



BN5 – INFORMATION ABOUT PROVISIONS FOR REDUCING STATELESSNESS

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GENERAL

1. This leaflet explains the special provisions which allow certain people to become British citizens, British overseas territories citizens, British Overseas citizens or British subjects if they would otherwise be stateless (i.e. if they do not have any other nationality or citizenship).

Leaflet BN1 contains further information about people born in the United Kingdom and leaflet BN4 gives further information about people born outside the United Kingdom – these leaflets are available on our website or from the Nationality Quality and Enquiry Team or British Post abroad (see paragraph 12 below).

2. Paragraphs 3 and 4 explain how a person born stateless in the United Kingdom or a British overseas territory **on or after** 1 January 1983 may become a British national.

Paragraphs 5 and 6 explain how a person born stateless outside the United Kingdom and the British overseas territories **on or after** 1 January 1983 may have a right to register as a British national.

Paragraph 7 explains how stateless people born **before** 1 January 1983 may have a right to registration as a British national.

Paragraph 8 explains the arrangements made by the British Nationality (Hong Kong) Order 1986 for people connected with Hong Kong.

Stateless people may also become British citizens or British overseas territories citizens by applying for naturalisation if they are adults, or by applying for registration if they are under 18 (see paragraphs 9 – 11).

NB.

- References in this leaflet to the “United Kingdom” mean England, Scotland, Wales, Northern Ireland, the Channel Islands and the Isle of Man.
- References to a “British overseas territory” mean one of the places listed in Note A.
- References to a “qualifying territory” mean one of the places listed in Note A except for the Sovereign Base Areas of Akrotiri and Dhekelia (in Cyprus).
- The terms “parent”, “father” and “mother” are explained in Note B.

PEOPLE BORN STATELESS IN THE UNITED KINGDOM OR A BRITISH OVERSEAS TERRITORY ON OR AFTER 1 JANUARY 1983

Acquiring British nationality at birth

3. A person born in the United Kingdom on or after 1 January 1983 to a parent who was a British overseas territories citizen*, a British Overseas citizen or a British subject† at the time of the birth automatically receives the parent’s citizenship or status if he or she would otherwise be stateless.

A person born in a British overseas territory on or after 1 January 1983 to a parent who was a British citizen*, a British Overseas citizen or a British subject† at the time of the birth automatically receives the parent’s citizenship or status if he or she would otherwise be stateless.

* A person who becomes a British citizen or a British overseas territories citizen in this way will be such a citizen by descent (see Note C). However, a person who is born in a qualifying territory on or after 21 May 2002 will be a British citizen *otherwise than by descent* (see Note C) if a parent is a British citizen or was settled (see Note D) in that territory at the time of the birth.

† A person cannot become a British subject if he or she gets one of the other types of citizenship mentioned.

Acquiring British nationality by registration

4. A person who is born stateless in the United Kingdom or a British overseas territory on or after 1 January 1983, and who does not become a British national (as described in paragraph 3) *may* have a right to registration if any of the following apply:

a. A child (under 18) who is born **in the United Kingdom** has a right to be registered as a British citizen if:

- either parent becomes a British citizen or becomes settled (see Note D) in the United Kingdom; **and**
- the child is of good character (if aged 10 or over); **and**
- an application for registration is made before the child is 18

b. A person (of any age) who is born **in the United Kingdom** has a right to be registered as a British citizen if he or she:

- lived in the United Kingdom until at least the age of 10; **and**
- was not absent from the United Kingdom for more than 90 days* in any one of those 10 years; **and**
- is of good character

c. A child (under 18) who is born **in a British overseas territory** has a right to be registered as a British overseas territories citizen if:

- either parent becomes a British overseas territories citizen or becomes settled (see Note D) in a British overseas territory; **and**
- the child is of good character (if aged 10 or over); **and**
- an application for registration is made before the child is 18

d. A person (of any age) who is born **in a British overseas territory** has a right to be registered as a British overseas territories citizen if he or she:

- lived in that territory until at least the age of 10; **and**
- was not absent from that territory for more than 90 days* in any one of those 10 years; **and**
- is of good character

e. A person who is born **in the United Kingdom** or **in a British overseas territory** has a right to be registered as a British citizen or a British overseas territories citizen** as long as he or she:

- is and always has been stateless; **and**
- is under 22 when the application is made; **and**
- was in the United Kingdom or a British overseas territory at the beginning of the period of 5 years immediately before the date of application; **and**
- was not absent from the United Kingdom and the British overseas territories for more than 450 days in that 5 year period

* Longer periods of absence may be accepted if there are special reasons

** The citizenship a person gets will depend on where he or she has lived for the majority of the 5 year period – i.e. a person who has spent most of that period in the United Kingdom will become a British citizen; a person who has spent most of that period in the British overseas territories will become a British overseas territories citizen

PEOPLE BORN STATELESS OUTSIDE THE UNITED KINGDOM AND THE BRITISH OVERSEAS TERRITORIES ON OR AFTER 1 JANUARY 1983

5. A person who is born stateless outside the United Kingdom and the British overseas territories on or after 1 January 1983 to a parent who was a British citizen, a British overseas territories citizen, a British Overseas citizen or a British subject at the time of the birth may have a right to be registered as a British national if he or she:

- was in the United Kingdom or a British overseas territory at the beginning of the period of 3 years that ended when he or she applied; **and**
- was not absent from the United Kingdom or the British overseas territories for more than 270 days* during that 3 year period; **and**
- has been stateless from birth until the time of making the application

* Longer periods of absence may be accepted if there are special reasons

If the parents had, between them, more than one of the citizenships given above, a person can get the citizenship of *either* or *both* parents, but must say which citizenship or citizenships he or she wants. However, a person **cannot** be registered as a British subject if he or she is being registered as a British citizen, or a British overseas territories citizen, or a British Overseas citizen.

6. In certain circumstances, a child born stateless outside the United Kingdom and the British overseas territories *may* have a right to be registered as a British citizen or a British overseas territories citizen, even though he or she has not lived in the United Kingdom and the British overseas territories.

A child has a right to be registered as a British citizen if:

- one of the parents was a British citizen *by descent* (see Note C) when the child was born; **and**
- that parent was born to a person who 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) (see Note C); **and either**
 - the child was born outside the United Kingdom on or after 1 January 1983 and before 21 May 2002; **or**
 - the child was born outside the United Kingdom and the qualifying territories on or after 21 May 2002

A child has a right to be registered as a British overseas territories citizen if:

- the child was born outside the British overseas territories on or after 1 January 1983; **and**
- one of the parents was a British overseas territories citizen *by descent* (see Note C) when the child was born; **and**
- that parent was born to a person who was a British overseas territories citizen *otherwise than by descent* (or would have become a British overseas territories citizen *otherwise than by descent* on 1 January 1983 if he or she had been alive) (see Note C)

In either case, an application should normally be made within 12 months of the child's birth, but an application may be accepted within 6 years of the child's birth if there are special reasons.

PEOPLE BORN STATELESS BEFORE 1 JANUARY 1983

7. A person who was born stateless before 1 January 1983 has a right to registration at any time as a British citizen, a British overseas territories citizen or a British Overseas citizen if:

- the person has remained stateless since he or she was born; **and**
 - the person's mother was a citizen of the United Kingdom and Colonies at the time of the birth*; **or**
 - the person was born in a place which is within the United Kingdom and British overseas territories on the date of the application**; **or**
 - the person's mother or father had an appropriate connection (see Note E) with the United Kingdom and British overseas territories**. In some cases, the person must have lived in the United Kingdom or the British overseas territories (or both) before applying.

* The person will receive the citizenship or citizenships his or her **mother** had (or would have had if she was still alive) on 1 January 1983 (see Note F).

** The person will receive whichever citizenship or citizenships his or her parent had (or would have had if they were still alive) on 1 January 1983 (see Note F).

NB. In some cases, a person who was born stateless before 1983 and whose mother was a citizen of the United Kingdom and Colonies at the time of the birth may have a right to register as a British citizen even if he or she has not remained stateless or the mother did not become a British citizen on 1 January 1983. Further information about the requirements for registration in this case is contained in leaflet BN13, which is available on our website or from the Nationality Quality and Enquiry Team or British Post abroad (see paragraph 12 below).

FORMER BRITISH DEPENDENT TERRITORIES CITIZENS WHO WERE CONNECTED WITH HONG KONG

8. A person who was a British Dependent Territories citizen because he or she was connected with Hong Kong when it was under British rule lost that citizenship automatically on 30 June 1997.

However, under the Hong Kong (British Nationality) Order 1986:

- a person became a British Overseas citizen on 1 July 1997 if he or she had no other nationality and would, as a result, have been stateless
- a person born on or after 1 July 1997 is a British Overseas citizen if he or she would otherwise be born stateless and either of the parents was a British National (Overseas) or a British Overseas citizen under the Order at the time of the person's birth.

OTHER WAYS OF BECOMING A BRITISH CITIZEN OR A BRITISH OVERSEAS TERRITORIES CITIZEN

9. A person who is over 18 may also apply to be naturalised as a British citizen or a British overseas territories citizen. The Home Secretary or the Governor of the British overseas territory can decide whether to allow naturalisation. A person who applies for naturalisation as a British citizen must normally have lived in the United Kingdom for 5 years (of 3 years, if he or she is married to, or the civil partner of, a British citizen). A full explanation of the requirements for naturalisation as a British citizen is given in leaflet BN7, which you can get on our website or from the Nationality Quality and Enquiry Team or British Post abroad (see paragraph 12 below).

You can get information about naturalisation as a British overseas territories citizen from the Governor of a British overseas territory.

10. The Home Secretary *may* register any child who is under 18 as a British citizen. You can get more information about registering children under 18 as British citizens in leaflet BN9, which you can get on our website or from the Nationality Quality and Enquiry Team or British Post abroad (see paragraph 12 below).

The Governor of a British overseas territory *may* register any child under 18 as a British overseas territories citizen. You can get more information about registering children under 18 as British overseas territories citizens from the Governor of a British overseas territory.

11. A person who becomes a British overseas territories citizen by connection with a qualifying territory may also be able to register as a British citizen if the Home Secretary agrees. You can get more information about registering as a British citizen in leaflet BN12, which you can get on our website or from the Nationality Quality and Enquiry Team or British Post abroad (see paragraph 12 below).

ADDRESS FOR GENERAL ENQUIRIES, LEAFLETS, AND APPLICATION FORMS

12. If you are in England, Scotland, Wales or Northern Ireland and you have any questions about this leaflet or about registration as a British citizen, a British overseas territories citizen, a British Overseas citizen or a British subject, please contact:

Home Office Department 2
Nationality Quality and Enquiry Team
Border and Immigration Agency
PO Box 306
Liverpool
L2 OQN

Telephone: 0845 010 5200

If you want to make an application for registration as a British citizen, or a British overseas territories citizen, or a British Overseas citizen, or a British subject, 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)

PASSPORTS

13. 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, Wales, Scotland or Northern Ireland, you can also contact your nearest British Post abroad (see paragraph 12).

NOTES

A. The British dependent territories¹ on 1 January 1983 were:

Anguilla, Bermuda, British Antarctic Territory, British Indian Ocean Territory, Cayman Islands, Falkland Islands and Dependencies², Gibraltar, Hong Kong³, Montserrat, Pitcairn, Henderson, Ducie and Oeno Islands, St Christopher and Nevis⁴, 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

- 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)

C. Generally speaking, a British citizen by descent is a British citizen born outside the United Kingdom or, since 21 May 2002, outside the United Kingdom and the qualifying territories to a British citizen parent. A British overseas territories citizen by descent is a British overseas territories citizen born outside the British overseas territories to a British overseas territories citizen parent.

Generally speaking, a British citizen otherwise than by descent is a British citizen who was born, legally adopted, naturalised or registered in the United Kingdom (since 21 May 2002, birth or

¹ The British dependent territories were renamed “British overseas territories” on 26 February 2002 and, since then, British Dependent Territories citizens(hip) has been known as “British overseas territories citizens(hip)”.

² 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.

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

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

adoption in a qualifying territory will also generally give British citizenship otherwise than by descent). A British overseas territories citizen otherwise than by descent is a British overseas territories citizen who was born, legally adopted, naturalised or registered in a British overseas territory.

D. A person is normally regarded as settled in the United Kingdom or in a British overseas territory if he or she is ordinarily resident there without being restricted, under the immigration laws, as to how long he or she can stay there.

E. These are explained in detail in the guide to application Form S1.

F. Generally speaking, people who were citizens of the United Kingdom and Colonies immediately before 1 January 1983 became:

- British citizens, if they 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 the United Kingdom; or if, whilst a citizen of the United Kingdom and Colonies, they had lived in the United Kingdom for 5 years at any time before 1 January 1983, and were not subject to restrictions under the immigration laws at the end of that period; or
- British Dependent Territories citizens (see Note A), if they were citizens of the United Kingdom and Colonies through their own, or a parent's, or a grandparent's birth, naturalisation or registration in a place which was a British dependent territory (see Note A) on 1 January 1983; or
- in any other case, a British Overseas citizen

The law covering statelessness is contained in the British Nationality Act 1981 and the Regulations made under it, and in the Hong Kong (British Nationality) Order 1986, 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 the Home Secretary's policy. It is not a complete statement of either the law or policy.