



BN7 - NATURALISATION AS A BRITISH CITIZEN

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BRITISH NATIONALITY ACT 1981

The Home Secretary may, if he thinks fit, naturalise a person who meets certain requirements which are set out in section 6 of, and Schedule 1 to, the British Nationality Act 1981. These are described below.

1. The person who is applying must meet the requirements that are set out in Part A of this leaflet, unless he or she is married to, or the civil partner of, a British citizen. If the person applying is the husband, wife or civil partner of a British citizen, he or she only needs to meet the requirements that are set out in Part B of this leaflet.

A. REQUIREMENTS

2. The person applying must:

- a. be aged 18 or over; **and**
- b. not be of unsound mind; **and**
- c. be of good character (see Note 1); **and**
- d. have sufficient knowledge of English, Welsh or Scottish Gaelic (see Note 2); **and**
- e. have sufficient knowledge about life in the United Kingdom (see Note 2); **and**
- f. intend to have his or her home (or main home if there is more than one) in the United Kingdom. The person applying may, however, live abroad if he or she plans to go into, or continue in Crown service working directly for the Government of the United Kingdom (see Note 3), if he or she plans to work with an international organisation of which the United Kingdom is a member, or work for a company or association established in the United Kingdom; **and**
- g. meet the residential requirements set out in paragraph 3 below (but see also paragraph 4) or the alternative requirement described in paragraph 5.

3. The residential requirements are that:

- a. the person applying was in the United Kingdom (see Note 4) at the beginning of the five-year period that ended on the date the application is received; **and**
- b. in that five-year period, he or she was not outside the United Kingdom for more than 450 days (see Note 5); **and**
- c. in the last twelve months of that five-year period, he or she was not outside the United Kingdom for more than 90 days (see Note 5); **and**
- d. in the last 12 months of that five-year period, his or her stay in the United Kingdom was not subject to any time limit under the immigration laws (see Note 6); **and**
- e. he or she was not, at any time in that five-year period, in the United Kingdom in breach of the immigration laws (see Note 7).

SPECIAL CIRCUMSTANCES

4. Everyone who applies must meet the requirements described in paragraph 2a, c and f. They must also be free from any time restriction under the immigration laws when the application is received and meet the requirement described in paragraph 3a (unless covered by paragraph 5 below). But the Home Secretary may make an exception to the other requirements (including the one in Note 5 about time which does not count) if he thinks that there are special circumstances. If you do not meet the requirements, but you believe that there are special circumstances in your case, you should explain them when you apply.

CROWN SERVICE

5. An alternative to the five-year residential requirement is Crown service under the Government of the United Kingdom (see Note 3). There is no fixed period of service because naturalisation will not be granted if you just complete a period of satisfactory service. If someone applies because of Crown service, he or she should, among other things, have held a responsible post overseas, given outstanding service, and have some close connection with the United Kingdom. If someone applies for naturalisation on the basis of Crown service, he or she must be serving outside of the United Kingdom when the application is received.

B. REQUIREMENTS FOR A PERSON APPLYING AS THE HUSBAND, WIFE OR CIVIL PARTNER OF A BRITISH CITIZEN

6. The person applying must:

- a. be aged 18 or over; **and**
- b. not be of unsound mind; **and**
- c. be of good character (see Note 1); **and**
- d. have sufficient knowledge of English, Welsh or Scottish Gaelic (see Note 2); **and**
- e. have a sufficient knowledge about life in the United Kingdom (see Note 2); **and**
- f. be the husband, wife or (from 5 December 2005) the civil partner of a British citizen on the date the application is received; **and**
- g. meet the residential requirements set out in paragraph 7 below (but see also paragraphs 8 and 9 below).

7. The residential requirements are that:

- a. the person applying was in the United Kingdom (see Note 4) at the beginning of the three-year period that ended on the date the application is received; **and**
- b. on the date the application is received, the applicant's stay in the United Kingdom is not subject to any time limit under the immigration laws (see Note 6)*; **and**
- c. in the three-year period, he or she was not outside the United Kingdom for more than 270 days (see Note 5); **and**
- d. in the last 12 months of that three-year period, he or she was not outside the United Kingdom for more than 90 days (see Note 5); **and**
- e. he or she was not at any time in that three-year period, in the United Kingdom in breach of the immigration laws (see Note 7).

* This requirement will be met if the person applying is not in the United Kingdom on the date in question. However, the Home Secretary has the authority to refuse an application even if all of the requirements are met. An application which is made overseas will normally be refused if, immediately before leaving the United Kingdom, the applicant's stay was subject to a time limit.

SPECIAL CIRCUMSTANCES

8. Everyone who applies **must** meet the requirements described in paragraph 6a, c and f. They **must** also meet the first two requirements described in paragraph 7 (unless they are covered by paragraph 9 below). But the Home Secretary may make an exception to the other requirements (including the one in Note 5 about time which does not count) if he thinks that there are special circumstances. If you do not meet the requirements, but you believe there are special circumstances in your case, you should explain them when you apply.

9. If you are married to, or the civil partner of, a British citizen who, on the date the application is received, is serving, or is likely soon to be posted, abroad in:

- Crown service under the Government of the United Kingdom (see Note 3) or a qualifying territory (see Note 8); *or*
- service specially designated under section 2(3) of the British Nationality Act 1981; **and**
- he or she was recruited in the United Kingdom

the Home Secretary may make an exception to the requirements set out in paragraph 7a, c and d if he thinks that there are special circumstances. If you think that there are special circumstances in your case, you should explain them when you apply.

C. GENERAL ENQUIRIES, LEAFLETS AND APPLICATION FORMS

10. If you want to apply to be naturalised as a British citizen, use Form AN with guide. If you are in England, Scotland, Wales or Northern Ireland, you can get a form and guide by calling 0117 344 1462.

Further information about the requirements for naturalisation can be found in the Guide AN or by telephoning 0845 010 5200.

If you are in the Channel Islands or the Isle of Man, please contact the Lieutenant-Governor. If you are in a foreign country or the Republic of Ireland, please contact your nearest Embassy or Consulate. If you are in a Commonwealth country, please contact your nearest British High Commission. If you are in a British overseas territory, please contact the Governor.

MINOR CHILDREN

11. Minor children (under 18) cannot be included in certificates of naturalisation that are granted to their parents. However, they may be considered for registration as British citizens. If you are applying for naturalisation, you should complete a separate application Form MN1 for each of your minor children who are not British citizens and who you would like to be registered. We normally need permission from both parents.

FEES

12. You have to pay a fee when you apply and must send it with your application. The current fees are available on our website and you will be sent fees information with the application form if you ask for one. **NB. Your application will be invalid if you do not send the correct fee.**

DEALING WITH THE APPLICATION

13. The Home Office will send an acknowledgement when we receive your application. Enquiries are made into every application and you may be interviewed by the police or another representative. The time it takes us to deal with an application varies according to individual circumstances and how many applications we have to deal with at the time.

DUAL NATIONALITY

14. People who are naturalised as British citizens may, as a result, lose or risk losing their existing nationality or citizenship. This depends on the law of the country concerned. If you are concerned that you may lose your current citizenship, you should contact the authorities of the country concerned **before** you apply for naturalisation.

NOTES

1. Criminal record checks are carried out in all cases. 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 Guide AN, which accompanies the application form.

2. The person applying must have a good enough knowledge of English, Welsh or Scottish Gaelic to deal with everyday situations. He or she must also provide evidence that he or she has sufficient knowledge of life in the United Kingdom. You will need to have passed:

- a “Life in the UK” test; **or**
- an ESOL course with a citizenship syllabus

Evidence that you have passed a “Life in the UK” test or had a relevant ESOL qualification in connection with a settlement application will be acceptable - i.e. you will not need to take the “Life in the UK” test again.

Detailed information about the knowledge of life in the United Kingdom requirement is available at www.lifeintheuktest.gov.uk or by calling the UK test helpline on 0800 015 4245. The Home Secretary may decide that you do not have to meet this requirement if you are old or you have a physical or mental impairment.

There are separate arrangements for applicants who are outside the United Kingdom or who live in the Channel Islands or the Isle of Man.

3. “Crown service under the Government of the United Kingdom” includes Crown service under the Northern Ireland Government and under the Scottish Administration.

4. In this leaflet, the United Kingdom means England, Scotland, Wales, Northern Ireland, the Channel Islands and the Isle of Man.

5. Periods spent in the United Kingdom:

- while exempt from immigration control (for example, as a diplomat or as a member of visiting forces); or
- in any place of detention (such as a prison) following a conviction or under the powers of the immigration laws (or while illegally absent such a place)

do not normally count towards the residence requirements.

6. Since 30 April 2006, EEA nationals (or their family members) who have been exercising free movement rights in the UK for a continuous period of five years will, at the end of that 5 year period, be **automatically** entitled to permanent residence in the UK and will **not** need to obtain indefinite leave to remain in the United Kingdom before applying for naturalisation. EEA nationals (or their family members) who completed the “5 year” period before 30 April 2006 will have acquired permanent residence on 30 April 2006. EEA nationals who are not applying on the grounds of marriage to a British citizen should also have had permanent residence for 12 months before applying.

If you are an EEA national who has an **unconditional** right of residence in the United Kingdom under EC law (such as a retired person or someone who is unable to work because of incapacity), you **are** regarded as free of immigration restrictions.

If you are a family member of an EEA national, you may meet the “no time limit” requirement in your own right. If you do not, your position will depend on whether the EEA national has permanent residence or is otherwise free of immigration restrictions.

It should be noted that:

- The term “EEA national” in this connection does not include British citizens
- The person who is exercising “free movement rights” must have been an EEA national for the whole of the 5 year period. For example, a citizen of a country which joined the European Union on 1 May 2004 will not acquire permanent residence until 1 May 2009 at the earliest.
- Since 1 June 2002, Swiss nationals and their family members have enjoyed similar residence rights to EEA nationals. They are not normally regarded as having been free of immigration restrictions before that date unless they had indefinite leave to enter or remain in the United Kingdom. From 1 June 2002, they are regarded as being free of immigration time restrictions in the circumstances described above.

7. 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 sections 8(2) - 8(4) of the Immigration Act 1971 (i.e. diplomats, armed forces personnel, and employees of certain international organisations)

8. The “qualifying territories” are Anguilla, Bermuda, British Antarctic Territory, Cayman Islands, Falkland Islands, Gibraltar, Montserrat, Pitcairn, Henderson, Ducie and Oeno Islands,

St Helena and Dependencies, South Georgia and the South Sandwich Islands, Turks and Caicos Islands and Virgin Islands.

The law covering naturalisation is in the British Nationality Act 1981 and the Regulations made under it, and in 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.