



Home Office

Registration as a British citizen: stateless persons

Version 3.0

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About this guidance

This guidance tells nationality caseworkers how to consider requests to register as a British citizen from individuals who are otherwise stateless.

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email Nationality policy team.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email the Guidance Rules and Forms team.

Publication

Below is information on when this version of the guidance was published:

- version **3.0**
- published for Home Office staff on **28 June 2022**

Changes from last version of this guidance

Changes made to reflect the introduction of the Nationality and Borders Act 2022.

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Requirements for registration

This page tells you about the requirements a stateless person must satisfy to register as a British citizen.

To meet our obligations under the United Nations Convention on the Reduction of Statelessness, [schedule 2 of the British Nationality Act 1981](#) makes provision for the acquisition of citizenship for persons who are or would otherwise be stateless. These provisions are enacted by [section 36 of the act](#).

The requirements for registration differ depending on when the applicant was born and whether they were born in the UK or a British overseas territory or outside of these.

Registration of a person born on or after 1 January 1983 (aged 18-22) in the UK or a British overseas territory

An individual who was born in the UK or a British overseas territory can register as a British citizen under paragraph 3 of [schedule 2](#) if:

- they were born on or after 1 January 1983
- they were born stateless
- they have remained stateless
- on the date of application, they are aged between 18 and 22 years inclusive.
- they were in the UK or a British overseas territory at the beginning of the period of 5 years ending with the date of application
 - in that 5 year period they were not absent from both the UK and the British overseas territories for more than 450 days

An individual who meets these requirements is entitled to register as:

- a British citizen, if the number of days spent in the UK in the 5 year period is more than the number of days spent in the British overseas territories
- a British overseas territories citizen (BOTC) in any other case

Registration of a person born on or after 1 January 1983 (aged 5-17) in the UK or a British overseas territory

An individual who was born in the UK or a British overseas territory can register as a British citizen under paragraph 3A of [Schedule 2](#) if:

- they were born on or after 1 January 1983
- they were born stateless
- they have remained stateless
- on the date of application, they are aged 5 – 17 years old
- they were in the UK or a British overseas territory at the beginning of the period of 5 years ending with the date of application

- in that 5 year period:
 - they were not absent from both the UK and the British overseas territories for more than 450 days
- they are unable to acquire another nationality - a person is regarded as being able to acquire a nationality where:
 - the nationality is the same as that of one of the person's parents
 - the person had been entitled to acquire the nationality since birth - (this does not apply if acquiring that nationality is conditional on the exercise of a discretion on the part of the relevant country)
 - in all the circumstances, it is reasonable to expect the person (or someone acting on their behalf) to take the steps which would enable the person to acquire that nationality

Reasonable steps

When considering an application for a child aged 5-17 you must consider whether the child could reasonably acquire another nationality.

There is no exhaustive list of what is reasonable. However, failing to take simple steps to acquire either parents' nationality is unlikely to be reasonable. Conversely, international travel to register a child's birth could be considered unreasonable. If a nationality is available or potentially available to a child, the parent is expected to pursue all reasonable avenues to obtain it.

You must take into account the statutory requirements and processes required for a child to acquire either of their parents' nationalities, and how reasonable it would be for the parents to take those steps.

If the parents' nationalities can be acquired by registering the birth at the relevant High Commission or Embassy in the UK, you must consider whether there is a straightforward process in place, and if they had access to the required information to complete that process. Completion of a form, providing required documents and paying a fee would not normally be seen as significant barriers to acquiring a nationality, and so would usually be considered reasonable steps. Likewise, we would not expect a parent to refuse consent to any registration and where both parents' consent is required.

If the parents claim that they cannot acquire a nationality for their child because they do not have evidence of their own nationality, you should take into account the reasons given for them not being able to acquire a passport or other required document.

If the parent has demonstrated that they are unable to approach their authorities, for example because they have been granted asylum or humanitarian protection, then it would not be reasonable to expect them to register their child's birth or make an application. However, there may be circumstances where one parent is still able to seek nationality for the child, particularly if the parents hold different nationalities.

In most circumstances the nationality application should be considered after asylum or humanitarian protection applications have been completed. Cases where:

- there is suspicion that such claims may have been submitted in order to perpetuate the child's statelessness, or
- cases where there is a substantive delay to an asylum or humanitarian application that is beyond the applicant's control,

should be referred to a senior caseworker.

If the parents provide evidence that their country has refused to register the birth, you should expect to see evidence that the parents had tried and complied with any requirements. If the refusal was because they had failed, for example, to provide relevant documents such as their own passport or birth certificate, this will not usually constitute reasonable steps.

If the birth needed to be registered within 12 months of the birth, you must consider the procedure and rules for acquiring that country's nationality and what the rules are for making late applications.

Please see section below on '[Evidence required to establish entitlement](#)'. This section provides details on what you should ask to see when the parents have attempted to make enquiries about another nationality.

Where acquiring another country's nationality is conditional on the exercise of discretion

For many countries, a parent just needs to take an administrative step to establish their child's right to citizenship and providing all of the relevant information and documents allows the child to become a citizen.

The child may not meet the definition of being able to acquire another nationality for the purpose of this section where:

- the child met any objective criteria
- the parents have engaged with the process

but the laws of the parent's country still allow for citizenship to be refused.

Some examples where an objective criteria is imposed could be where a child cannot be granted a nationality until they attain a certain age or where a period of residence is required ahead of qualifying. However, where parents make a late application for birth registration, for example, which relies upon a different administrative process, but the child can still qualify, this does not constitute a discretionary application.

Registration of a person born outside of the UK or a British overseas territory

An individual who was born outside of the UK or a British overseas territory can register as a British citizen under paragraph 4 of [schedule 2](#) if:

- they were born on or after 1 January 1983
- they were born stateless
- they remained stateless
- at the time of their birth, their father or mother was a British citizen
- they were in the UK or a British overseas territory at the beginning of the period of 3 years ending with the date of application- in that 3 year period:
 - they were not absent from both the UK and the British overseas territories for more than 270 days

Where the individual's mother or father holds a different form of British nationality they will usually be entitled to register for that nationality as well or instead of British citizenship. For example:

A person whose mother, or father, or both, was a British overseas territories citizen only will be entitled to registration as a British overseas territories citizen only.

A person with a British overseas territories citizen father, and a mother who is both a British overseas territories citizen and a British citizen, will be entitled to registration as a British overseas territories citizen and as a British citizen.

The exception to this is where they are applying to register as a British subject, which cannot normally be held with another form of British nationality.

The applicant must state what type of citizenship or status they are applying for.

Registration under this provision follows the citizenship held by their parent at birth and therefore gives British citizenship or British overseas territories citizenship otherwise than by descent.

Registration of a person born before 1 January 1983

An individual born before 1 January 1983 is entitled to register under paragraph 5 of [schedule 2 of the British Nationality Act 1981](#) if they were born stateless and have remained stateless and either:

- their mother was a citizen of the UK and Colonies at the time of the individual's birth
- they were born in a place which is, at the date of application, within the UK or a British overseas territory
- they otherwise meet the requirement of parentage, or residence and parentage, on the basis that:
 - their mother was a citizen of the UK and Colonies at the time of the individual's birth
 - they were born in a place which was, at the time of the application, within the UK and Colonies
 - the applicant had a qualification for registration as set out below

An individual will have a qualification for registration if:

- the person was born before 1 January 1949 and either:
 - their mother was a British subject at the time of the applicant's birth
 - their mother was covered by section 14 of the 1948 act (or would have been at her death)
 - their father or mother was, or would have been but for their death, a British subject under section 15 or section 17 of the 1948 act
 - the parent concerned became or would but for their death have become a citizen of the UK and Colonies on 1 January 1949

or

- the person was born before 1 January 1949 and meets the above with the exception of the final bullet and their parent:
 - became or would have become, a British subject without citizenship (BSWC) on 1 January 1949 and was still a BSWC
 - remained a British subject under section 2 of the 1948 act
 - was a British subject under section 16(2) of the 1948 act and has not since become a citizen of a section 1(3) country
 - the applicant had been ordinarily resident in the UK and Colonies or a protectorate for the 3 years immediately preceding the application
- the individual was born on or after 1 January 1949 and either:
 - their father or mother was a BSWC at the time of the applicant's birth
 - their father or mother became a BSWC under Section 16(2) of the 1948 act after the applicant's birth
 - the applicant had been ordinarily resident in the UK and Colonies for the 3 years immediately preceding the application

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Evidence required to establish entitlement

This section tells you about the types of documents that you need to consider when establishing an individual's entitlement for registration.

You must take any evidence already held as part of an individual's records into account. If documents have been examined previously you do not need to request them again.

Applications under paragraphs 3, 3A, 4 or 5 of schedule 2 of the British Nationality Act 1981 must be supported by the following evidence:

- the applicant's birth certificate showing parents details
- a letter from the authorities of the applicant's country of birth, unless this is the UK or a British overseas territory, stating that the applicant is not and never has been a citizen of that country
- if either or both of the applicant's parents are not a national of that country, a letter from the authorities of the country of which either or both parents are a national stating that the person is not and never has been a citizen of that country
- Evidence explaining why the applicant cannot acquire another nationality.

Evidence of no other nationality

We would expect evidence to be provided that a child is not a national of another country, in order to establish that the statutory requirements are met. If the parents have attempted to obtain that information, but claim they cannot obtain it, you must ask for the following evidence:

- that they have contacted the authorities of the other country to request confirmation that the child is not a citizen, such as a copy of the request, and evidence that they emailed or posted it, or made an appointment at the Embassy or High Commission
- a copy of the authorities' response
- that they have complied with the requirements of that country, such as completing any specified form and providing any required documents

Where the parents have complied with the relevant requirements, but the authorities of the other country will not provide that information, you must consider the application on the basis of all the information available.

Evidence that another nationality cannot reasonably be acquired

To qualify under [Paragraph 3A of schedule 2](#), the child must not reasonably be able to acquire another nationality. If it is claimed that they cannot, you should take into account the laws and processes of the country in question, and what steps are needed to acquire a nationality, including where and how applications need to be made.

You may need to request:

- evidence of all nationalities held by the parents.
- evidence that the parents have attempted to take reasonable steps to acquire a nationality for their child, such as a copy of their application, payment of any required fee, and that they provided relevant documents
- a copy of the authorities' response, confirming that the parents complied with the requirements of that country, and explaining why the application was refused.

If it is claimed that the parents cannot reasonably acquire another nationality, you must ask for evidence to support that.

Residence

Applications under [paragraph 3, 3A and 4 of schedule 2](#) must also be supported by passports and other documents to establish:

- the persons 5 (or 3 where appropriate) years residence in the UK or a British overseas territory prior to their application
- that the person was not absent from the UK or the British territories for more than 450 days for the 5 year qualifying period or 270 days for the 3 year qualifying period

Parent's nationality

Applications under [paragraph 4 of schedule 2](#) must also be supported by:

- a parent's citizenship or status at the time of the applicant's birth
- if the parent in question is the applicant's father, the parents' marriage certificate

Applications under [paragraph 5 of schedule 2 of the British Nationality Act 1981](#) must also be supported by:

- the relevant birth, marriage, death, adoption, registration, naturalisation certificates or other documents to establish the parent in question's citizenship of the UK and Colonies or British subject status at the appropriate time
- if necessary, passports or other documents to establish the person's ordinary residence in the UK or British overseas territories for the 3 years immediately before the application

Evidence of a parent's British citizenship

In order to establish that an applicant's parent holds or held British citizenship an applicant must provide:

- a passport describing the holder as a British citizen
- a passport issued before 1 January 1983 describing the holder as a citizen of the UK and Colonies and carrying an endorsement stating that the holder has the right of abode in the UK
- a UK or BOT birth certificate showing parents' details and birth before 1 January 1983
- if born on or after 1 January 1983 a UK or BOT birth certificate showing parents' details and evidence that at the time of birth, either parent was a British citizen or settled in the UK or a qualifying territory
- a certificate of registration or naturalisation, issued in the UK, describing the holder as either a British citizen or a citizen of the UK and Colonies
- any relevant documents related to parents' or grandparents', spouse's birth, adoption, marriage, death, registration or naturalisation, which establish the parent's claim to British citizenship

If the applicant was born on or after 21 May 2002 the following documents must also be accepted as evidence of a parent's British citizenship:

- a passport issued before 21 May 2002 describing the holder as a British dependent territories citizen or a British overseas territories citizen (BOTC) and evidence that the holder was such a citizen by connection with a qualifying territory
- if born before 1 January 1983, a birth certificate showing parents' details and that the person was born in a qualifying territory
- if born on or after 1 January 1983, a birth certificate showing parents' detail and that the person was born in a qualifying territory and evidence that, at the time of birth, either parent was a British overseas territories citizen or settled in a qualifying territory
- an adoption certificate issued by a court in a qualifying territory and evidence that, at the time of the adoption, one of the adoptive parents was a British citizen or, if the adoption took place before 21 May 2002, a British overseas territories citizen by connection with a qualifying territory
- a certificate of registration or naturalisation, issued before 21 May 2002, describing the holder as a British dependent territories citizen or a citizen of the UK and Colonies and evidence that the holder acquired that citizenship by connection with a qualifying territory

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Checking the application

Where an individual is applying under [paragraph 3, 3A, 4 or 5 of schedule 2 of the British Nationality Act 1981](#) they may already be a British citizen or a British overseas territories citizen (BOTC). Only those applying under [paragraph 5 of schedule 2](#) can have an automatic claim to British overseas citizenship or British subject status.

Unless it is clear from the application and associated documents that the individual already holds a form of British nationality you do not need to investigate this possibility.

Where you find that the applicant has an automatic claim to British citizenship you must write to them informing them of this and that they do not need to register as a British citizen.

An individual does not have an entitlement to register under [paragraph 3, 3A, 4 or 5 of schedule 2](#) if have an automatic claim to:

- British overseas territories citizenship
- British overseas citizenship
- British subject status
- any other nationality or citizenship

In these circumstances you must consider whether they:

- have an entitlement to registration as a British citizen under another provision
- can be registered as a British citizen at discretion
- must apply for naturalisation

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Discretion regarding absences

Under [paragraph 6 of schedule 2 of the British Nationality Act 1981](#) you can exercise discretion to allow absences of:

- more than 450 days if the application is made [under paragraph 3 of schedule 2](#)
- more than 270 if an application is made under [paragraph 4 of schedule 2](#)

You must normally waive excess absences under these provisions where:

- they are the result of circumstances beyond the persons control such as serious illness or an accident which prevented them from returning to the UK
- they amount to no more than 30 days
- refusal would seriously disadvantage the person

Being stateless on its own is not enough for discretion to apply

You must not waive excess absences where:

- the individual or their parents were unaware of the requirements
- the absences were entirely voluntary
- a refusal would cause inconvenience, such as difficulty travelling, and not serious disadvantage

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Consent to minors' applications

It is not necessary for minors applying under [paragraphs 3A, 4 or 5 of schedule 2 of the British Nationality Act 1981](#) to obtain the consent of their parents or the individuals responsible for their care.

If they meet the requirements, they are entitled to registration, and you must consider the application on its merits. You must not refuse the application on the basis that the parents do not consent.

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Fees

An applicant under [paragraph 3 or 3A of schedule 2 of the British Nationality Act 1981](#) can only acquire either British citizenship or British overseas territories citizenship (BOTC). The fee for registration in the UK is the same in either case, and only one fee is therefore payable in every case.

An applicant under [paragraph 4 of schedule 2](#) may be able to acquire British citizenship, BOTC or British overseas citizenship. It is up to the applicant to say which citizenship is sought, and a separate fee is therefore payable for each type of citizenship sought.

An applicant under [paragraph 5 of schedule 2](#) may be entitled to both British citizenship and BOTC. As this is not a matter of choice on the applicant's part, only one fee is payable.

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Issuing of certificates

Where you are issuing more than one type of citizenship you must issue separate certificates of registration for each type.

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