



Home Office

Registration as a British overseas territories citizen and British citizen: children of BOTC parents

Version 1.0

Guidance on how to consider applications for registration under sections 17A and 17B- 17F of the British Nationality Act 1981

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About this guidance

The term 'British overseas territories citizen (BOTC) parents' is used in this guidance to describe parents who are British overseas territories citizens. This guidance also includes unmarried fathers who were settled in an overseas territory when the applicant was born on or after 1 January 1983.

British overseas territories citizenship (BOTC) was previously 'British dependent territories citizenship' before 26 February 2002. On that date all British Dependent Territories were renamed as British Overseas Territories. Those with British overseas territories citizenship were automatically given British citizenship on 21 May 2002.

This guidance tells Nationality caseworkers how to consider applications for registration as a British Overseas Territories citizen (BOTC) from:

- people born before 1 January 1983 to British mothers
- people who did not become BOTCs because their father was not married to their mother

Successful applicants may also be eligible to register as British citizens. Unless the applicant has stated on their application form that they do not wish to become a British citizen, the majority of applications should be considered as applications for both BOTC and British citizenship.

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 the 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 **1.0**
- published for Home Office staff on **28 June 2022**

Changes from last version of this guidance

This is the first publication.

Related content

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Introduction

This page tells you about applications for British overseas territories citizenship (BOTC) made by children of BOTC mothers or fathers.

[The Nationality and Borders Act 2022](#) has created two new registration routes; one for people who were born to unmarried BOTC or settled fathers and one for people born overseas before 1 January 1983 to BOTC mothers.

The Nationality and Borders Act 2022 inserted **section 17A** of the British Nationality Act 1981. It addresses the inability of mothers to transmit citizenship before 1983. Applicants will normally qualify if they would have become a citizen of the UK and Colonies automatically, and later a British overseas territories citizen under the British Overseas Territories Act (2002), had women been able to pass on citizenship in the same way as men before 1 January 1983.

The Nationality and Borders Act 2022 also inserted **sections 17C – 17F** of the British Nationality Act 1981. These address the inability of BOTC men (before 1 July 2006) to pass on citizenship to a child born outside the territories if he was not married to the child's mother. Similarly, a child born between 1 January 1983 and 30 June 2006 in a territory to a settled or BOTC father might not have become a BOTC if the parents were not married. A child can also register under this provision if they were born after 1 July 2006, but did not become a BOTC because their mother was married to someone else. Applicants will normally qualify if they would have become BOTC automatically had their parents been married or would have had an entitlement to register.

British citizens

Applicants will apply for BOTC and British citizenship at the same time on either the BOTC (M) application form or the BOTC (F) application form. If successful, most applicants will obtain both statuses. Where applicants wish to only register as a BOTC, they will be asked to confirm this on their application form. Applicants who have already been registered or naturalised as a BOTC (after 26/05/2002) but would qualify under these routes as a British citizen can be registered under section 4K of the British Nationality Act 1981.

Section 4K was introduced into the British Nationality Act 1981 to enable those who are entitled to register as BOTC (under section 17A, 17C, 17D, 17E, 17F or 17H), or would be if not for the fact that they are already a BOTC under another provision, to register as a British Citizen.

Citizenship ceremony

Where successful applicants have indicated that they wish to obtain BOTC only, they will need to make the oath and pledge for that territory. In most cases where the applicant wishes to obtain both BOTC and British citizenship, those who are

successful will need to attend a citizenship ceremony. Applicants who are under 18 years of age will not be required to attend a ceremony or make an oath and pledge.

Fees

Applications to register as a BOTC under sections 17A or 17D – 17F only need to pay the ceremony fee. Applicants under 17C would need to have registered in order to become a British citizen and therefore must pay a [fee](#). Under 18-year-olds are exempt from the ceremony fee.

Related content

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Related external links

Nationality policy: general information all types of British nationality

Children of BOTC mothers

This page tells you how to consider applications from people who were born before 1983 to women who were British subjects or citizens of the United Kingdom and Colonies.

The Law

A person will qualify for registration under section 17A of the British Nationality Act 1981 if they:

- were born before 1 January 1983
- would either:
 - have become a citizen of the United Kingdom and Colonies (CUKC) under section 5 or schedule 3, paragraph 3 of the British Nationality Act 1948, if those sections had provided for women to pass on citizenship in the same way as men
 - have become a CUKC under [section 12\(2\), 12\(3\), 12\(4\) or 12\(5\), of the British Nationality Act 1948](#), if those sections had provided for women to pass on citizenship in the same way as men, and women had been able to pass on British subject status in the same way as men before 1949
 - have remained a CUKC on 31 December 1982 if women had been treated equally with men under the independence legislation of a country they had a connection with
- would then have become a British dependent territories citizen under section 23(1)(b) or 23(1)(c) of the British Nationality Act 1981
- would then have become a BOTC under the British Overseas Territories Act 2002.

For the purposes of registration under [section 17A of the British Nationality Act 1981](#), a woman is regarded as having been a CUKC by descent if she acquired that status by virtue of:

- [section 12\(2\), \(4\) or \(6\) only of the 1948 Act](#)
- [section 13\(2\) of that Act](#)
- [paragraph 3 of Schedule 3 to that Act](#)
- section 1(1)(a) or (c) of the British Nationality (No. 2) Act 1964

Persons born between 1 January 1949 – 1 January 1983

When you are considering a person who was born outside the UK (or its then territories/colonies) between 1 January 1949 – 31 December 1982 (inclusive) to a BOTC mother you must disregard the requirement that their birth must have been registered with a UK consulate in the 12-month period after their birth.

Evidence to be supplied

You must take into account any evidence already on the file. If documents have been seen and noted in the past you do not need to ask to see them again. If the parents' marriage or a parent and child relationship has been accepted as valid by an Entry Clearance Officer, Immigration Officer, Home Office official, or any tribunal court in the United Kingdom or its territories, you do not need to ask for further evidence unless you have reasons to doubt the previously accepted position.

You should normally see the evidence below. However, you must be satisfied, taking into account all of the information and evidence that you have seen, that the applicant on the balance of probabilities would have become a British Overseas territories citizen, had women been able to pass on citizenship at the time of their birth.

Evidence of birth

Evidence of the applicant's date of birth, such as a birth certificate.

Evidence of the mother's status

Evidence of the mother's CUKC status at the time of the applicant's birth such as:

- a birth certificate showing the mother's birth in an overseas territory
- a passport describing the mother as a CUKC at that time
- a certificate confirming the mother's earlier naturalisation or registration as a CUKC
- an adoption certificate showing the mother's legal adoption in the United Kingdom or Islands, together with evidence to establish that she became a CUKC as a result (see adoption guidance for an explanation of the nationality effects of adoption orders prior to 1983)
- a passport or certificate of naturalisation showing that the mother was a British subject before 1949, together with relevant evidence to show that she became a CUKC at commencement of the British Nationality Act 1948
- evidence that shows the applicant would have had a claim to CUKC under sections 5(1)(a)-(d) of the British Nationality Act 1948, such as the applicant or their mother's place of birth, or the mother's Crown service.

Evidence that the applicant would have retained CUKC status on any relevant independence

On the independence of a Commonwealth country, a person who acquired the citizenship of that country would have lost their citizenship of the UK and Colonies unless they had an 'exception to loss'. You must check the specific details of each country, but the normal exceptions were that:

- the person, their father or paternal grandfather was born, naturalised or registered as a CUKC in a country that remained a colony, protectorate or protected state
- a woman was married to a man who did not lose his CUKC status.

The applicant may therefore need to provide:

- evidence of their marriage to a man who remained a CUKC after independence
- evidence of their mother's marriage to a CUKC husband who retained CUKC status after the relevant territory became independent, such as her marriage certificate
- evidence that the applicant's mother or maternal grandfather was born, registered, or naturalised in the UK or a place that remained part of the UK and its territories after independence day, such as:
 - the mother's birth certificate and
 - the mother's father/grandfather's birth certificate

Evidence that the applicant would have become a BDTC then a BOTC

You must be satisfied that the person concerned would have gone on to become a BDTC and then a BOTC. This will probably be evident from the documents listed above, but you must be satisfied that they have a connection with a territory that remains an overseas territory, and is a 'qualifying territory' for the purposes of the British Overseas Territories Act 2002.

A 'qualifying territory' is one of the territories listed in [Schedule 6 of the British Nationality Act 1981](#) with the exception of the Sovereign Base Areas of Akrotiri and Dhekelia.

Type of BOT citizenship

Following registration under sections 17A of the British Nationality Act 1981, a person will be a BOTC 'by descent'. This reflects the status they would have held, had mothers been able to transmit citizenship before 1983.

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Related external content

British citizenship: automatic acquisitions

Children of BOTC fathers

This page tells you how to consider applications for British overseas territories citizenship made by children of unmarried fathers under sections 17B to 17F of the [British Nationality Act 1981](#)

Such persons can also apply for British citizenship under section [4K of the British Nationality Act 1981](#), if they would also have acquired that status (see section on British citizenship below)

These provisions apply to:

- those born on or after 1 January 1983 who would have become a BOTC automatically had their parents been married at the time of their birth (Section 17D). This includes those born on or after 1 July 2006 who did not become BOTCs because their mother was married to someone else at the time of the birth.
- those born before 1 January 1983 who would have acquired British subject or CUKC status and would have gone on to become a BOTC had their parents been married at the time of their birth (Section 17E)
- those born before 1 January 1983 who were citizens of the United Kingdom and Colonies (CUKC) immediately before that date and would have become a BOTC had their parents been married at the time of their birth (Section 17F)
- those who could qualify for registration under section 15(3), 17(2), 17(5) or paragraph 4 or 5 of Schedule 2, had their parents been married at the time of their birth ([Section 17C](#))

These provisions do not apply to those who:

- would have become BOTCs but for the fact that their grandparents were not married
- acquired BOT citizenship in another way and have since renounced or been deprived of that status
- would never have become a BOTC. (For example St Kitts and Nevis became independent in 1983, and Hong Kong ceased to be a British dependent territory in 1997).

These provisions apply to a person whose natural father was not married to the person's mother at the time of their birth. This includes people whose mother:

- was not married at the time of their birth
- was married to someone else who was not their natural father at the time of the birth (the person's 'natural father' is a person who can meet the proof of paternity conditions at section [50\(9B\) of the British Nationality Act 1981](#) read with the [British Nationality \(Proof of Paternity\) Regulations 2006](#))

Proof of paternity

The ‘father’ will be any person who is shown to be such by either:

- being named before 10 September 2015 as the child’s father on the birth certificate issued within 12 months of the birth
- in all other cases any evidence such as DNA test reports, court orders or birth certificates considered by the Secretary of State to establish paternity

You must not mandate DNA evidence as this is not a requirement. Applicants can choose to volunteer DNA evidence, either proactively or in response to an invitation to submit further evidence. Where applicants choose not to volunteer DNA evidence, no negative inferences can be drawn from this. See DNA policy guidance for full instructions on the use and consideration of DNA evidence to prove a biological relationship.

The standard of proof is the balance of probabilities (see the section on Automatic Claims). Documents must be from a reliable source.

Type of BOT citizenship

Following registration under sections 17C – 17F of the British Nationality Act 1981, a person will be a BOTC ‘by descent’ if they would automatically have become a BOTC by descent had their parents been married at the time of their birth. The person will be a BOTC by descent by virtue of section 17C(3), 17D(2), 17E(2) or 17F(5) of the 1981 Act.

If the person would have become a BOTC otherwise than by descent had the parents been married. then registration under these sections gives BOTC otherwise than by descent

Parents who married after the child was born

If a person was born before 1 July 2006 and their parents were not married at the time of the birth, but later married, the person may have been ‘legitimated’ in accordance with section 47 of the British Nationality Act 1981 or [section 23 of the British Nationality Act 1948](#) – see Nationality policy children of unmarried parents.

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Registration under section 17C

The Law

A person qualifies for registration under section 17C if:

- they were born before 1 July 2006
- their mother was not married to the natural father at the time of their birth
- they have never been a BOTC
- had their parents married, they would qualify for registration under:
 - section 15(3)
 - section 17(2)
 - section 17(5)
 - paragraph 4 of Schedule 2
 - paragraph 5 of Schedule 2
- they would have qualified under section 17(5) - the consent of the natural father and mother must normally be provided (this can be waived in exceptional circumstances, subject to SCW approval. General guidance on consent can be found in the guidance on Registration as British citizen: Children)
- they would have qualified under section 15(3), 17(2) or 17(5) and they are of good character if over the age of 10

They must meet the requirements for registration on the date of application apart from the requirements relating to a 'father' or 'parent'. This means, for example, that a person seeking to rely on an entitlement to registration under section [15\(3\)](#), [17\(2\)](#) or [17\(5\)](#) would need to be under 18 on the date of application. This provision does not apply to those who could have registered in the past but no longer qualify.

Evidence to be supplied

You must see the following evidence:

- documents to establish a registration entitlement – see the guidance on registration as [BOTC: children](#)
- parental consent if you are considering the application against the requirements for [section 17\(5\)](#)

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Related external content

Registration as British citizen: other British nationals

Registration as British citizen: stateless persons

Registration as British citizen: children

British citizenship: automatic acquisition

Registration under section 17D

The Law

A person qualifies for registration under section [17D](#) if:

- they were born on or after 1 January 1983 and before 1 July 2006
- their mother was not married to the natural father
- they have never been a BOTC
- they would have become a [BOTC automatically](#) if their parents had been married at the time of their birth:
 - under [section 15\(1\)](#) – born in a qualifying territory to a father who was a BDTC or BOTC or 'settled' in the territory
 - under [section 16\(1\)](#) – born outside the UK to a British citizen father
 - under the [British Nationality \(Falkland Islands\) Act 1983](#)
- they are under 18, their mother and natural father have consented to the registration, unless:
 - one of the parents has died
 - there are special grounds to waive consent in the exceptional circumstances of a particular case (for more information see the section on parental consent in [Registration as a BOTC: Children](#))

Evidence to be supplied

You must see the following evidence:

- documents to establish that the child would have had an [automatic claim](#) had their parents been married, such as their birth certificate and father's birth certificate, passport or evidence of settled status. (For details of the sort of evidence that is acceptable for mothers see: [Children of BOTC mothers](#))
- proof of [paternity](#)
- parental [consent](#) if the person is under 18

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Registration as British citizen: other British nationals

Registration as British citizen: stateless persons

Registration as British citizen: children

British citizenship: automatic acquisition

Registration under section 17E

The Law

A person qualifies for registration under 17E if:

- they were born before 1 January 1983
- their mother was not married to the natural father at the time of their birth
- they have never been a BOTC
- they were a citizen of the UK and Colonies (CUKC) on 31 December 1982
- they would then have become a BDTC and then a BOTC had their parents been married at the time of their birth

Evidence to be supplied

You must see the following evidence:

- documents to establish a claim to BOTC had their parents been married, for example:
 - evidence that the person was a CUKC on 31 December 1982, such as a CUKC passport or birth certificate (if the person claims to be a CUKC through birth in a former colony, you will need to be satisfied that they did not lose that status on independence)
 - evidence to show that they would have gone on to become a BOTC had the parents been married, such as the father's birth certificate or BOTC passport (if the person was born outside of the UK and its then colonies, you must be satisfied that the father could pass on citizenship)
- proof of [paternity](#)

For details of the sort of evidence that is acceptable for mothers see: [Children of BOTC mothers](#).

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Registration as British citizen: other British nationals

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British citizenship: automatic acquisition

Registration under section 17F

The Law

A person will qualify for registration under section 17F of the British Nationality Act 1981 if:

- they were born before 1 January 1983
- their mother was not married to the natural father
- they have never been a BOTC
- they would have become a BDTC on 1 January 1983 and then a BOTC on 26 February 2002, had their parents been married at the time of their birth because either:
 - they were a British subject before 1 January 1949, and would have become a citizen of the United Kingdom and Colonies (CUKC) on that date if the parents had been married at the time of their birth (such as under [section 12\(2\) of the British Nationality Act 1948](#))
 - they became a CUKC on or after 1 January 1949 and lost that status on the independence of a Commonwealth country, but would not have done so had their parents been married at the time of their birth
 - they never acquired British subject or CUKC status, but would have done so had their parents been married at the time of their birth (such as under [section 12\(2\), 5\(1\) or schedule 3, paragraph 3 of the British Nationality Act 1948](#))

You must be satisfied that the person would have met each of the relevant criteria to become a BOTC had their parents been married at the time of their birth.

This means that they:

- would have become a CUKC before 1 January 1983
- would have retained that status on the independence of any Commonwealth country that they had a connection with
- would have become a BDTC/BOTC

Evidence to be supplied

You must see the following evidence:

- documents to establish a claim to BOTC had their parents been married, for example:
 - evidence that they would have become a British subject or CUKC, such as the father's birth certificate or UK passport, and the applicant's birth certificate - if the person was born overseas you will need to be satisfied that the father could pass on citizenship
- proof of [paternity](#)

For details of the sort of evidence that is acceptable for mothers see: [Children of BOTC mothers](#).

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British citizenship

The majority of applicants will apply for BOTC and British citizenship at the same time.

People who qualify for registration under sections 17A and 17C-F can also apply for British citizenship under section 4K of the British Nationality Act 1981, which was introduced by the Nationality and Borders Act 2022, if they would also have acquired that status.

Applicants are entitled to be registered as a British citizen under section 4K of the British Nationality Act 1981 if they are entitled to be registered as BOTC under section 17A, 17C, 17D, 17E or 17F, or they would be entitled to be registered as a BOTC under any of these sections but for the fact that they have already become a British overseas territories citizen under a different provision.

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