



Cabinet Office

# Civil Service Nationality Rules

Guidance on Checking Eligibility

Updated February 2021

# Guidance on Checking Eligibility - Index

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## Introduction

The Civil Service Nationality Rules (**Annex A**) govern eligibility for employment in the Civil Service on the grounds of nationality and must be followed by government departments and other bodies within the Home Civil Service and Diplomatic Service in their recruitment and appointment procedures.

This Guidance has been prepared by the Cabinet Office and is intended to assist HR practitioners and other administrators in applying the Civil Service Nationality Rules in their pre-appointment procedures.

In summary, only nationals from the following countries (or associations of countries) are generally eligible for employment in the Civil Service: the United Kingdom (and British protected persons), the Republic of Ireland, and the Commonwealth.<sup>1</sup> Certain EEA,<sup>2</sup> Swiss and Turkish nationals are also eligible for employment.<sup>3</sup> Section 1 of the Guidance contains detailed provisions on verifying an applicant's nationality and thus their eligibility for appointment to the Civil Service.

There are other, although limited, exceptions to the general prohibition on the employment of nationals from other countries. These are set out in detail in Section 2 of the Guidance.

Additional restrictions apply in relation to certain sensitive Civil Service posts. These are known as "reserved posts". Section 3 contains guidance on eligibility for employment in reserved posts.

**In general, the Civil Service Nationality Rules do not affect the law regarding eligibility to work in the United Kingdom.** Where an employing department or agency has established that a candidate who is recommended for appointment satisfies the Civil Service Nationality Rules, it must, before appointing that candidate, establish in addition that the candidate can work legally in the United Kingdom. This Guidance does not cover the rules governing eligibility to work in the United Kingdom. Information and assistance on the application of the law regarding eligibility to work in the United Kingdom can be found on the [Home Office website](#) at or by contacting the Employers' Helpline on: 0300 790 6268.

Enquiries arising from the guidance or the application of the Civil Service Nationality Rules can be sent to [contact.us@csep.gov.uk](mailto:contact.us@csep.gov.uk).

**This document was updated in January 2021 to reflect changes to the Civil**

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<sup>1</sup> The countries of the Commonwealth are listed in Annex B.

<sup>2</sup> EEA nationals comprises of nationals of EU member states and Iceland, Liechtenstein and Norway.

<sup>3</sup> See Annex A for eligibility requirements for certain EEA, Swiss and Turkish nationals.

**Service Nationality Rules further to the UK's exit from the European Union and the end of EU free movement rules. The Cabinet Office is currently undertaking a review of the Civil Service Nationality Rules which may result in further changes to this document.**

**Full details on the relevant statutory changes relating to the end of EU rules on free movement, and additional guidance can be found in the document 'Changes to the Civil Service Nationality Rules from the 1st January 2021' (published in December 2020). This includes guidance for Civil Servants who are EEA, Swiss, and Turkish nationals, and were employed in the Civil Service on or before of 31 December 2020.**

## Section 1 - Eligibility for employment in the Civil Service on the grounds of nationality

- 1.1. In general, only nationals from the following countries (and associations of countries) are eligible for employment in the Civil Service: the United Kingdom, the Republic of Ireland, and the Commonwealth. Certain EEA, Swiss and Turkish nationals are also eligible for employment. The Guidance contains detailed provisions on determining eligibility on the grounds of nationality and, where relevant, immigration status.
- 1.2. There are certain limited exceptions which would permit the employment in the Civil Service of nationals from other countries. These exceptions are explained in Section 2 of the Guidance.

### Checking Eligibility – General

- 1.3. The flowchart at Annex C is designed to assist departments and agencies in determining eligibility on the grounds of nationality. At the application stage, only an initial eligibility check needs to be made. Unless there is any reason for doubt, a candidate's signed declaration on the application form can be accepted as an indication of eligibility on nationality grounds. Annex F contains suggested nationality questions for application forms. Documentary evidence is only required if a candidate is recommended for appointment. Documents produced by candidates must be valid and acceptable for this purpose. In cases of documents of doubtful validity, and for other advice on nationality or immigration status, the [Employer Checking Service](#) should be used.

### UK Nationals

- 1.4. UK nationals are in principle eligible for employment in all Civil Service posts. Only UK nationals are eligible for employment in reserved posts. Additional nationality and residency requirements may apply in certain reserved posts. These additional requirements are explained in Section 3 of the Guidance.
- 1.5. Family members of UK nationals (who are not themselves UK nationals and do not otherwise satisfy the Civil Service Nationality Rules) are not generally eligible to join the Civil Service unless they have status under the EUSS.
- 1.6. The definition of UK national is set out in the UK Declaration on Nationality, made with effect from 1 January 1983 and comprises: British citizens, British subjects under Part IV of the British Nationality Act 1981 having the right of abode in the United Kingdom, and British Overseas Territories citizens.

- 1.7. The following paragraphs set out the documentary evidence which should be provided by candidates who are recommended for appointment.

### British citizens born in the United Kingdom

- British passport confirming birth in the United Kingdom and showing national status as either “British citizen” or “Citizen of the United Kingdom and Colonies”; or
- letter from the Home Office confirming British citizenship.

### British citizens born abroad

- British passport showing national status as either “British citizen” or “Citizen of the United Kingdom and Colonies” and, if the latter, containing right of abode endorsement; or
- letter from the Home Office confirming British citizenship.

### British citizens by registration or naturalisation

- naturalisation or registration certificate; or
- British passport showing national status as either “British citizen” or “Citizen of the United Kingdom and Colonies” and, if the latter, containing right of abode endorsement; or
- letter from the Home Office confirming British citizenship.

### British Overseas citizens, British Overseas Territories citizens, British Nationals (Overseas) and British subjects

- British passport showing national status as “British Overseas Citizen”, “British Overseas Territories Citizen”, “British Nationals (Overseas)” or “British Subject”; or
- letter from the Home Office confirming citizenship or status.

- 1.8. Usually there will be no restrictions on the entitlement of UK nationals to work in the United Kingdom. In cases of doubt, however, the Home Office should be consulted before the appointment is made.

### Commonwealth Citizens

- 1.9. Commonwealth citizens are eligible for employment in all non-reserved posts in the Civil Service. They are not eligible for employment in reserved posts unless they were in the Civil Service at 31 May 1996 or before, or were appointed from a recruitment scheme with a closing date for receipt of applications before 1 June 1996. In this case, they have a right of access to

reserved posts for the duration of their careers provided that there is no break in service. Family members of Commonwealth citizens who are not themselves Commonwealth citizens and do not otherwise satisfy the Civil Service Nationality Rules are not eligible to join the Civil Service.

- 1.10. A “Commonwealth citizen” is any person who has the status of a Commonwealth citizen under the British Nationality Act 1981. The territories forming part of the Commonwealth are listed in Annex B of the Guidance.
- 1.11. A candidate from a Commonwealth country who is recommended for appointment is required to provide as documentary evidence either a passport, or an official letter from the relevant national authority confirming citizenship.
- 1.12. Where a Commonwealth citizen has acquired citizenship of another country by a formal act such as naturalisation (and nationals of that country would not satisfy the Civil Service Nationality Rules), departments and agencies should take care to ensure that the documentary evidence provided by candidates indicates that they have retained their status as a Commonwealth citizen.

### British Protected Persons

- 1.13. British protected persons are eligible for employment in all non-reserved posts in the Civil Service. They are not eligible for employment in reserved posts. Family members of British protected persons (who are not themselves British protected persons and do not otherwise satisfy the Civil Service Nationality Rules) are not eligible to join the Civil Service.
- 1.14. The definition of British protected person is determined under the British Nationality Act 1981. Very few candidates will fall into this category. British protected persons who are recommended for appointment are required to provide either a British passport which demonstrates their status as a British protected person or a letter from the Foreign, Commonwealth, and Development Office confirming their status.

### Eligibility to work in the United Kingdom generally – Commonwealth Citizens and British Protected Persons

- 1.15. Before appointing candidates who are Commonwealth citizens or British protected persons, departments and agencies must be satisfied that the individuals concerned can work legally in the United Kingdom. The Home Office should be consulted on any queries about the eligibility of a candidate to work in the United Kingdom.

### Irish and other EEA Nationals

- 1.16. Irish nationals are eligible for employment in all non-reserved posts in the Civil Service. They are not eligible for employment in reserved posts unless they were in the Civil Service at 31 May 1996 or before, or were appointed from a recruitment scheme with a closing date for receipt of applications before 1 June 1996. In this case, they have a right of access to reserved posts for the duration of their careers provided that there is no break in service.
- 1.17. An Irish national who is recommended for appointment is required to provide as documentary evidence either an Irish birth certificate, a national passport confirming Irish citizenship or a letter from the Irish authorities confirming citizenship.
- 1.18. The family members of Irish nationals who are themselves Irish nationals are to be treated in their own right in accordance with paragraphs 1.16 and 1.17. The family members of Irish nationals who are not Irish nationals but are EEA or Swiss nationals are to be treated in the same way as other EEA and Swiss nationals in accordance with paragraphs 1.19 to 1.24. The family members of Irish nationals are also eligible for employment in non-reserved posts in the Civil Service in the same way as family members of other EEA nationals (see paragraphs 1.34 and 1.35 concerning family members of EEA and Swiss nationals).
- 1.19. An EEA national is a national of the European Economic Area (EEA). The EEA comprises the Member States of the European Union and Norway, Iceland and Liechtenstein. The current members of the EU are: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden.
- 1.20. Following the end of free movement in the UK on 31 December 2020, only certain EEA nationals are eligible for employment in non-reserved posts in the Civil Service. EEA nationals are entitled to work in the Civil Service if they have: <sup>4</sup>

- I. Pre settled or settled status under the EU Settlement Scheme (EUSS); or

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<sup>4</sup> During the grace period, until 30 June 2021, the rights of those who were lawfully resident in the UK under free movement rules at the end of the transition period (31 December 2020) and who do not have EUSS status are protected, including their eligibility to work in the Civil Service. Apart from some exceptions, existing civil servants who are EEA nationals will no longer be able to continue their employment in the Civil Service unless they have obtained EUSS status or have limited or indefinite leave to remain and were eligible for EUSS on 31 December 2020, following the 30 June 2021. See Para 1.22 and the accompanying Guidance on the Civil Service Nationality Rules (published December 2020) for more details.



- II. limited or indefinite leave to remain granted by 31 December 2020<sup>5</sup> (where they were eligible under the EUSS as of 30 December 2020, but did not need to apply because they had other leave to remain).
- 1.21. An EEA national who is recommended for appointment is required to provide, as documentary evidence, either a national passport confirming citizenship, or a national identity card confirming citizenship. From 1 July 2021, they will also be required to present document evidence of their EUSS status.<sup>6</sup>
- 1.22. During the grace period, until 30 June 2021, the rights of those who were lawfully resident in the UK under free movement rules at the end of the transition period (31 December 2020) and who do not have EUSS status are protected, including their eligibility to work in the Civil Service. The position immediately before the end of the transition period continues to apply. The same protections apply if a person has made an application to the EUSS that has not been finally determined by then until the time when the application has been finally determined including any appeal.

## Swiss Nationals

- 1.23. Swiss nationals have the same entitlements as EEA nationals to take up employment in non-reserved posts in the Civil Service. The same eligibility requirements as paragraph 1.20 and 1.22 apply to Swiss nationals.
- 1.24. A Swiss national who is recommended for appointment is required to provide as documentary evidence either a national passport confirming citizenship or a national identity card confirming citizenship. From 1 July 2021, they will also be required to present document evidence of their EUSS status.

## Turkish Nationals

- 1.25. Turkish nationals are not automatically eligible for employment in non-reserved posts in the Civil Service. Turkish nationals are entitled to work in the Civil Service if they have rights under the European Community Association Agreement (ECAA) as a Turkish worker (or as a family member of a Turkish worker),<sup>7</sup> which is demonstrated either by having ECAA worker leave that was granted by 31 December 2020, or as a result of an application made by that

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<sup>5</sup> Implementation Period (IP) Completion Day (11pm 31 December 2020). As defined in European Union (Withdrawal Agreement) Act 2020 s.39.

<sup>6</sup> Candidates who have EUSS status will generally have been issued with a digital status upon successful application, which can be shared, including to demonstrate a right to work, via the Home Office online service 'view a job applicant's right to work details'. The relevant department will request a share code from the EEA national, which can be provided to the department directly from the individual or from the service.

<sup>7</sup> "European Community Association Agreement (ECAA) is the Agreement establishing an Association between the European Economic Community and Turkey, signed at Ankara on 12 September 1963

date, and either:

- i) immediately before 31 December 2020 had an entitlement to take up any activity in the United Kingdom under Decision 1/80;<sup>8</sup> or
- ii) they would have had an entitlement at a later date under Decision 1/80 but for the Act.<sup>9</sup>

- 1.26. A Turkish national who is recommended for appointment is required to provide as documentary evidence either a national passport or national identity card confirming citizenship.
- 1.27. Documentary evidence is also required to establish that the conditions concerning lawful employment in the United Kingdom have been met (described above at paragraph 1.25). Turkish nationals are therefore also required to present documentary evidence that they have access to unrestricted work by virtue of their ECAA rights by holding immigration leave as an ECAA worker (Code 1) before employment in the Civil Service can commence.

### Family Members of EEA, Swiss and qualifying Turkish Nationals

- 1.28. Family members of EEA and Swiss nationals, who may not be EEA or Swiss nationals themselves, have rights to take up employment in the Civil Service, in non-reserved posts, if they have status under the EUSS, or if they qualify as a UK national, British protected person, Irish National, or Commonwealth citizen. From 1 July 2021, family members of EEA nationals who do not have status under the EUSS are only eligible to work in the Civil Service if they meet the Civil Service Nationality Rules in their own right.
- 1.29. Family members of Turkish workers are also eligible for employment in non-reserved posts in the Civil Service if they have leave as a partner of an ECAA worker which was granted before 31 December 2020 or as a result of an application made on or before that date and either had, or would have had, an entitlement to take up any activity in the United Kingdom under Decision 1/80 but for the Act.<sup>10</sup>

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<sup>8</sup> A Decision 1/80 entitlement means an entitlement to take up any activity as an employed person in the United Kingdom by virtue of rights derived from Article 6(1) or 7 (rights of certain Turkish nationals and their family members to take up any economic activity, whatever their nationality) of Decision 1/80 of 19 September 1980 of the Association Council set up by the ECAA, OJ No L361/1, 31.12.1977, p.29.

<sup>9</sup> Turkish Nationals with extant ECAA leave, or those who applied for ECAA rights by end IP completion date (where that application is successful), and would have otherwise at the point their status is being considered built up the right to work in the Civil Service in the future were it not for the Immigration and Social Security Coordination (EU Withdrawal) Act 2020, are eligible. This applies whether or not the individual had been working in the Civil Service by the IP completion date.

<sup>10</sup> A Decision 1/80 entitlement means an entitlement to take up any activity as an employed person in the United Kingdom by virtue of rights derived from Article 6(1) or 7 (rights of certain Turkish nationals and their family members to take up any economic activity, whatever their nationality) of

- 1.30. Family members of Turkish workers who have not exercised rights under the ECAA by 31 December 2020 are only eligible to work in the Civil Service if they qualify as a UK national, British protected person, Irish national, or Commonwealth citizen.
- 1.31. The family members concerned are the Turkish worker's spouse and the direct descendants of either the Turkish national or the spouse (children, including step-children, grandchildren, great-grandchildren) who are under the age of 21 years or are dependents. Also included are direct dependent relatives in the ascending line of the Turkish national or the spouse (parents, grandparents, great-grandparents).
- 1.32. Family members of EEA nationals who are recommended for appointment are required to provide, as documentary evidence, either a national passport confirming citizenship, or a national identity card confirming citizenship. From the 1st July, they will also be required to present document evidence of their EUSS status. In relation to the family members of Turkish nationals, the Cabinet Office recommends that the Home Office is consulted in all cases so as to ensure that the candidate meets the requirements described above for lawful employment in the United Kingdom.

## Frontier Workers

- 1.33. The citizens' rights agreements protect the rights of EEA and Swiss nationals who are frontier working in the UK (that is, those who are employed or self-employed here and resident elsewhere) before the end of the transition period on 31 December 2020, for as long as they continue to be frontier workers. This may include those who are, or become, employed in the UK as a civil servant or who are or become self-employed in the UK.
- 1.34. Frontier workers can apply for and be issued with a frontier worker permit as confirmation of their right to enter and work in the UK, including as a civil servant. In most cases, the permit is issued as a digital document that can be accessed by the holder and shared with their employer as required. A small number of frontier workers will initially be issued with a physical permit. They will be able to show their physical permit to employers to prove their right to work in the UK.
- 1.35. After it becomes mandatory for frontier workers to hold a permit to enter the UK on 1 July 2021, employers will be able to check with the Home Office whether an EEA national holds a valid frontier worker permit.

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Decision 1/80 of 19 September 1980 of the Association Council set up by the ECAA, OJ No L361/1, 31.12.1977, p.29.

- 1.36. We expect most frontier workers will choose to use a frontier worker permit to prove their right to work in the UK, as it is the simplest way to do so. However, they can choose to prove their status by other means to employers. The Home Office will set out in guidance what alternative evidence employers can request from EEA nationals to prove their right to work.

## Stateless Persons

- 1.37. Stateless persons are not eligible for appointment to the Civil Service even if they had past connections with the United Kingdom or the Commonwealth.

## Refugees

- 1.38. A refugee does not automatically lose his or her nationality. It must either be taken away by the government of the country concerned, or the candidate must have voluntarily renounced it. Candidates who state that they are refugees should be asked to confirm in writing whether or not either of those actions has taken place.

- If the answer is “Yes”, the candidate is ineligible because they are stateless.
- If the answer is “No”, it should be accepted *without* checking with the embassy of the country concerned. If such a check is made, the candidate’s citizenship could be stripped and relatives in the country concerned put in danger. The candidate’s eligibility will therefore depend on nationality status in the normal way.

- 1.39. The Home Office should be consulted in the event that refugee candidates claim to retain their nationality of origin.

## Asylum Seekers

- 1.40. Asylum seekers are in principle eligible for appointment to the Civil Service provided that they satisfy the Civil Service nationality rules. Individuals under this category are not permitted to work unless they have been waiting for a decision on their claim for 12 months or more and the delay is through no fault of their own. If granted permission to work, they are able to take up employment in jobs included on the Shortage Occupation List (SOL). Should an asylum seeker be recommended for appointment into a SOL job in the Civil Service, they will be required to provide, in addition to documentary evidence confirming their nationality, an Application Registration Card from the Home Office stating that they are permitted to take up employment. The Cabinet Office recommends that the Home Office is consulted in all cases concerning

the appointment of asylum seekers.

## Dual Nationality

- 1.41. Candidates with dual nationality are in principle eligible for employment in the Civil Service provided that they meet the requirements in relation to one of their nationalities. They may not be eligible, however, for employment in certain reserved posts where additional nationality requirements are imposed.

## Equality Act 2010

- 1.42. The Civil Service Nationality Rules do not contravene the provisions of the Equality Act 2010, because paragraph 5 of Schedule 22 of the Act allows restrictions on the employment of foreign nationals in the civil, diplomatic, security and intelligence services. This exception also applies to certain public bodies, who are entitled to apply the Civil Service Nationality Rules. See Annex E.

## Section 2 – Employment of Nationals from Countries not covered in Section 1

- 2.1. “Alien” is the legal term for a person who is not a British, Irish, Commonwealth citizen, or a British protected person. It is generally illegal to employ an alien in the Civil Service.
- 2.2. EEA, Swiss and Turkish nationals are “aliens”, and are eligible to work in most Civil Service posts only if they meet the definition of a ‘relevant European’, as described in the Aliens’ Employment Act 1955 as amended. These rights extend to their certain family members. The rules concerning the employment of these European nationals in the Civil Service operate as an exception to the general prohibition on the employment of aliens in the Civil Service. Section 1 contains detailed guidance on the operation of this exception.
- 2.3. There are only two other exceptions to the general prohibition on the employment of aliens in the Civil Service: for certain overseas postings and for employment under cover of an alien’s certificate. These exceptions are explained in detail in this Section.
- 2.4. **A candidate who is a national from a country not covered in Section 1 and who cannot be employed under one of these exceptions is not eligible for appointment to any Civil Service post.**

### Overseas Postings

- 2.5. The first exception relates to certain overseas postings. An alien may be appointed to an overseas post of a class or description which the Minister responsible for the Civil Service considers appropriate for the employment of aliens. An overseas post means a post in a country or territory outside the United Kingdom, Channel Islands or the Isle of Man.
- 2.6. This exception applies mainly to appointments of local staff posts in UK embassies, high commissions and consulates overseas and so is primarily of relevance to the Foreign, Commonwealth and Development Office, and Ministry of Defence. Any other department or agency recruiting to overseas posts which they consider may fall within this exception should in the first instance contact CS Employee Policy at [contact.us@csep.gov.uk](mailto:contact.us@csep.gov.uk) for guidance.

### Aliens’ Certificates

- 2.7. The second exception enables the employment of aliens under cover of an alien’s certificate issued by the department concerned with the consent of the Minister for the Civil Service.

- 2.8. A certificate can cover the employment of a particular individual in a particular post or the employment of aliens generally in particular posts or in posts of a particular class or description.
- 2.9. A certificate can only be issued in relation to the employment of a particular individual in a particular post if:
- there is no suitably qualified UK national available for employment in that post; or
  - the alien possesses exceptional qualifications or experience for employment in that post.
- 2.10. Other certificates (including those covering the employment of aliens in posts of a particular class or description) may only be issued if suitably qualified UK nationals are not readily available, or available in sufficient numbers for employment in the post or class or description of the posts specified in the certificate.
- 2.11. If a certificate is issued, the candidate must be given a conditional (nationality) appointment. The normal recruitment procedures for the grade must also be followed and the candidate must be otherwise eligible for appointment in respect of age, health, character, knowledge and ability.
- 2.12. A certificate is only valid for a period of five years, although on its expiry the Minister may issue a further certificate if the conditions described in paragraphs 2.9 or 2.10 continue to apply. If the candidate subsequently becomes eligible for permanency, for example through naturalisation, the appointment may be converted to a permanent one.
- 2.13. The employing department or agency will be required in the first instance to establish that the candidate can work legally in the United Kingdom. The Home Office should therefore be consulted on the procedure applicable for determining the eligibility (relating to immigration permissions) of the candidate to work in the United Kingdom.
- 2.14. When it has been established that there are no restrictions on the candidate taking up employment in the United Kingdom or on their length of stay in the United Kingdom, approval for issue of the certificate should be sought from the Cabinet Office.
- 2.15. A letter, or email, to the Cabinet Office seeking such approval should:
- a. confirm either that there are no restrictions on the candidate taking up

employment or that the Home Office has given the necessary clearance;

- b. confirm that no suitable person, eligible under the Nationality Rules, is available for employment in that post or that the alien possesses exceptional qualifications or experience for appointment to that post;
- c. confirm that the post is a non-reserved post;
- d. give details of when and where the post was advertised and state the number of applications received and the results of any interviews held; and
- e. attach a draft certificate for the employment of the alien (see Annex D).

2.16. As stated above, certificates are valid for five years but may be renewed at the end of that period if the circumstances at that time justify the continued employment of the person in the post. Before a certificate expires, steps must be taken to replace the individual with a suitably qualified person eligible under the Nationality Rules. If this does not prove to be possible, the procedure set out in paragraph 2.15 above must be followed before the certificate can be renewed. The employing department or agency must also be satisfied that the individual concerned continues to meet all immigration requirements and continues to be eligible to work in the United Kingdom.



## Section 3 – Reserved Posts

- 3.1. Only UK nationals may be employed in reserved posts in the Civil Service. Reserved posts are generally those which, due to the sensitive nature of the work, require special allegiance to the Crown such that they can only be held by a UK national. Irish nationals and Commonwealth citizens are also eligible for employment in reserved posts if they were in the Civil Service at 31 May 1996 or before, or were appointed from a recruitment scheme with a closing date for receipt of applications before 1 June 1996.
- 3.2. **Under no circumstances may any other nationals be employed in reserved posts.**
- 3.3. This section contains guidance on those posts which are, and those which are capable of being, reserved for UK nationals.

### Reserved Posts

- 3.4. All posts within the security and intelligence services (that is, the Security Service, the Secret Intelligence Service, and the Government Communications Headquarters) are automatically reserved to UK nationals.
- 3.5. Certain other categories of posts are capable of being reserved if the Minister responsible for the department or agency considers that to be necessary (that is, that special allegiance to the Crown is required in respect of that post such that the post must be held by a UK national).
- 3.6. These categories of posts are:
  - posts within the Defence Intelligence Staff within the Ministry of Defence; and
  - posts whose functions are concerned with:
    - i) access to intelligence information received directly or indirectly from the security and intelligence services;
    - ii) access to other information which, if disclosed without authority or otherwise misused, might damage the interests of national security;
    - iii) access to other information which, if disclosed without authority or otherwise misused, might be prejudicial to the interests of the United Kingdom or the safety of its citizens: and
    - iv) border control or decisions about immigration.
- 3.7. Where a post falls within one of the categories in this paragraph the Minister responsible for the department or agency must consider whether it is necessary to reserve that post for UK nationals only. Where the responsible

Minister does not consider that to be necessary, the post will not be reserved for UK nationals.

- 3.8. In relation to posts within the Diplomatic Service and the Foreign, Commonwealth and Development Office, it has been determined that special allegiance to the Crown is required in respect of these posts such that it is necessary to reserve these posts to UK nationals. Therefore only UK nationals are eligible for employment in posts in the Diplomatic Service and the Foreign and Commonwealth and Development Office<sup>11</sup> unless the responsible Minister decides otherwise in relation to a specified post or posts.
- 3.9. If a post does not fall within these categories, then it is not capable of being reserved to UK nationals only. This means that the post is open to other nationals who satisfy the Civil Service Nationality Rules (see section 1 for Guidance on those nationals who may be employed in the Civil Service).

### Reserved Posts – Additional Restrictions

- 3.10. UK nationals are in principle eligible for employment in all Civil Service posts. However, departments and agencies are entitled to impose additional requirements in reserved posts if this is considered necessary.
- 3.11. This could include, for example, requirements as to the residency of the applicant or the nationality of one or both parents of the applicant.
- 3.12. For posts in the Diplomatic Service and Home Civil Service posts in the Foreign, Commonwealth and Development Office, individuals are only eligible if:
- a. they are a British citizen; and
  - b. They have resided in the United Kingdom for at least five of the previous ten years immediately prior to their application, at least one year of which must have been a consecutive twelve-month period, unless they have served overseas with HM Forces or in some other official capacity as a representative of Her Majesty's Government, or have lived overseas as a result of their parents' or partner's government employment. A lack of sufficient background information may preclude them from being granted security clearance.

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<sup>11</sup> Except for those local staff in FCDO posts abroad. These posts are open to persons regardless of their nationality. See paragraphs 2.5 and 2.6 above.

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