



Home Office

# Nationality procedures: levels of decision making

(Formerly chapter 1)

Version 7.0

# Contents

About this guidance .....	3
Contacts .....	3
Publication.....	3
Changes from last version of this guidance .....	3
Automatic claims to British nationality .....	4
Registration of minors as British citizens: entitlement provisions .....	5
Registration of minors: discretionary provisions.....	6
Registration of British nationals as British citizens .....	8
Other registration: sections 4C & 4F-I .....	10
Registration as a British citizen under section 4K, following registration as a BOTC under 17A or sections 17C-F .....	11
Registration of adults as British Citizens in special circumstances .....	12
Registration of stateless (schedule 2).....	13
Naturalisation as a British citizen .....	14
Renunciation.....	17
Resumption of British citizenship following renunciation of CUKC .....	18
Resumption of British citizenship following renunciation.....	19
Registration under the Hong Kong (War Wives and Widows) Act 1996.....	20
Registration under the British Nationality (Hong Kong) Act 1997 .....	21
Deprivation / nullity .....	22
Judicial review .....	23
Application for a certificate of entitlement to the right of abode .....	24
Other actions .....	25

# About this guidance

This guidance tells nationality caseworkers the authority levels for decisions on nationality applications. There is no legislation linked to this guidance.

The level at which an action is begun will be the level at which the consideration process begins. Therefore only the level of decision taking can be set. The grade referred to as decision maker refers to the minimum grade. Within nationality, senior caseworkers (SCW) are at Higher executive officer (HEO) level.

## 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 **7.0**
- published for Home Office staff **16 March 2023**

## Changes from last version of this guidance

Update to the levels of decision-making for proposing to grant a minor with no settled status to Senior caseworker level

### Related content

[Contents](#)

# Automatic claims to British nationality

This page tells you who is responsible for considering and deciding claims to British nationality.

<b>Circumstances</b>	<b>Caseworker</b>	<b>Decision maker</b>
Accepting or rejecting a claim	N/A	Executive officer (EO)
Minors of unmarried parents born on or after 1 July 2006. Accept or reject evidence of paternity (except birth certificate)	N/A	Senior caseworker (SCW)

## Related content

[Contents](#)

# Registration of minors as British citizens: entitlement provisions

This page tells you who is responsible for considering and deciding whether a child has an entitlement to be registered as a British citizen under the [British Nationality Act 1981](#).

Circumstances	Caseworker	Decision maker
Refusal – deception, where a 10 year advisory period is proposed	Administrative Officer (AO)	Senior caseworker (SCW)
<a href="#">Section 1(3)</a> grant/ refusal (in other cases)	AO	AO
<a href="#">Section 1(4)</a> grant or refusal – no discretion involved	AO	AO
<a href="#">Section 1(4)</a> grant or refusal discretion involved	AO	Executive officer (EO)
<a href="#">Section 3(2)</a> grant or refusal – no discretion involved	AO	AO
<a href="#">Section 3(5)</a> grant or refusal – no discretion involved	AO	AO
<a href="#">Section 3(2)</a> grant or refusal – discretion involved	AO	EO
<a href="#">Section 3(5)</a> grant or refusal – discretion involved	AO	EO
<a href="#">Section 3(5)</a> invite re-declaration of application form where applicant/ parents are not in the UK/ qualifying territory on start date	AO	AO
Refusal on character	AO	SEO
Minors of unmarried parents born on or after 1 July 2006. Accept or reject evidence of paternity (except birth certificate)	AO	SCW
Refusal of a minor child of a serving or former member of HM forces	AO	Minister

All applications in respect of allegedly stateless people are dealt with in a designated team.

## Related content

[Contents](#)

# Registration of minors: discretionary provisions

This page tells you who considers and decides applications to register children under the discretionary provisions of the [British nationality Act 1981](#).

Circumstances	Caseworker	Decision maker
Refusal on grounds of deception, where 10 year advisory period is proposed	Administrative Officer (AO)	Executive officer (EO)
<a href="#">Section 3(1)</a> grant where minor adopted abroad – no reservations	AO	AO
<a href="#">Section 3(1)</a> grant where minor adopted abroad – reservations exist	AO	EO
<a href="#">Section 3(1)</a> refusal where minor adopted abroad	AO	EO
<a href="#">Section 3(1)</a> grant or refusal where a parent objects to registration	AO	EO
<a href="#">Section 3(1)</a> grant or refusal of Hong Kong ‘split families’ application	AO	EO
<a href="#">Section 3(1)</a> child of unmarried parents whose father is a British citizen - grant	AO	AO
<a href="#">Section 3(1)</a> child of unmarried parents whose father is a British citizen - refusal	AO	EO
Minors of unmarried parents, accept or reject evidence of paternity (except birth certificate)	AO	Senior caseworker (SCW)
<a href="#">Section 3(1)</a> grant exceptionally	AO	EO
<a href="#">Section 3(1)</a> grant if criteria are met	AO	AO
<a href="#">Section 3(1)</a> refuse case on basis of impending prosecution	AO	AO
<a href="#">Section 3(1)</a> refusal of WRS case	AO	SEO
<a href="#">Section 3(1)</a> refusal of older teenagers (15+), spent over 10 years in UK	AO	SEO
<a href="#">Section 3(1)</a> refusal on character	AO	SEO
<a href="#">Section 3(1)</a> refusal in all other categories	AO	EO
<a href="#">Section 32</a> grant/ refusal in all other categories	SCW	SCW
<a href="#">Section 27(1)</a> grant/ refusal in all other categories	SCW	SCW
Refusal of a minor child of a serving or former member of HM forces	AO	Minister
Proposal to grant when the minor does not have indefinite leave to remain (ILR)	AO	SCW

All applications in respect of allegedly stateless people are dealt with in a designated team.

**Related content**  
[Contents](#)

# Registration of British nationals as British citizens

This pages tells you who considers and decides applications from other British nationals to register as British citizens under the [British Nationality Act 1981](#).

Circumstances	Caseworker	Decision maker
Refusal on grounds of deception, where a 10 year advisory period is proposed	Adminstrative officer (AO)	Senior caseworker (SCW)
Refusal, applicant's children not of good character	AO	Senior executive officer (SEO)
<a href="#">Section 4(2)</a> grant or refuse, no discretion involved	AO	AO
<a href="#">Section 4(2)</a> grant, discretion used to waive excess absences of more than 450 days but not exceeding 730 days	AO	AO
<a href="#">Section 4(2)</a> grant, discretion used to waive excess absences of more than 730 days but not more than 900 days	AO	Executive officer (EO)
<a href="#">Section 4(2)</a> grant, discretion used to waive excess absences of more than 900 days	AO	SCW
Section 4(2) grant, discretion used to waive excess absences in the final 12 months of the qualifying period(QP) of more than 90 days but not more than 100 days	AO	AO
<a href="#">Section 4(2)</a> grant, discretion used to waive excess absences in the final 12 months of the QP of more than 100 days but not more than 180 days	AO	AO
<a href="#">Section 4(2)</a> grant, discretion used to waive excess absences of more than 180 days in the final 12 months of the QP where the residence requirements over the full 5 year QP are met	AO	SCW
<a href="#">Section 4(2)</a> grant, discretion used to waive excess absences of more than 180 days in the final 12 months of the QP where the residence requirements over the full 5 year QP are not met	AO	SEO
<a href="#">Section 4(2)</a> refusal, discretion not exercised in the applicant's favour	AO	EO
<a href="#">Section 4(2)</a> invite re-declaration of application form where applicant was not in UK on start date	AO	AO
Refusal on character where applicant is a minor	AO	SEO
<a href="#">Section 4(5)</a> grant or refuse	SCW	SCW



<b>Circumstances</b>	<b>Caseworker</b>	<b>Decision maker</b>
<a href="#">Section 4A</a> grant or refuse, no discretion involved	AO	AO
<a href="#">Section 4B</a> grant	EO	EO
<a href="#">Section 4B</a> refuse	EO	EO

All applications under [sections 4A and 4B](#) are dealt with by designated caseworkers.

**Related content**

[Contents](#)

## Other registration: sections 4C & 4F-I

This page tells you who considers and decides other types of applications to register as a British citizen under [sections 4C & 4F-I of the British Nationality Act 1981](#).

Circumstances	Caseworker	Decision maker
Grant	Administrative officer (AO)	AO
Refusal on grounds of deception where a 10 year advisory period is proposed	AO	Senior caseworker (SCW)
Refusal on character where applicant is a minor	AO	SEO
Refusal in all other cases	AO	Executive officer (EO)

All applications under section 4C are dealt with by specially trained caseworkers.

### Related content

[Contents](#)

# Registration as a British citizen under section 4K, following registration as a BOTC under 17A or sections 17C-F

From 28 June 2022, individuals born outside an Overseas Territory before 1 January 1983 who would have become British Overseas Territories citizens (BOTCs) if women had been able to pass on citizenship in the same way as men at the time of their birth, will be able to register as a BOTC under section 17A.

Similarly, registration provisions have been introduced at sections 17C-F for people who would have become British overseas territories citizens automatically had their parents been married, or have an entitlement to registration.

People registered as a BOTC under those sections will also be able to register as a British citizen under the new section 4K at the same time if they wish. Applications, including the assessment of the customer's potential eligibility for BOTC status and the corresponding recommendation to the Governor of the relevant Territory, should be considered as follows:

Circumstances	Caseworker	Decision maker
Grant of BC status following confirmation from Governor that BOTC status has been granted – straight forward case	Administrative officer (AO)	AO
Grant on balance of probabilities due to incomplete evidence	AO	EO
Refuse – would not have had a claim to BOTC status	AO	Senior Caseworker (SCW)
<a href="#">17C</a> Refuse on good character grounds (would not have been eligible to be registered as a BOTC)	-	-
Refusal in all other cases	AO	Senior Caseworker (SCW)

Where the Governor of the relevant Territory does not agree with the recommendation to register as a BOTC, please escalate case to a Senior Caseworker. If payment isn't received for the BOTC application, cases need to be placed on hold/ escalated via the correct procedure until confirmation has been received from the Governor that they are happy to grant BOTC status.

## Related content

[Contents](#)

# Registration of adults as British Citizens in special circumstances

<b>Circumstances</b>	<b>Caseworker</b>	<b>Decision maker</b>
<a href="#">Section 4L</a> Grant or refusal	Executive officer (EO)	Senior executive officer (SEO)

## Related content

[Contents](#)

# Registration of stateless (schedule 2)

This page tells you who considers and decides applications to register a person who would otherwise be stateless under [schedule 2 of the British Nationality Act 1981](#).

Circumstances	Caseworker	Decision maker
Paragraph <a href="#">3</a> or <a href="#">4</a> , grant or refuse, no discretion involved	Administrative officer (AO)	AO
Paragraph <a href="#">3</a> or <a href="#">4</a> , grant, discretion exercised in applicant's favour	AO	AO
Paragraph <a href="#">3</a> or <a href="#">4</a> refusal no entitlement	AO	AO
Paragraph <a href="#">3</a> or <a href="#">4</a> refusal, discretion not exercised in applicants favour	AO	Executive officer (EO)
Paragraph <a href="#">3</a> or <a href="#">4</a> invite re-declaration of application form where the applicant is not in the UK/ British overseas territory on start date	AO	AO
<a href="#">Paragraph 5</a> , grant or refuse	AO	EO
Refusal on the basis that child can reasonably acquire another nationality	EO	EO

## Related content

[Contents](#)

# Naturalisation as a British citizen

This page tells you how considers and decides an application for naturalisation as a British citizen under [section 6 of the British Nationality Act 1981](#).

<b>Circumstances</b>	<b>Caseworker</b>	<b>Decision maker</b>
All requirements met, no discretion necessary	Administrative officer (AO)	AO
Grant, discretion used to waive excess absences of more than 450 (270) days but not more than 730 (450) days	AO	AO
Grant, discretion used to waive excess absences of more than 730 (450) days but not more than 900 (540) days	AO	Executive officer (EO)
Grant, discretion to waive excess absences of more than 900 (540) days	AO	Senior caseworker (SCW)
Grant, discretion to waive excess absences in the final 12 months of the qualifying period (QP) of more than 90 days, but not more than 100 days	AO	AO
Grant, discretion to waive excess absences in the final 12 months of the QP of more than 100 days but not more the 180 days	AO	EO
Grant, discretion to waive excess absences of more than 180 days in the final 12 months of the QP, where the residence requirements over the full 5 (3) year QP are met	AO	Senior caseworker (SCW)
Grant, discretion to waive excess absences of more than 180 days in the final 12 months of the QP, where the residence requirements over the full 5 (3) year QP are not met	AO	SEO
Grant or refusal where a section 6(1) applies on the basis of crown service alternative to normal residence requirements	SCW	SCW
Grant in other cases where discretion is exercised in the applicant's favour in respect of any residence requirements	AO	AO
Grant or refuse where discretion is requested in respect of language requirements on the grounds of age (age over 65)	AO	AO
Grant or refuse where discretion is requested in respect of language requirements on the grounds of age (age under 65)	AO	SCW
Grant or refuse where discretion is requested in respect of the knowledge of language and life	AO	SCW

<b>Circumstances</b>	<b>Caseworker</b>	<b>Decision maker</b>
requirements on the grounds of physical and mental incapacity		
Grant or refuse where discretion is requested in respect of the knowledge of life requirement on the grounds of age (age over 65)	AO	AO
Grant or refuse where discretion is requested in respect of the knowledge of life requirement on the grounds of age (age under 65)	AO	SCW
Grant or refuse where discretion is requested over requirement to have been in the UK at the start of the qualifying period	AO	SCW
Grant where an applicant has been released on licence following a life sentence	AO	Minister
Grant where discretion is exercised to exceptionally waive a single non custodial offence	AO	Chief caseworker
Refusal on the basis of impending prosecution	AO	EO
Refusal on deception, where a 10 year advisory period is proposed	AO	EO
Refusal, where an applicant's children are not of good character	AO	SEO
Refusal on other character grounds	AO	EO
Grant or refusal where future intentions are in doubt	AO	EO
Grant where full capacity is in doubt	AO	EO
Refusal on full capacity	AO	SEO
Refusal where applicant fails to meet an unwaivable requirement – is not free from immigration time restrictions	AO	AO
Refusal where discretion not exercised over waivable requirement	AO	EO
Grant of an application from an undischarged bankrupt	AO	SCW
Refusal – applicant was not lawfully in UK in the qualifying period (still have power to look at this in certain circumstances)	EO	SEO
Where a decision is likely to attract public attention or press reaction	AO	SCW
Refusal of a serving or former member of HM forces, or their spouse or civil partner, where the Secretary of State has discretion over the unmet requirement (other than criminality)	AO	Minister
Refusal of a serving or former member of HM forces, or their spouse or civil partner on criminality grounds	AO	SCS

<b>Circumstances</b>	<b>Caseworker</b>	<b>Decision maker</b>
Refusal of an adult dependant of a serving or former member of HM forces	AO	SCS
Grant or refusal of a section 6(2) application where application made on grounds of British citizen spouse's / civil partners Crown or designated service	EO	EO

**Related content**

[Contents](#)



# Renunciation

This page tells you who considers and decides whether to renounce British nationality, including under the [Hong Kong \(British Nationality\) Order 1986](#).

Circumstances	Caseworker	Decision maker
Registration, except where otherwise specified	Administrative officer (AO)	AO
Declaration unlikely to be registered within the time limit specified	AO	Executive officer (EO)
Registration where declaration is referred by an overseas post with all the relevant documents and information	AO	AO
Registration where applicant is not required to renounce in order to retain or acquire another nationality, but chooses to renounce	AO	AO
Applicant wrongly believes or claims that renunciation is necessary in order to retain or acquire another nationality	AO	EO
Registration where full capacity is in doubt	AO	EO
Refusal to register on full capacity	AO	Senior executive officer (SEO)
Refusal to register because other necessary requirements are not satisfied	AO	EO
Applicant has not acquired another citizenship, and the declaration is to be endorsed as void	EO	EO

## Related content

[Contents](#)

# Resumption of British citizenship following renunciation of CUKC

This page tells you who considers and decides applications to resume British citizenship, where the applicant has previously renounce citizen of the UK and colonies (CUKC) status.

Circumstances	Caseworker	Decision maker
Refusal on grounds of deception, where a 10 year advisory period is proposed	Administrative officer (AO)	Senior casework (SCW)
Refusal, applicant's children are not of good character	AO	Senior executive officer (SEO)
<a href="#">Section 10(1)</a> grant	Executive officer (EO)	EO
<a href="#">Section 10(1) or 10(2)</a> , full capacity in doubt	EO	EO
<a href="#">Section 10(1) or 10(2)</a> , refusal on full capacity	EO	SEO
<a href="#">Section 10(1) or 10(2)</a> , refusal, other statutory requirements not met	EO	EO
<a href="#">Section 10(2)</a> , grant, discretion exercised in applicant's favour	EO	EO
<a href="#">Section 10(2)</a> , refusal, discretion not exercised in applicant's favour on character grounds	EO	EO
<a href="#">Section 10(2)</a> , refusal, discretion not exercised on other grounds	EO	EO

## Related content

[Contents](#)

# Resumption of British citizenship following renunciation

This pages tells you who considers and decides an application to resume British citizenship, where the applicant has previously renounced British citizenship.

<b>Circumstances</b>	<b>Caseworker</b>	<b>Decision maker</b>
Refusal, on grounds of deception, where a 10 year advisory period is proposed	Executive officer (EO)	Senior caseworker (SCW)
Refusal, applicant's children not of good character	EO	Senior executive officer (SEO)
<a href="#">Section 13(1)</a> grant	EO	EO
<a href="#">Section 13(3)</a> , refusal on character grounds	EO	EO
<a href="#">Section 13(1) or 13(2)</a> , full capacity in doubt	EO	EO
<a href="#">Section 13(1) or 13(2)</a> , refusal on full capacity	EO	SEO
<a href="#">Section 13(3)</a> , grant or refusal on grounds other than character	EO	EO

## Related content

[Contents](#)

# Registration under the Hong Kong (War Wives and Widows) Act 1996

This page tells you who considers and decides an application to register as a British citizen under the [Hong Kong \(War Wives and Widows\) Act 1996](#).

<b>Circumstances</b>	<b>Caseworker</b>	<b>Decision maker</b>
Refusal on grounds of deception where a 10 year advisory period is proposed	Administrative officer (AO)	Senior caseworker (SCW)
Refusal, applicant's children not of good character	AO	Senior executive officer (SEO)
Grant or refusal in all other cases	Executive officer (EO)	EO

## Related content

[Contents](#)

# Registration under the British Nationality (Hong Kong) Act 1997

This page tells you who considers and decides an application to register as a British citizen under the [British Nationality \(Hong Kong\) Act 1997](#).

<b>Circumstances</b>	<b>Caseworker</b>	<b>Decision maker</b>
Grant	Administrative officer (AO)	AO
Refusal on grounds of deception where a 10 year advisory period is proposed	AO	Senior caseworker (SCW)
Refusal, applicant's children not of good character	AO	Senior executive officer (SEO)
Refusal, not ordinarily resident in Hong Kong	AO	SCW
Refusal – minor applicant - character	AO	SEO
Refusal on other grounds	AO	SCW

## **Related content**

[Contents](#)

# Deprivation / nullity

<b>Circumstances</b>	<b>Caseworker</b>	<b>Decision maker</b>
Decision to recommend to ministers that an order should be made for the deprivation of citizenship	Executive officer (EO)	Deputy Director
Decision to proceed on the basis that a registration or naturalisation was a nullity	EO	Senior executive officer

## **Related content**

[Contents](#)

# Judicial review

This page tells you who considers and makes decisions on judicial reviews relating to nationality decisions.

<b>Circumstances</b>	<b>Caseworker</b>	<b>Decision maker</b>
A person who we have refused to naturalise or register seeks a judicial review of the decision, and a response needs to be decided	Senior caseworker	Senior executive officer

## Related content

[Contents](#)

# Application for a certificate of entitlement to the right of abode

This page tells you who considers and decides an application for a certificate to the right of abode.

<b>Circumstances</b>	<b>Caseworker</b>	<b>Decision maker</b>
Grant	Executive officer (EO)	EO
Refusal on the grounds that the applicant holds a current British citizen passport	EO	EO
Refusal of all other cases	EO	EO

## **Related content**

[Contents](#)



# Other actions

This page tells you considers and makes decisions on other types of actions undertaken by Nationality operations.

<b>Circumstances</b>	<b>Caseworker</b>	<b>Decision maker</b>
Decision to give priority consideration to an application	AO	Senior executive officer (SEO)
Referral of case to police for possible prosecution	AO	EO
Refusal after oath issued, other than on grounds of delay	SCW	SCW
Initial representations received, requesting refusal decision to be reconsidered - original decision made entirely by AO	EO	EO
Initial representations received, requesting refusal decision to be reconsidered - original decision authorised by EO or SCW	EO/SCW	SCW
Litigation received requesting reconsideration of the decision to refuse	SCW	SEO
Authorising completion of computer action where decision on entitlement application has been re-considered	SCW	SCW
Decision to invite a fresh application	SCW	SCW
Fee and fee refund queries	EO	EO
Agree or refuse to issue a duplicate certificate where the original is reported as lost in the post immediately after grant	AO	EO
Agree or refuse to issue a replacement certificate where details are incorrect	AO	EO
Issue of an amended certificate	AO	EO
Issue of a duplicate certificate	AO	EO
Missing post and compensation claims	AO/EO	SCW
Construal cases	N/A	SCW

Applications that may acquire a high public profile must be referred to a senior caseworker or team leader immediately, regardless of whether the case is to be granted or refused.

Enquiries received from the press should be referred to the press office. A senior caseworker or team leader must be immediately notified of the enquiry.

## Related content

[Contents](#)