after 21 May 2002, a qualifying territory; **or**
 - (in the case of service with a European Community institution) was recruited in a country which was, at the time of recruitment, a member of the European Union

Further information about these provisions is in leaflet BN6, which is available on our website or from the Nationality Quality and Enquiry Team or British Post abroad (see paragraph 19).

ADOPTED CHILDREN

12. A child who is not already a British citizen but is adopted by a British citizen will automatically become a British citizen from the date a court makes an adoption order as long as the child is still under the age of 18 and the adoption:

- is made by a court in the United Kingdom, **or**
- is made by a court in the Falkland Islands between 1 January 1983 and 20 May 2002 (inclusive), **or**
- is made, on or after 21 May 2002, by a court in a qualifying territory, **or**
- is:
 - a “Convention” adoption (see Note H), and
 - is made by a court outside the United Kingdom on or after 1 June 2003, and
 - the adoptive parent is habitually resident in the United Kingdom at the time of the adoption (NB. In the case of a joint adoption, **both** of the adoptive parents must be habitually resident in the United Kingdom)

A child who is adopted in other circumstances will not automatically become a British citizen. However, the Home Secretary may agree to register the child as a British citizen (see paragraph 15 below).

REGISTERING YOUR CHILD AS A BRITISH CITIZEN

13. A child who meets the requirements in A or B below will be entitled to be registered as a British citizen.

A. Registration on the grounds of a parent's residence

Children born before 21 May 2002

- The child was born outside the United Kingdom on or after 1 January 1983; **and**
- one of the parents was a British citizen *by descent* when the child was born; **and**
- the British citizen parent concerned was born to a person who, at the time of the parent's birth, was a British citizen *otherwise than by descent* (or would have become a British citizen *otherwise than by descent* on 1 January 1983 if he or she had been alive); and either
 - the parent concerned lived in the United Kingdom for a continuous period of at least 3 years at any time before the child was born (and was not absent from the United Kingdom for more than 270 days in that 3 year period); or
 - the child was born stateless; and
- an application is made before the child's 1st birthday (but see paragraph 14)

Children born on or after 21 May 2002

- The child was born outside the United Kingdom and the qualifying territories; and
- one of the parents was a British citizen *by descent* when the child was born; and
- the British citizen parent concerned was born to a person who, at the time of the parent's birth, was a British citizen *otherwise than by descent* (or would have become a British citizen *otherwise than by descent* on 1 January 1983 if he or she had been alive); and either
 - the parent concerned lived in the United Kingdom and/or qualifying territories for a continuous period of at least 3 years at any time before the child was born (and was not absent from the United Kingdom and the qualifying territories for more than 270 days in that 3 year period); or
 - the child was born stateless; and
- an application is made before the child's 1st birthday (but see paragraph 14)

NB. Before you decide whether you want to apply on this basis, you should read paragraph 14 below.

B. Registration on the grounds of the family's residence

Children born before 21 May 2002

- The child was born outside the United Kingdom on or after 1 January 1983; **and**
- one of the parents was a British citizen *by descent* when the child was born; **and**
- the child and both parents have lived in the United Kingdom for at least 3 years, and none of them have been absent from the United Kingdom for more than 270 days in that 3 year period (see Note J); **and**
- the child is of good character (if aged 10 or over); **and**
- both parents (or the surviving parent, if one parent has died) agree to the child being registered; **and**
- an application is made before the child's 18th birthday

Children born on or after 21 May 2002

- The child was born outside the United Kingdom and the qualifying territories; **and**
- one of the parents was a British citizen *by descent* when the child was born; **and**
- the child and both parents have lived in the United Kingdom or a qualifying territory for at least 3 years, and none of them have been absent from the United Kingdom and the qualifying territories for more than 270 days in that 3 year period (see Note J); **and**
- the child is of good character (if aged 10 or over); **and**
- both parents (or the surviving parent, if one parent has died) agree to the child being registered; **and**
- an application is made before the child's 18th birthday

CHOOSING BETWEEN THE REGISTRATION OPTIONS DESCRIBED IN PARAGRAPH 13A AND 13B

14. A child who is registered under the arrangements described in paragraph 13A will be a British citizen by descent and will only be able to pass on British citizenship to children who are born outside the United Kingdom and the qualifying territories in the circumstances described in paragraph 11.

A child who is registered under the arrangements described in paragraph 13B will be a British citizen *otherwise than by descent* and will be able to pass on citizenship automatically to his or her children wherever they are born.

So, if your child meets the requirements in paragraph 13A, but you and your family are intending to live in the United Kingdom or a qualifying territory soon, you may want to delay applying for your child's registration until the child can meet the requirements in paragraph 13B. However, you should note that:

- an application for registration under paragraph 13A which is made after the child's 1st birthday can only be accepted if:
 - the child is still under 6 years old, **and**
 - there were special reasons for not applying "in time"
- if your child is registered as a British citizen by descent under paragraph 13A, he or she cannot later be registered as a British citizen *otherwise than by descent*

REGISTRATION AT THE HOME SECRETARY'S DISCRETION

15. If the child is not entitled to registration in the circumstances described in paragraph 13 and is not stateless, you can still apply for the child to be registered as a British citizen at the discretion of the Home Secretary. It is not possible to set out all the circumstances in which the Home Secretary might be prepared to approve registration. However, he will normally consider:

- the child's connections with the United Kingdom
- where the child's future is likely to lie
- the parents' nationality
- the child's and the parents' immigration position
- whether the parents agree to the child being registered
- (if the child is aged 10 or over) the child's character
- (in the case of an older child, particularly one who is approaching the age of 18) the length of time the child has lived in the United Kingdom

HOW TO APPLY FOR REGISTRATION

16. If you want to apply for your child to be registered as a British citizen under paragraph 13 or 15, you should use an application form MN1, which is available on our website, or by telephoning 0117 344 1462, or by contacting the appropriate British Post abroad (see paragraph 19). You will have to pay a fee for registering your child.

Further information about how to fill in the application form and how to make the application, as well as details of the fee you have to pay, and how to pay it, are supplied with the application form.

If the application is approved and your child is still under 18, we will send you a certificate confirming that your child has been registered as a British citizen. If the application is approved but your child is already 18, your child will be invited to attend a citizenship ceremony where he or she will be given the certificate after swearing the citizenship pledge and oath of allegiance.

BRITISH PASSPORTS

17. Unless your child is a British citizen as described in paragraphs 6-12, the child will not be a British citizen, and will not be allowed to have a British citizen passport until he or she is registered under the arrangements described in paragraphs 13-15.

If your child needs to travel, you should apply to the authorities of the country of which your child is a national (or, if you are not sure, the country in which the child was born) for a travel document for your child.

If your child is stateless (i.e. has no other nationality or citizenship), he or she may be able to apply for a Home Office Travel Document. Further information about this is available on our website or by writing to:

Home Office
Travel Document Section
Block C, Whitgift Centre
Croydon
Surrey CR9 1AT

A child who does not have a British passport and wants to travel with his or her parents to the United Kingdom, or to join them there, will need entry clearance. You should apply for entry clearance to the appropriate address in paragraph 19. These procedures may take some time, and you should apply well before the date you want to travel.

18. 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 or by contacting the 24-hour Passport Adviceline on 0870 521 0410. If you are not in England, Scotland, Wales or Northern Ireland, you can also contact your nearest British Post abroad (see paragraph 19).

ADDRESS FOR ENQUIRIES, LEAFLETS, AND APPLICATION FORMS

19. If you are in England, Scotland, Wales or Northern Ireland, and have any questions about this leaflet, being a British citizen, or registering as 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 make an application for registration as a British 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 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

NOTES

A. The British overseas territories are:

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, and Virgin Islands.

B. Children who were born before 1 July 2006, and whose parents were not married at the time of the birth, may be legitimated if their parents later marry each other. Children of a void marriage may also, in some cases, be treated as legitimate.

C. Generally speaking, a person became a British citizen on 1 January 1983 if, on 31 December 1982, he or she was:

- a citizen of the United Kingdom and Colonies through his or her own (or a parent's or a grandparent's) birth, legal adoption, naturalisation or registration in the United Kingdom; or
- a citizen of the United Kingdom and Colonies who had lived in the United Kingdom for 5 years at any time before 1 January 1983, and was not subject to restrictions under the immigration laws at the end of that 5 year period; or
- a citizen of the United Kingdom and Colonies by connection with the Falkland Islands and Dependencies (i.e. South Georgia and the South Sandwich Islands)

D. People are normally regarded as settled in the United Kingdom or a British overseas territory if they are ordinarily resident there without being restricted, under the immigration laws, as to how long they can stay there.

E. Unless otherwise indicated, references in this leaflet to “Crown service” mean Crown service under the United Kingdom Government, the Northern Ireland Government, the Scottish Administration, the Welsh Assembly Government (from 6 November 2009) and, since 21 May 2002, the government of a qualifying territory.

F. The Home Secretary has given the following descriptions of service as being designated service:

- (1) Service as:
 - an official administering the government of a British overseas territory, the Channel Islands or the Isle of Man
 - an official in the government of a British overseas territory, the Channel Islands or the Isle of Man
 - a judge or a magistrate in a British overseas territory, the Channel Islands or the Isle of Man (from 1 January 1983)
- (2) Crown service (see Note E), except under the government of a qualifying territory, where the person is temporarily on secondment overseas (from 1 January 1983).
- (3) Crown service (see Note E) under the government of a qualifying territory, where the person is temporarily on secondment overseas (from 16 June 2006)
- (4) Overseas service by certain civilians who are subject to the provisions of the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957 (from 1 January 1983).
- (5) Service under the North Atlantic Treaty Organisation (NATO) (from 1 January 1983).
- (6) Service under the Commonwealth War Graves Commission (from 1 January 1983).
- (7) Service under the British Council, as long as the employee is paid wholly from British Council funds (from 1 January 1983).
- (8) Service under the British Tourist Authority (from 1 January 1983).
- (9) Service under the Medical Research Council (from 21 December 1984).
- (10) Service under the Science and Engineering Research Council (from 21 December 1984) or under the Engineering and Physical Sciences Research Council, the Biotechnology and Biological Sciences Research Council, or the Particle Physics and Astronomy Research Council (from 1 April 1984).
- (11) Service under the Natural Environment Research Council (from 21 December 1984).
- (12) Service under the Agricultural and Food Research Council (from 30 April 1987) or under the Biotechnology and Biological Sciences Research Council (from 1 April 1994).
- (13) Service on secondment from any of the Research Councils listed at 9 to 12 above (from 30 April 1987).
- (14) Service under the European Patent Office (from 16 February 1990).
- (15) Service under the Customs Co-operation Council (from 1 April 1994).
- (16) Service under the European Conference of Ministers of Transport (from 1 April 1995).

- (17) Service under the International Energy Agency (from 1 April 1995).
- (18) Service under the Organisation for Economic Cooperation and Development (from 1 April 1995).
- (19) Service under, or on secondment from, the Council for the Central Laboratory of the Research Councils (from 1 April 1995).
- (20) Service under an international organisation (not mentioned above) of which the United Kingdom is a member (from 16 June 2006)
- (21) Service under the Welsh Assembly Government (from 14 February 2008 to 5 November 2009)

People subject to the Army and Air Force Acts 1955 and the Naval Discipline Act 1957 include those working for the following organisations:

- Australia, New Zealand and Malaya Defence Organisation
- Baghdad Pact Council
- British Red Cross Society
- British Sailors' Society
- Central Treaty Organisation
- Council of Voluntary Welfare Work, which includes:
 - Catholic Women's League
 - Church Army
 - Church of England Soldiers', Sailors' and Airmen's Clubs
 - Church of Scotland Committee on Hut and Canteen Work for HM Forces
 - Methodist Church Forces' Centres
 - Mission to Mediterranean Garrisons
 - Royal Sailors' Rests
 - Salvation Army
 - Sandes' Soldiers' and Airmen's Homes
 - Toc H
 - YMCA
 - YWCA
- Malcolm Clubs
- Missions to Seamen
- Navy, Army and Air Force Institutes (NAAFI)
- Royal Naval Film Corporation
- Royal Naval Lay Readers' Society
- Services Sound and Vision Corporation (including British Forces Broadcasting Service)
- Soldiers' and Airmen's Scripture Readers' Association
- Soldiers', Sailors' and Airmen's Families Association (SSAFA)
- South-East Asia Collective Defence Treaty Organisation (SEATO)
- Venerable Order of the Hospital of St. John of Jerusalem
- Women's Royal Voluntary Service (WRVS)

They also include people working for the following organisations (but only from 1 January 1983 until 30 September 1988):

- Combined Services Entertainments
- Forces Help Society and Lord Roberts Workshops
- Services Central Book Depot
- St. Andrews' Ambulance Association

G. The following categories of people are regarded as being in service under a European Community institution for the purpose of the British Nationality Act 1981:

Members, officials and other servants working for:

- the European Commission
- the Council of Ministers
- the European Parliament
- the European Court of Justice (e.g. Judges, Advocates General, the Registrar and Assistant Rapporteurs)
- the Court of Auditors
- the Economic and Social Committee
- the Committee of the Regions

H. A “Convention” adoption is an adoption which:

- is effected under the law of any country, outside Great Britain, Northern Ireland, the Channel Islands and the Isle of Man, in which the Hague Convention on Intercountry Adoption 1993 is in force; and
- is certified in accordance with the Convention

J. If the parents are legally separated or divorced, or one parent died before the application is made, only one parent needs to meet the residence requirements.

If the child was born illegitimate, references to “parent” in paragraph 13B mean:

- the mother only (if the child was born before 1 July 2006)
- the mother or the father (if the child was born on or after 1 July 2006) see the definitions in paragraph 1

The law covering British citizenship is in the British Nationality Act 1981 and the Regulations made under it, and in the British Overseas Territories 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 the policy.

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