



Home Office

## Guide – Registration of a stateless person as a:

- British citizen
- British Overseas Territories citizen
- British overseas citizen
- British subject

June 2022

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# Introduction

This guide sets out the different ways in which you can apply for British nationality on the basis of being stateless. The guide will help you decide whether you qualify to apply for registration and tells you how to do so. (In this guide we talk about “you”, but we recognise that an application may be made by a parent, or someone acting on a child’s behalf.)

The law covering registration is contained in the British Nationality Act 1981 and the regulations made under it. The information given here is meant only as a brief guide to the law and to the Home Secretary’s policy. It is not a comprehensive statement of either the law or policy.

**Changes were made in the Nationality and Borders Act 2022. If you make an application on or after 28 June 2022 you will need to meet the new requirements. This will affect you if you were born in the UK or a British overseas territory and are aged 5-17.**

For your application to be successful you will need to show that you satisfy a number of requirements. The requirements which you need to meet will depend on whether you were born:

- [in the UK or a British overseas territory on or after 1 January 1983](#)
- [outside of the UK and overseas territories on or after 1 January 1983](#)
- [before 1 January 1983](#)

## Check if you are already a British overseas territories citizen or British citizen

A child who is born in a British overseas territory may already be a British overseas territories citizen if, when the child was born, one or more of their parents was a British overseas territories citizen or settled in a British overseas territory.

A child who is born in the UK or, since 21 May 2002, a qualifying territory (British overseas territories except the Sovereign Base Areas of Akrotiri and Dhekelia) may already be a British citizen, depending on residence and their parent’s citizenship.

Further information can be found on our website: [Check if you're a British citizen: Overview - GOV.UK \(www.gov.uk\)](#).

# Requirements

This section sets out the requirements you must meet in order to apply to register as a British national and what type of British nationality you will acquire if successful.

## Born in the UK or an overseas territory on or after 1 January 1983

Paragraphs 3 and 3A of schedule 2 to the British Nationality Act 1981 set out the requirements under which a person born in the UK or a British overseas territory on or after 1 January 1983, and who is otherwise stateless, can register as a British citizen or a British overseas territories citizen.

To be registered you:

- must have been born in the UK or a British overseas territory
- must have been born on or after 1 January 1983
- must have been stateless when you born
- must always have been stateless
- must have been in the UK or a British overseas territory on the date 5 years before your application is received
- should not have been absent from the UK or British overseas territory for more than 450 days in that 5-year period.
- must be under the age of 22 years old on the date of application
- must be unable to acquire another nationality if you are aged 5-17 (see below)

If you were outside the UK or a British overseas territory for more than 450 days in the 5-year period, you may still be able to be registered. You should explain the reason for the excess absences and any special circumstances.

## Can you acquire another nationality?

If you apply on or after 28 June 2022 and you are aged 5-17, you must be unable to acquire another nationality if you are aged 5-17. If you can acquire another nationality, as described below, you cannot qualify under this route and your application will be refused. If the application is refused, your fee will not be refunded. You will need to ensure you have permission to stay in the UK.

You will be regarded as being able to acquire another nationality where:

- the nationality is the same as of one of your parents
- you have been entitled to acquire the nationality since birth
- it is reasonable to expect you (or someone acting on your behalf) to take steps to allow you to acquire that nationality

Most countries' citizenships can be acquired automatically by descent if your parent was born in that country. However, some countries expect a child's parents to take steps, such as registering the birth, for the child to become a citizen.

You can find out information about acquiring your parents' citizenship from the Embassy, High Commission or Consulate of that country.

You may find the following websites helpful if your parents are from India, Jamaica, New Zealand or Sri Lanka, as these countries require birth or similar registration to become a citizen. However, other countries may also need action to be taken to acquire citizenship and so you should check.

- [High Commission of India, London, United Kingdom: Birth registration of Children eligible for Indian nationality \(hcilondon.gov.in\)](https://www.hcilondon.gov.in)
- [By Descent :: Jamaican High Commission \(jhcuk.org\)](https://www.jhcuk.org)
- [Register as a citizen by descent and get a passport | New Zealand Government \(www.govt.nz\)](https://www.govt.nz)
- [Registration of Births – High Commission of the Democratic Socialist Republic of Sri Lanka in the United Kingdom \(srilankahc.uk\)](https://www.srilankahc.uk)

## Reasonable steps

We will look at your circumstances to see if you could reasonably acquire another nationality. If you cannot reasonably acquire another nationality, you must explain why and provide evidence.

If your parents' nationality can be acquired by them registering your birth at a High Commission, Embassy or Consulate in the UK, we would expect them to try and acquire that status for you, so that you are not left stateless. We would expect them to take straightforward steps such as filling in a form, providing necessary documents and paying a fee.

If your parents would need a passport to register your birth, we would expect them to obtain one, unless there were good reasons why they cannot do so.

If your parents' country has refused to register your birth, we will expect to see evidence that they had tried to register your birth and followed the correct process, including providing documents and a fee. If your parents did not provide all the information needed or complete the correct process, we will not be able to accept that you cannot acquire another nationality. If your parents complied fully with the process, and you met all the objective criteria for acquiring your parent's nationality, but your application was still refused, we will accept that you cannot reasonably acquire that nationality.

If your parents have been granted asylum or humanitarian protection in the UK, we will not expect them to approach the authorities of their country.

## **Type of citizenship acquired under paragraphs 3 and 3A of Schedule 2**

If you meet the requirements and you are registered by the Home Secretary or the Governor, you will become a:

- British citizen – if you have spent more time in the United Kingdom than in the British Overseas Territories during the 5-year qualifying period
- British Overseas Territories citizen- if you have spent more time in the British Overseas Territories than in the UK during the 5-year qualifying period.

If you are applying under this provision, please go the next relevant section on [Biometrics](#).

## **If you do not qualify under these routes**

A child who does not meet the requirements listed above may still have a right to be registered as a British citizen or British overseas territories citizen under another provision depending on residence and their parent's citizenship. The Home Secretary or Governor may also be prepared to exercise discretion to register a child under another provision, if there are special circumstances such as where the parents are applying for registration themselves.

Further information can be found on our website: [Check if you can become a British citizen - GOV.UK \(www.gov.uk\)](#)

## Born outside the UK and overseas territories on or after 1 January 1983

Paragraph 4 of schedule 2 to the British Nationality Act 1981 sets out the requirements under which a person born outside of the UK and the British Overseas Territories on or after 1 January 1983 and who is otherwise stateless can register as a British citizen, a British Overseas Territories citizen, British overseas citizen or British subject status.

To be registered:

- you must have been born on or after 1 January 1983
- you must have been born outside the UK and British Overseas Territories
- you must have been born stateless
- you must have always been stateless
- you must have been in the UK or a British overseas territory on the date 3 years before your application is received)
- you should have not been absent from the UK or British overseas territory for more than 270 days in that 3-year period.
- When you were born, your mother or father was a:
  - British citizen
  - British overseas territories citizen
  - British overseas citizen
  - British subject

If you were outside the UK or a British overseas territory for more than 270 days in the 3-year period, you may still be able to be registered. You should explain the reason for the excess absences and any special circumstances.

### Type of citizenship acquired under paragraph 4 of Schedule 2

If you meet the requirements, you will acquire the citizenship or status your parent held. If your parents had, between them, more than one citizenship, you may acquire one or more of the citizenships. You must indicate in your application what citizenship or citizenships you wish to apply for.

If applying under this provision, please go the next relevant section on [Biometrics](#).

## If you do not qualify under this route

A child who does not meet the requirements listed above may still have a right to be registered as a British citizen or British overseas territories citizen under another provision depending on residence and their parents' citizenship. The Home Secretary or Governor may also be prepared to exercise discretion to register a child if there are special circumstances such as where the parents are applying for registration themselves.

You can also apply if you would have qualified for registration under this paragraph but for the fact that your parents were not married. Your application will be considered under section 4F of the 1981 Act.



## Born before 1 January 1983

Paragraph 5 of schedule 2 to the British Nationality Act 1981 sets out the requirements under which a person born before 1 January 1983, who is otherwise stateless can register as a British citizen, a British Overseas Territories citizen or a British Overseas citizen.

To apply you must have been born before 1 January 1983, be stateless and always have been stateless and fall within one of the groups set out in our [caseworker guidance](#).

## Type of citizenship acquired under paragraph 5 of Schedule 2

The British Nationality Act 1981 replaced citizenship of the UK and Colonies with 3 separate citizenships:

- British citizenship, for people closely connected with the UK, including the Channel Islands and the Isle of Man
- British Overseas Territories citizenship, for people connected with the overseas territories (the British Overseas Territories were called the British dependant territories before 26 February 2002)
- British Overseas citizenship, for those citizens of the UK and Colonies who do not have these connections with either the UK or the dependent territories.

If you meet the requirements you will be registered as a British citizen, except where:

- you qualify on the ground that your mother was a citizen of the UK and Colonies at the time of your birth. You will receive the same citizenship your mother acquired on 1 January 1983 or would have acquire but for her death
- you were born in a British overseas territory. You will be registered as a British Overseas Territory citizen.

# Biometric enrolment

If you are applying for British citizenship, you must enrol your biometric details for the purpose of identity verification.

Children under the age of 6 do not need to provide fingerprints, but must have a digital photograph taken of their face.

Up to the age of 6 the Home Office only requires a digitised image of the child's face, although the regulation does not prevent fingerprints being recorded from children aged less than 6 years. There is no upper age limit for biometric information to be taken.

Children under the age of 16 must be accompanied by a parent or legal guardian at their biometric enrolment appointment.

Where you give your biometric information depends on how you're making your visa or immigration application. You'll be told where to go after you've applied.

Your application may be rejected as invalid if you do not enrol your biometrics when requested. For more information about enrolling biometrics and the current fee, please visit the following section of our website: <http://www.gov.uk/biometric-residence-permits>.

# Documents

This section tells you the sort of documents you will need to provide so we can consider your application. We cannot consider your application unless we have supporting documents. If you do not submit your application with supporting evidence then the application will be returned to you unprocessed.

You should provide the following evidence.

## Evidence that you have been stateless since birth

- If you were born outside the UK or a British overseas territory, a letter from the authorities in the country in which you were born, stating that you are not, and never have been, a citizen of that country.
- Evidence of the citizenship or status of your mother or father. This may include:
  - your parent's birth certificate
  - any certificate of registration or naturalisation
  - any passports or official letters which show your parent's citizenship or status at any time.
- if either of your parents holds a non-British nationality, a letter from the authorities of the country concerned, saying that you have never held that country's citizenship or nationality.
- if you have lived for a period of 5 years or more in any other territory, a letter from the authorities of that country of residence saying you have never held that country's citizenship or nationality.

If your parents hold different non-British citizenships or nationalities, or either of them holds more than one citizenship or nationality, you will need to get letters from all of the countries concerned. Similarly, if you have resided for 5 years or more in more than one country, you will need to get letters of confirmation from all of the countries concerned.

## Definition of a parent

- If you were born before 1 July 2006 your “parent” is either:
  - your mother
  - your father if he was married to your mother

If your parents were not married when you were born, but then got married, the marriage might mean you have a claim to citizenship through your father, if he was a British citizen or settled in the UK when you were born

- If you were born on or after 1 July 2006, your “parent” will be:
  - your mother
  - your father if he was married to your mother at the time of the birth; or
  - your father if he is treated as your father under section 28 of the Human Fertilisation and Embryology Act 1990, or section 35 or 36 of the Human Fertilisation and Embryology Act 2008.
  - your second female parent if the child you were conceived on or after 6 April 2009, and she is treated as your parent under s.42 or 43 of the Human Fertilisation and Embryology Act 2008 (; or
  - (if neither of the previous 2 bullets apply) your father if he can satisfy the Home Secretary that he is your father (by means of DNA test results, court orders, birth certificates or other relevant evidence)

If your parents were married you should provide their marriage certificate. If your parents were not married and you are applying for citizenship on the basis of your father, you should provide evidence of paternity. This could include:

- DNA test reports (we will accept test results from a company that is on the [Ministry of Justice’s accredited list](#)), or
- a court order,
- your birth certificate, or
- other evidence that proves you are related as claimed.

Please provide any translations if these are applicable.

## **Evidence that you cannot reasonably acquire another nationality**

This might include:

- a copy of the application your parents made to register your birth with their own country and evidence that they paid the required fee, provided the relevant documents and followed all the necessary steps. You should also send a copy of the response from that country explaining why the application was refused.

- any information to show why it would not be reasonable for you, or someone acting on your behalf such as your parents, to take steps to acquire a nationality for you.

## **Evidence that you have been in the United Kingdom or a British overseas territory for a period of 3/5 years as stated in your application**

- the passport or passports (including stateless persons travel documents) which cover the whole of the five or three year period.

If you cannot send your passport, please explain why and send as much as you can of the following:

- letters from your employers during the qualifying period
- letters from schools or other educational establishments which were attended during the qualifying period
- a letter from the HM Revenue & Customs National Insurance Contributions Office showing that you have paid National Insurance contributions during the qualifying period, or an equivalent letter in the case of a British overseas territory
- P60 forms or a letter from the HM Revenue & Customs (or the equivalent in a British overseas territory) showing that you have paid tax during the qualifying period
- any other documents which show that you lived in the United Kingdom or the British Overseas Territories during the qualifying period.

Please note that if the application is made by a guardian for a person under 18, evidence of their right to do so, such as a deed, will or court order, is needed.

# Citizenship ceremonies

If you have applied for British citizenship and your application is successful, and you are living in the UK, you will be invited to attend a citizenship ceremony if you are over 18. You will receive an invitation from the Home Office and this will confirm the local authority you should contact to arrange your ceremony. We expect you to arrange to attend a ceremony within 3 months of receiving your invitation otherwise it will expire and you will have to re-apply for registration and pay a further processing fee.

If you are outside the UK, arrangements will be made for you to make the oath/affirmation and pledge at the British Embassy, High Commission, Consulate, Governor's Office or Lieutenant Governor's Office.

If you are over the age of 18 when your application is decided, you will need to attend a citizenship ceremony. At the ceremony, you will be asked to affirm or swear an oath of allegiance to Her Majesty the Queen and to pledge your loyalty to the UK. Following this you will be presented with your certificate of registration as a British citizen.

You must make immediate contact with the local authority once you have been informed that your application is successful, as you only have 90 days in which to attend the ceremony. The date by which you must attend your ceremony will be given in your Home Office citizenship ceremony invitation. If you do not attend the ceremony within 90 days without good reason, your application for citizenship will be refused and you will need to re-apply.

Making the Oath (or Affirmation) and Pledge at a citizenship ceremony is a legal requirement for adults, and the point at which you will become a British citizen. You are therefore expected to attend a ceremony. If you have special needs or concerns about saying the Oath (or Affirmation) and Pledge in English, you should bring these to the attention of the local authority once you have received your invitation.

If you have applied for British overseas territories citizenship and your application is successful, you will need to make an oath and pledge if you are over 18. The overseas territory will tell you how to arrange this.

# Deprivation of citizenship

You may be deprived of British citizenship if it is found to have been obtained by fraud, false representation or the concealment of any material fact. The Home Secretary may also deprive you of British citizenship if, in his opinion, it would be in the public interest for him to do so and you would not thereby be made stateless.

Ministers suggested during the passage of the Immigration, Asylum and Nationality Act 2006 that deprivation may be appropriate where the person-

- has encouraged or assisted others to commit acts of terrorism;
- has committed war crimes, public order offences or other serious crime; or
- has carried out acts seriously prejudicial to vital national interests, including espionage and acts of terrorism directed at the United Kingdom or an allied power.

A certificate of registration will, as a matter of law, be ineffective from the outset if it is obtained by means of impersonation.