



Home Office

# Nationality Policy: general information – all British nationals

Version 4.0

This guidance covers cross cutting elements of Nationality applications,

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# About this guidance

This guidance tells Home Office staff about cross cutting elements of nationality applications. It also provides guidance on common problems that you may encounter.

## 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 **4.0**
- published for Home Office staff on **10 May 2023**

## Changes from last version of this guidance

Reference to (PN 25/2003) removed from Commonly used terms in Nationality regulations and guidance section.

### Related content

[Contents](#)

# Nationality law

This page tells you about the law on nationality applications.

You must consider nationality applications in line with the relevant law and regulations, which will depend on the type of claim the applicant is making. In addition to the specific requirements that an applicant must meet, there are separate regulations (statutory regulations) which set out general processes, which include:

- how applications should be made
- who they should be sent to
- what information is required
- who should administer an oath or affirmation of allegiance
- what fee is payable

The regulations that currently apply to applications for British citizenship are:

- [The British Nationality \(General\) Regulations 2003](#), which came into operation on 1 April 2003
- [The Immigration and Nationality \(Fees\) Regulations 2012](#), which came in to operation on 6 April 2012 and are only current for applications made on or after 6 April 2012
- [The British Nationality \(General\) \(amendment\) Regulations 2014](#), which came into force on 1 July 2012
- [The Immigration and Nationality \(Cost Recovery\) \(Fees\) Regulations 2016](#), which apply to all applications made on or after 18 March 2016

The regulations which apply to British Overseas Territories citizenship are:

- [The British Nationality \(Dependent Territories\) Regulations 1982](#), which came into operation on 1 January 1983

## Related content

[Contents](#)

## Related external links

[Archive of all statutory instruments](#)

[Application fees](#)

# Birth on a ship or an aircraft

This page tells you how to consider the impact of someone being born on a ship or on an aircraft.

Under [section 50\(7\) of the British Nationality Act 1981](#), a person born outside the UK on or after 1 January 1983 aboard a ship, including a hovercraft or aircraft is regarded, for the purposes of the 1981 Act, as having been born in the UK if, at the time of the birth:

- the ship or aircraft was registered in the UK
- the ship or aircraft was unregistered, but belonged to the Government of the UK; and either:
  - their father or mother was a British citizen
  - they would otherwise have been born stateless

In relation to any time between 1 January 1983 and 20 May 2002 (inclusive), the provisions of [section 50\(7\)](#) apply to the British overseas territories by substituting references to a British overseas territory and British overseas territories citizen for references to the UK and British citizen respectively.

Under [section 50\(7A\)](#), a person born outside a qualifying territory on or after 21 May 2002 aboard a ship (including a hovercraft) or aircraft is regarded, for the purposes of the Act, as having been born in that territory if, at the time of the birth:

- the ship or aircraft was registered in the that territory
- the ship or aircraft was unregistered but belonged to the Government of that territory; and either
  - their father or mother was a British citizen or a British overseas territories citizen
  - they would otherwise have been born stateless

Under [section 50\(7B\)](#), a person born outside a British overseas territory, other than a qualifying territory, on or after 21 May 2002 aboard a ship (including a hovercraft) or aircraft is regarded, for the purposes of the Act, as having been born in that territory if, at the time of the birth:

- the ship or aircraft was registered in that territory
- the ship or aircraft was unregistered but belonged to the Government of that territory; and either
  - their father or mother was a British overseas territories citizen
  - they would otherwise have been born stateless

If the person can be regarded as having been born in the UK, they may be:

- a British citizen under [section 1\(1\)](#)
- a British overseas territories citizen, a British Overseas citizen or a British subject under [paragraph 1 of Schedule 2](#)

If the person cannot be regarded as having been born in the UK, they may be:

- a British citizen under [section 1\(1\)](#) (if born in a qualifying territory on or after 21 May 2002)
- a British citizen under [section 2\(1\) of the British Nationality Act 1981](#) (if born before 21 May 2002 or on or after 21 May 2002 outside the qualifying territories) or under [section 1\(2\) of the British Nationality \(Falkland Islands\) Act 1983](#)
- a British citizen, a British Overseas citizen or a British subject under [paragraph 2 of Schedule 2](#)

If the person can be regarded as having been born in a British overseas territory, they may be:

- a British citizen under [section 1\(1\)](#) (if born in a qualifying territory on or after 21 May 2002)
- a British overseas territories citizen under [section 15\(1\)](#)
- a British citizen (if born before 21 May 2002 or outside the qualifying territories on or after 21 May 2002), a British Overseas citizen or a British subject under [paragraph 2 of Schedule 2](#)

If the person cannot be regarded as having been born in a British overseas territory, they may be:

- a British citizen under [section 2\(1\)](#)
- a British overseas territories citizen under [section 16\(1\)](#)
- a British overseas territories citizen, a British Overseas citizen or a British subject under [paragraph 1 of Schedule 2](#)

A person who is a British citizen under [paragraph 2 of Schedule 2](#) is a British citizen by descent.

A person who is a British overseas territories citizen under [paragraph 1 of Schedule 2](#) is a British overseas territories citizen by descent.

## **Related content**

### [Contents](#)

British citizenship: automatic acquisition

Automatic acquisition as a BOTC

BOTC 'by descent' and 'otherwise than by descent'

# Nationality applications

This page tells you about the requirements that an application must meet to be considered.

Applicants are not required by law to submit their applications on set forms. You must therefore treat any request for British citizenship as an application, providing it contains the applicant's:

- full name
- address
- date and place of birth
- declaration stating that the contents are true, which includes either or both of full name or signature

An application must also be accompanied by the relevant fee and submitted to the appropriate authority for the country in which they are applying.

Persons applying for British citizenship after 6 April 2014 must provide biometric information.

## Appropriate receiving authorities

In order for an application to be considered as having been made it must have been submitted to:

- the Home Secretary if, on the date of receipt, the applicant is in Great Britain or Northern Ireland
- the Lieutenant-Governor if, on the date of receipt, the applicant is in any of the Islands - for example the Channel Islands or the Isle of Man
- the appropriate Governor if, on the date of receipt, the applicant is in a British overseas territory
- if the applicant is elsewhere to the Secretary of State at the Home Office

## Persons with St Christopher and Nevis connections

The [Saint Christopher and Nevis Modification of Enactments Order 1983](#) removed St Christopher and Nevis from the list of British overseas territories in [Schedule 6 to the British Nationality Act 1981](#) with effect from 19 September 1983. Although St Christopher and Nevis is no longer a British overseas territory, it is to be regarded as having been one before that date in relation to applications for registration made on or after that date. This benefits some applicants with registration entitlements under [Schedule 2 of the 1981 Act](#), including entitlements to registration as British overseas territories citizens. However, because of the effect of [Article 2\(3\) of the 1983 Order](#), this does not benefit any applicant whose entitlement to registration as a British overseas territories citizen depends upon a connection with a person who ceased (or would, but for their death, have ceased) to be a British overseas territories citizen on



19 September 1983 because he or she became a citizen of St Christopher and Nevis on that date.

## Persons with Hong Kong connections

The [Hong Kong \(British Nationality\) Order 1986](#) removed Hong Kong from the list of British overseas territories in [Schedule 6 to the British Nationality Act 1981](#) with effect from 1 July 1997. Although Hong Kong is no longer a British overseas territory, it is to be regarded as having been one before that date in relation to applications made on or after that date. This benefits some applicants with registration entitlements under [Schedule 2 of the 1981 Act](#). However, the position in relation to registration as British overseas territories citizens under [paragraph 3\(1\) of Schedule 2](#) is unclear, and any such application should be referred to Nationality Policy team for advice.

## Date of application

The date of application is the date it is received by the appropriate receiving authority, as defined above.

Where an application for a fee waiver is received that contains all the relevant application, the date it is received can be treated as the date of application. This is particularly relevant if the person has turned 18 between making the fee waiver application and sending in their application form.

## Application Fees

The relevant fee for an application will be that in force on the date of application. Details of the current fees that apply can be found on [GOV.UK](#).

The overall fee for British citizenship comprises 2 elements. They are:

- fee for handling and processing the application - none of this is refundable if the application is refused or withdrawn
- citizenship ceremony fee - this is paid by applicants who are required to attend a citizenship ceremony: it is refunded to applicants whose applications are refused or withdrawn

## Who can make an application?

Individuals must normally make their own application, but there are some exceptions where another person may make the application on their behalf:

- where the applicant is a child and their parent(s) are making the application
- where the applicant is not able to make the application themselves due to a disability
- where a representative is being used

An application cannot be made on behalf of an adult without their knowledge or agreement.

## Referees

All applicants for British citizenship must provide 2 referees to establish their identity. You must only contact the referees if this could resolve concerns about the application and you have the authority from a senior caseworker to do so.

You must ensure that the following requirements are met:

The referee must:

- have known the (adult) applicant for at least 3 years
- a British passport holder and either a professional person or aged over 25 (at least one referee must be a professional person)

The referee must not:

- be related to the applicant or the other referee
- be the applicant's representative
- be employed by the Home Office
- have been convicted of an imprisonable offence in the last 10 years for which the sentence is not spent under the Rehabilitation of Offenders Act 1974

For child applicants at least one of the referees must be a person who has dealt with the child in a professional role such as a teacher, doctor, health visitor or social worker. Where a child cannot provide a referee who has dealt with them in a professional capacity and has provided documents to show that they have attempted to do so, you can accept 2 referees who meet the criteria for referees on adult applications.

Where the applicant is living outside of the UK and does not know a British citizen passport holder who is a professional or over the age of 25, a commonwealth citizen or a citizen of the country in which they are residing may complete and sign the form providing they meet the other requirements and the consul considers their signature to be acceptable.

## Referees that do not meet the requirements

If it is clear from the information provided that a referee does not meet the requirements, you must ask the applicant to provide a different referee.

## Photographs

Applications must include a recent passport photograph, which must meet the [published standards for passport photographs](#).

## Applications involving persons previously given status in error

Where an individual has been registered whilst they were ineligible or has been wrongly issued with a British passport, certificate of entitlement to the right of abode, they may have lost age or time related entitlements to citizenship. Providing that you are satisfied that the error was not the result of fraud, dishonesty or deception on the applicant's part, you must treat their original citizenship, passport or right of abode application as an undetermined application for citizenship and process it accordingly.

This policy will only cover those individuals who meet all of the following criteria:

- they had been led to believe that they are a British citizen or have a right of abode in the UK
- they would have had, but no longer have, a route to registration under the [British Nationality Act 1948](#) or the [British Nationality Act 1981](#)
- they do not have a current route to citizenship, for example because they would not be able to meet UK residence requirements

It does not apply where they still have a route to citizenship, for example if they have an entitlement to registration, or are resident in the UK and could apply for naturalisation on that basis. It must not be used where the applicant either did not qualify at the time of the grant or used deception in obtaining it or documents that were used to obtain citizenship.

The person must have met the requirements for registration or naturalisation at the time of the original application, but any assessment of the good character requirement must be made based on the date of decision.

The fee payable by the applicant will normally be the fee in place at the time of the original application.

## Resolve issues with applications

### Application submitted to correct authority with fee

Where an application is received which has been delivered to the correct authority with the appropriate fee but does not include all of the required basic information (full name, address, date and place of birth and declaration); you should give them an opportunity to address this, unless it is clear that they do not meet a mandatory requirement.

Where they provide the required information the date of application will be based on the original date of receipt by the relevant authority and not the date on which the requested information is received.

You must request the missing information and allow the applicant one month to provide this. Where there is a relevant application form this will normally be the best

method to collect the required information, but you must not refuse to accept the relevant information if provided in another format.

If no response is received within the given deadline you must write to the applicant informing them that their application is not valid as the details that must be included in all applications have not been provided. You must also arrange for the fee paid to be refunded.

## Applications made to the wrong authority

Where an application has been made to the wrong authority you must reject it and advise the applicant that the application has been rejected setting out the reason. You must also refund any fee received as part of the attempted application. If it is known that a subsequent application may be affected by an upcoming change in circumstances such as a fee increase or an applicant's 18th birthday (meaning that they cannot apply as a minor).

Where the applicant submits a further application to the correct authority, you must take the date of application as being the date the correct application was received on.

## Unnecessary applications

Where an application has been submitted for a person who has an automatic claim to British citizenship at the date they apply you must treat this as a request for confirmation of that status. The fee paid in relation to that applicant must also be refunded.

Where it is clear that minors included on a parent's application are already British citizens no record should be created for their application.

## Withdrawals

Where an applicant wishes to withdraw their application you must obtain a written statement to this effect signed by the application or the parent or responsible adult in the case of a minor. In such cases the application fee must be retained but any additional fees, such as for a ceremony, must be refunded.

### **Related content**

[Contents](#)

Biometric guidance

### **Related external links**

[Nationality application forms](#)

[Fees](#)

# Determination of nationality applications

This page provides guidance on common aspects of decision making on nationality applications.

Where a valid application has been made you must determine it by either granting it or refusing it. An application must not be treated as abandoned as there is no statutory authority for such a decision.

## Approvals

Where it has been decided to grant an application and the applicant needs to attend a citizenship ceremony to make the oath and pledge, you must issue an invitation letter and advise the applicant to contact the relevant local authority in order to arrange attendance at a citizenship ceremony within 3 months to make the oath of allegiance and pledge. You must send the letter to the last known address even if the applicant or representative is believed to have moved. Where there is no last known address, no letter should be sent. The file should be updated to note that the application is undecided but refusal action must be taken on CID.

When no oath or affirmation is required, the issue of the certificate to the applicant or representative constitutes notification of the decision to grant the application. If the applicant or representative is in the UK you must send the certificate to the last known address.

In non-oath cases you must not send certificates of registration or naturalisation to an applicant or representative's address if it is clear that the address is no longer current and you are unable to establish the applicant or representative's whereabouts. In these cases, where a complete address exists, you must write to applicant or representative asking them to contact us and to claim the certificate. If no reply is received or there is no complete address the file should be sent to storage (lay-by).

## Refusals

Where an entitlement to registration exists, although the applicant has been unable to demonstrate it, you must not say that the Secretary of State is refusing registration, rather that they are unable to register the applicant.

In naturalisation and discretionary registration cases, the letter to the applicant or representative should make it clear that the application has been refused.

## Service of decisions

Where the applicant's address is known, or they have an authorised representative acting on their behalf, the notification letter and any documents must be returned to that address.

Where the address held is no longer valid and the applicant's current whereabouts are unknown you must send the notification letter to the last known address and retain the documents on file. You must provide the applicant one month to respond and reclaim their documents, if after this period you are still unable to verify a current address for the applicant or their representative you must:

- record the action taken on the file
- attach the notification letter to the file
- secure any documents in the file (ensuring appropriate flag added where passport is included)
- send the file to storage (lay-by) with the documents on it

Where a refund has been issued in respect of an application which has been refused is returned uncashed and the applicant or representative cannot be located you must attach the payment order to the file and send to the finance section for cancellation.

Where the applicant is in the UK and does not appear to have leave to remain at the time of refusal you must refer the case to removals casework.

#### **Related content**

[Contents](#)

# Revocation of indefinite leave to remain

This page provides guidance about whether you need to take action to revoke an individual's indefinite leave to remain.

Where you are refusing an application and there is reason to suspect that the applicant used deception to obtain their status in the UK, such as claiming to be a national of a country other than their correct nationality, you must consider referring the case for revocation of leave to be considered.

For guidance on when revocation may be appropriate and how to identify where to send a case for consideration see the [revocation of indefinite leave](#).

Where the applicant holds a No Time Limit (NTL) endorsement but had not been granted Indefinite Leave to Enter (ILE) or Indefinite Leave to Remain (ILR) before this you do not need to revoke ILR. NTL is an administrative process used to confirm that an individual was granted ILE or ILR. Given this where NTL has been issued in error to someone who has not been granted ILE or ILR you must refer the case to the team who granted NTL for them to consider cancellation.

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

# Reconsiderations

This page tells you about when an application can be reconsidered.

Where the application was made on the basis of an entitlement you must consider whether the applicant had an entitlement at the point they made their original application, regardless of whether they are no longer able to meet the requirements. The exception to this is where they have made a new application and have demonstrated that they meet all of the requirements, in which case citizenship can be approved on the basis of that application.

Where the application was made on a discretionary basis, a decision cannot be reconsidered unless it is clear that the original decision was not made in line with the law or policy at the time of application.

An application should not normally be reconsidered where it was refused because the applicant had failed to respond to enquiries or failed to arrange a citizenship ceremony, including where this was due to a failing on the part of their representative. However, it may be appropriate to do so in exceptionally compelling circumstances, for example, if the applicant had not received an information or documents request letter or ceremony invitation letter due to an unexpected absence or illness. Any decision to re-open an application in such circumstances should be agreed at Senior Caseworker level.

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**Official – sensitive: start of section**

The information in this section has been removed as it is restricted for internal Home Office use.

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**Official – sensitive: end of section**

**Related content**

[Contents](#)



# Certificate (copies)

This page tells you about when you can issue a certified copy of a certificate of registration or naturalisation.

Requests for certified copies must be made on a completed [form NC](#) along with the appropriate fee.

## Registration before 1 October 1986

Records of applications registered before October 1986 are not held on the system and therefore you must refer individuals who request a certified copy of a certificate issued before this date to the [National Archives](#).

## Registration on or after 1 October 1986

Where an individual was registered on or after 1 October 1986, there should be a record of this held on the nationality computer system. Requests made for certificates issued on or after 1 October 1986 are dealt with by the Citizenship Ceremonies Support team (CCST).

## CCST process

Where a valid request is received in CCST you must follow the procedure below:

- decide the request and prepare covering letter if required
- if granting, produce a new certificate
- arrange for endorsement to be added
- sign the certificate on behalf of the Director
- emboss the certificate and return it to the applicant

## Endorsement for a certificate of registration

You must use the following endorsement where you are issuing a copy of a certificate of registration:

‘I hereby certify that this is a true extract of the Home Office Record of the Certificate of Registration issued to (insert name of requester)

for Head of Nationality Directorate’

## Endorsement for a certificate of naturalisation.

You must use the following endorsement where you are issuing a duplicate copy of a certificate of naturalisation:

‘I hereby certify that this is a true extract of the Home Office record of the

Certificate of Naturalisation issued to (insert name of requester) ...

for Head of Nationality Directorate'

Where the registration took place before 1 January 1949 you must spell naturalisation with a 'z' rather than an 's'.

## Certificates (endorsement)

You can add an endorsement to a certificate of registration or naturalisation:

- when a person holding British citizenship by registration or naturalisation makes a declaration or renunciation
- when a registration or naturalisation is declared a nullity or when a person is deprived of citizenship under [section 40 of the British Nationality Act 1981](#)
- when an applicant has made a genuine error over something like a date of birth and supporting evidence is produced

In cases of renunciation, where the certificate has been sent in, you must endorse the certificate accordingly. If the certificate has not been sent in it must be requested.

## Endorsements following renunciation

You must use the following endorsement when a person has renounced their British citizenship:

'The holder made a declaration of renunciation No ..... dated.....'

The endorsements are signed and dated in CCST and embossed with the official Home Office stamp. The endorsed certificate is kept on the file unless the person concerned asks for it to be returned.

You must take care when dealing with certificates of naturalisation issued under the 1914 Act and certificates of registration under [section 12 \(6\) of the 1948 Act](#), where these include the name(s) of the holder's child or children. In order to make clear that the endorsement does not affect the children you must add the following sentence to the endorsement:

'This endorsement does not affect the nationality status of any child of the holder whose name is included on this certificate.'

When it is the child (included on a certificate) who has ceased to hold a British status you must replace the words 'the holder' in the endorsement with the full name of the child.

### Related content

[Contents](#)

Nationality policy: identity

# Ceremonies

## The oath and pledge

[Section 42\(2\) of the 1981 Act](#) explains who is not required to take an oath of allegiance. These are:

- those not of full age
- those who are already:
  - British citizens
  - British overseas territories citizens
  - British Nationals (Overseas)
  - British Overseas citizens
  - British subjects under the 1981 Act
  - citizens of any country of which Her Majesty is Queen

Everyone else, including British protected persons, must take an oath of allegiance before they can become British citizens.

Countries whose governments recognise the Queen as Head of State are:

- Antigua and Barbuda
- Australia
- the Bahamas
- Barbados
- Belize
- Canada
- Grenada
- Jamaica
- New Zealand
- Papua New Guinea
- St Christopher (also known as St. Kitts) and Nevis
- St Lucia
- St Vincent and the Grenadines
- Solomon Islands
- Tuvalu

An oath is conditional as it is taken before a certificate of registration or naturalisation is issued. The form of an oath of allegiance is given in [Schedule 5 to the 1981 Act](#).

For applicants who wish to affirm rather than swear their allegiance, the form of an oath is changed by removal of the words 'swear by Almighty God' and the substitution of 'do solemnly and sincerely affirm'.

You must issue an OA5 to request the applicant take an oath of allegiance. A stock letter oath request and oath form must be used when the request is to be prepared manually.

An oath of allegiance must be administered and signed by one of the following persons:

- in England, Wales or Northern Ireland - any justice of the peace, commissioner for oaths or notary public: (Barristers, except in Northern Ireland, and practising solicitors have the powers of commissioners for oaths)
- a solicitor who is acting for the applicant in connection with the application is not empowered to administer an oath unless also a notary public
- in Scotland - any sheriff principal, sheriff, justice of the peace or notary public (a practising solicitor may also be a notary public)
- in the Channel Islands, the Isle of Man or any British overseas territory - any judge of any court of civil or criminal jurisdiction, any justice of the peace or magistrate, or any person for the time being authorised by the law of the place where the applicant, declarant or deponent is, to administer an oath for any judicial or other legal purpose
- in any country which Her Majesty is Queen, or in any territory administered by the government of any such country - any person for the time being authorised by the law of the place where the deponent is, to administer an oath for judicial or other legal purpose, any consular officer or any established officer of the Diplomatic Service of Her Majesty's Government in the United Kingdom
- elsewhere - any consular officer, any established officer of the Diplomatic Service of Her Majesty's Government in the United Kingdom or any person authorised by the Secretary of State in that behalf
- if the deponent is serving in Her Majesty's naval, military or air forces, an oath may be administered by any officer holding a commission in any of those forces, whether the oath is taken in the United Kingdom or elsewhere

Where an applicant is required to take an oath of allegiance they must normally do so within the time limit of 3 months prescribed by the British Nationality (General) Regulations 1982 (or the [British Nationality \(General\) Regulations 2003](#), as appropriate). Otherwise the applicant cannot be registered or naturalised unless the Home Secretary decides to extend the period.

When a request for the taking of an oath of allegiance has been sent, the file should be put on hold for 1 month and an oath reminder letter sent with a new oath form if the original oath form has not then been received. The letter makes it clear that an oath should have been taken within 3 months and allows a further 2 months for it to be completed and returned. The file should be put on hold for 2 months.

If the applicant asks for an extension of time and gives an acceptable reason such as a serious illness, an extension of up to 3 months may be allowed (or whatever longer period may be justified by the reason given for the request).

If an oath is returned undelivered, or not returned within 3 months of the original request, the applicant should be informed that it will not be possible for them to become a British citizen because the Home Secretary is not able to register or naturalise a person who has not taken an oath. Stock letter Oath Refusal (Non Receipt) should be used.

All applicants (except those who are not of full age) are required to make an oath and pledge at a citizenship ceremony before they are registered or naturalised as a British citizen. As an alternative to the oath, applicants may make an affirmation of allegiance.

From 1 June 2007 prospective British citizens making the citizenship oath (or affirmation) and pledge in Wales may, if they wish, do so in the Welsh language. The [Citizenship Oath and Pledge \(Welsh Language\) Order 2007](#) contains the approved translations.

Citizenship Ceremonies Support Team (CCST) is the main contact with local authorities. CCST will liaise with local authorities in regard to citizenship ceremonies. CCST will deal with any requests to extend, transfer or become exempt from a citizenship ceremony after the case has been approved.

## Exemptions from the requirement

An exemption may be made, in the special circumstances of a particular case, in respect of any or all of the following:

- the requirement to attend a citizenship ceremony
- the requirement to make an oath of allegiance and pledge
- the time limit for attending a ceremony

Exemptions will be granted only in exceptional circumstances; for example, when a requirement to attend a ceremony would have national security implications or when an applicant cannot attend due to chronic illness or disability. Any such requests made after the application has been approved should, in the first instance, be referred to CCST who will consider the request and refer it to the Nationality Group casework manager.

The applicant will not be required to attend a ceremony, if they are making their application in a country where there is no embassy presence to conduct citizenship ceremonies.

Even if a person has been exempted from meeting the language requirement for naturalisation, or is being registered as a British citizen (and therefore is not subject to a language requirement), we would still expect them to attend a citizenship ceremony. Attendance is consistent with the Government's aim that ceremonies should encourage cohesion and facilitate integration into the local community. Applicants whose ability in English is poor should be encouraged to practice repeating the words of the citizenship oath (or affirmation) and pledge prior to the ceremony.

In England, Scotland and Wales, the registrar of a local authority will conduct the ceremony and administer the oath or pledge. The relevant authority is required to arrange for suitable premises to be made available for the purposes of the ceremony and to conduct ceremonies sufficiently frequently in order for applicants to meet the prescribed time limit for making an oath or pledge. Elsewhere, the ceremony is

conducted, and the oath or pledge is administered, by a person authorised by the Secretary of State ('authorised person').

## Procedure for ceremonies

Where applicants are required to attend a ceremony and make an oath or affirmation of allegiance and pledge, they must normally do so within the time limit of 3 months prescribed by the [British Nationality \(General\) Regulations 2003](#). Otherwise, they cannot be registered or naturalised unless the Home Secretary decides to extend the period.

Where it is decided to grant an application for registration or naturalisation, you must notify the applicant, in writing, of the decision. You must send the ceremony invitation letter, which the applicant must take to the ceremony to the applicant's last known address, or to their representative.

The person conducting the ceremony may refuse admission to, or participation in, a ceremony if the applicant fails to produce the ceremony invitation or there are doubts about the applicant's identity.

The ceremony invitation letter must:

- advise the applicant to contact the appropriate local authority to arrange attendance at a citizenship ceremony (the letter should contain details of who the applicant should contact to arrange attendance)
- advise the applicant of the time limit for attending the ceremony
- enclose the ceremony guidance notes which will confirm what action is required and the oath or affirmation and pledge the applicant will be required to say at the ceremony
- advise the applicant that the local authority may refuse them permission to take part in the citizenship ceremony if they fail to produce the original ceremony invitation letter when requested on the day of the ceremony
- advise the applicant that the local authority may require them to produce evidence of identity (including a photograph)

You must also notify the relevant local authority or authorised person of the decision in relation to that applicant and enclose the applicant's undated certificate of registration or naturalisation. The notification, which will be generated automatically when 'ceremony approved' action is taken on CID, will explain to the relevant authority that if the applicant fails to attend a ceremony within the prescribed time limit, the certificate should be returned to the Home Office.

If the applicant asks for an extension of time and gives an acceptable reason, an extension of up to 3 months may be allowed (or whatever longer period may be justified by the reason given for the request). CCST action these requests.

You should normally agree to extend the deadline where:

- the applicant is temporarily abroad (if this is a naturalisation case under [section 6\(1\) of the BNA 1981](#), any absence of 6 months or longer may affect the applicants ability to meet the future intentions requirement and the case should be referred to a Senior Caseworker)
- the applicant (or a close family member) is ill
- there has been some form of administrative error, either by the Home Office, a Post abroad or the local authority (the ceremony invitation was not received in time or was sent to the wrong address)

Any request for an extension to this time limit for more than 6 months, or which is for a different reason, should be referred to the Nationality Group casework manager who will consider it in conjunction with the Nationality Policy team.

The person conducting the ceremony will:

- administer the oath or pledge
- date the certificate of registration or naturalisation with the date of the ceremony and issue it to the applicant at the ceremony
- notify the Secretary of State, in writing, within 14 days of the ceremony that the applicant has made the oath and pledge and confirm the date of the ceremony

Requests to transfer a ceremony to a different venue must only be dealt with by CCST.

#### **Related content**

[Contents](#)

#### **Related external links**

[Citizenship ceremony local authority finder](#)

# Commonly used terms in Nationality regulations and guidance

This page provides summaries of terms commonly used in connection with nationality applications.

‘Acceptable professional persons’ means:

- accountant
- airline pilot
- articulated clerk of a limited company
- assurance agent of recognised company
- bank or building society official
- barrister
- British Computer Society (BCS) - professional grades which are Associate (AMBCS), Member (MBCS), Fellow (FBCS)
- broker
- chairman or director of limited company
- chemist
- chiropodist
- christian science practitioner
- commissioner for oaths
- councillor: local or county
- civil servant (permanent)
- dentist
- designated premises supervisors
- director or Manager of a VAT registered charity
- director, manager or personnel officer of a VAT registered company
- driving instructor (approved)
- engineer (with professional qualifications)
- fire service official
- funeral director
- insurance agent (full time) of a recognised company
- journalist
- justice of the Peace
- legal secretary (members and fellows of the Institute of legal secretaries)
- local government officer
- manager or Personnel officer (of limited company)
- member of Parliament
- member of Her Majesty’s Armed Forces
- Merchant Navy officer
- minister of a recognised religion
- nurse (RN, SEN or holder of a BA in nursing)
- officer of the armed services (active or retired)
- optician



- paralegal (certified or qualified paralegals, and associate members of the Institute of Paralegals)
- person with honours (such as OBE, MBE and so on)
- personal licensee holders
- photographer (professional)
- police officer
- Post Office official
- president or secretary of a recognised organisation
- Salvation Army officer
- social worker
- solicitor
- surveyor
- teacher, lecturer
- trade union officer
- travel agency (qualified)
- valuers and auctioneers (fellow and associate members of the incorporated society)
- warrant officers and chief petty officers

‘Alien’ means a person who is neither a Commonwealth citizen, a British protected person or a citizen of the Republic of Ireland.

‘authorised person’ is not defined in the British Nationality Act 1981, but should be taken to be a person authorised by the Secretary of State to conduct citizenship ceremonies and administer the citizenship oath or pledge.

In Northern Ireland, ‘authorised person’ means a Lord Lieutenant.

In the Channel Islands and the Isle of Man, ‘authorised person’ means the Lieutenant-Governor (who may then authorise persons to conduct ceremonies on his behalf).

In a British overseas territory, ‘authorised person’ means the Governor or Deputy Governor, any judge of any court of civil or criminal jurisdiction, any justice of the peace or magistrate, or any person for the time being authorised by the law of the place where the applicant, declarant or deponent is, to administer an oath for any judicial or other legal purpose.

In any Commonwealth country of which Her Majesty is Queen (or in any territory administered by the government of any such country), ‘authorised person’ means any person for the time being authorised by the law of the place where the deponent is, to administer an oath for judicial or other legal purpose, any consular officer or any established officer of the Diplomatic Service of Her Majesty’s Government in the United Kingdom.

If the applicant is elsewhere, ‘authorised person’ means any consular officer, any established officer of the Diplomatic Service of Her Majesty’s Government in the United Kingdom or any person authorised by the Secretary of State in that behalf.

‘British overseas territory’ means a territory mentioned in Schedule 6 to the [British Nationality Act 1981](#).

‘British protected person’ means:

- a person who is a member of a class of persons declared to be British protected persons by an Order in Council for the time being in force under [section 38 of the BNA 1981](#)
- a British protected person by virtue of the Solomon Islands Act 1978

A ‘civil partnership’ is a legally-recognised relationship between 2 people of the same sex, conferring on the parties to that relationship many of the rights and responsibilities enjoyed or borne by married persons. The provisions for dissolution of a civil partnership are similar to, but not identical with, those for dissolution of a marriage.

The meaning of ‘Community’ and ‘Communities’ is not defined in the British Nationality Act 1981:

- the ‘Community’ is taken to mean the European Community
- the ‘Communities’ are taken to mean:
  - The European Economic Community
  - The European Coal and Steel Community
  - The European Atomic Energy Community

‘Community institution’ is defined by the Interpretation Act 1978. It is taken to mean an institution of the European Community which is classified as such by Part 5 of the EC Treaty (‘Institutions of the Community’), such as the European Parliament, the Council of Ministers, the European Commission, the European Court of Justice, the Court of Auditors, the Economic and Social Committee, the Committee of the Regions and the European Investment Bank.

‘Convention adoption’ means an adoption:

- effected under the law of any country in which the [Convention on Protection of Children and Co-operation in respect of Intercountry Adoption](#), concluded at the Hague on 29 May 1993, is in force
- certified in pursuance of Article 23(1) of the Convention

‘Crown service’ means the service of the Crown, whether within Her Majesty's dominions or elsewhere.

A person can be regarded as being in Crown service if:

- in an established permanent position, which can include a fixed-term appointment paid for the service directly from funds voted by Parliament
- rendering service direct to the Crown

Honorary appointments, for example as legal adviser to a British Embassy or High Commission, are not necessarily excluded from this definition.

‘Crown service under the government of the United Kingdom’ means:

- Crown service under Her Majesty's government in the United Kingdom
- Crown service under Her Majesty's government in Northern Ireland
- Crown service under the Scottish Administration
- Crown service under the Welsh Assembly Government (from 6/11/2009)

The meaning of ‘Crown service under the government of a British overseas territory’ is not defined in the British Nationality Act 1981. In appropriate cases, confirmation that a person is or was in such services should be obtained from the government of the territory concerned.

‘Crown service under the government of a qualifying territory’ is not defined in the British Nationality Act 1981. However, it should be taken to mean Crown service under Her Majesty’s government in a qualifying territory.

Because the system of administration in the British overseas territories is generally different from that in the United Kingdom, many who in this country would not be considered to be in Crown service may be in such service in a British overseas territory, such as police officers.

‘Designated service’ means service of any description designated under s.2(3) or s.16(3) of the [British Nationality Act 1981](#) to be closely associated with:

- (before 21 May 2002) the activities outside the United Kingdom of Her Majesty’s government in the United Kingdom (section 2(3))
- (on or after 21 May 2002) the activities outside the United Kingdom and the qualifying territories of Her Majesty’s government in the United Kingdom or in a qualifying territory (section 2(3))
- the activities outside the British overseas territories of the government of any British overseas territory (section 16(3))

‘Designated territory’ means a qualifying territory, or the Sovereign Base Areas of Akrotiri and Dhekelia, which is designated by order under s.50(14) of the 1981 Act. At present, there are No ‘designated territories’.

‘Designated person’ means a person authorised by the Secretary of State under Regulation 5A(2) or 5A(3) of the British Nationality (General) Regulations 2003 to determine sufficiency of knowledge of the English language for the purpose of an application for naturalisation under s.6 of the [British Nationality Act 1981](#).

‘Immigration laws’ means:

- the Immigration Act 1971
- any law for purposes similar to that Act which is for the time being or has at any time been in force in any part of the United Kingdom.

‘In breach of the immigration laws’ means:

## **Before 13 January 2010**

[Section 11 of the Nationality, Immigration and Asylum Act 2002](#) explains that a person is 'in breach of the immigration laws' if they:

- are in the United Kingdom
- do not have the right of abode in the United Kingdom within the meaning of s.2 of the Immigration Act 1971
- do not have leave to enter or remain in the United Kingdom (whether or not he previously had leave)
- are not a qualified person within the meaning of the [Immigration \(European Economic Area\) Regulations 2000](#) (SI.2000/2326) (person entitled to reside in the United Kingdom without leave) (whether or not he was previously a qualified person)
- are not a family member of a qualified person within the meaning of those regulations (whether or not he was previously a family member of a qualified person)
- are not entitled to enter and remain in the United Kingdom by virtue of s.8(1) of the Immigration Act 1971 (crew) (whether or not he was previously entitled)
- do not have the benefit of an exemption under s.8(2) to s.8(4) of the 1971 Act (diplomats, soldiers and other special cases) (whether or not he previously had the benefit of an exemption)

As regards EEA nationals and their family members this section came into force on 7 November 2002. In other cases, this section is deemed always to have been in effect.

This definition has been repealed (see: [On or after 13 January 2010](#)), but continues to apply in regard to determining whether:

- a person born before 13 January 2010 is a British citizen
- a person who had applied for registration under s.1(3) or s.4(2), and whose application was undetermined on 13 January 2010, was entitled to be registered as a British citizen
- a person whose application for naturalisation as a British citizen was undetermined on 13 January 2010 satisfied the requirements in Schedule 1 of the 1981 Act
- a person who applied for naturalisation or for registration under s.1(3) on or after 13 January 2010 was in breach of the immigration laws at any time before 7 November 2002

## **On or after 13 January 2010**

The [Borders, Citizenship and Immigration Act 2009](#) replaced the definition above. With effect from 13 January 2010, a person is regarded as being in breach of the immigration laws if they:

- are in the United Kingdom

- do not have the right of abode in the United Kingdom within the meaning of [s.2 of the Immigration Act 1971](#)
- do not have leave to enter or remain in the United Kingdom (whether or not he previously had leave)
- do not have a qualifying CTA (Common Travel Area) entitlement
- is not entitled to reside in the United Kingdom by virtue of [s.2\(2\) of the European Communities Act 1972](#) (whether or not the person was previously entitled)
- is not entitled to enter and remain in the United Kingdom by virtue of [s.8\(1\) of the Immigration Act 1971](#) (crew) (whether or not he was previously entitled)
- do not have the benefit of an exemption under [s.8\(2\) to s.8\(4\) of the 1971 Act](#) (diplomats, soldiers and other special cases) (whether or not he previously had the benefit of an exemption)

‘Local authority’ means:

- in England and Wales:
  - a county council
  - a country borough council
  - a metropolitan district council
  - a London Borough Council
  - the Common Council of the City of London
- in Scotland:
  - a council constituted under [s.2 of the Local Government etc. \(Scotland\) Act 1994](#)

‘Member of the armed forces’ means:

- a member of the regular forces within the meaning of the [Armed Forces Act 2006](#)
- a member of the reserve forces within the meaning of the 2006 Act subject to service law by virtue of s.367(2)(a)-(c) of that Act

However, a person is not regarded as being a ‘member of the armed forces’ if they are treated as a member of the regular or reserve forces by virtue of:

- s.369 of the [Armed Forces Act 2006](#)
- s.4(3) of the [Visiting Forces \(British Commonwealth\) Act 1933](#)

These relate to members of the forces raised in a British overseas territory who are serving, or undergoing training, with the regular or reserve forces mentioned above and members of another country’s armed forces (such as part of a coalition force).

The members of the Communities are:

- Austria
- Belgium
- Bulgaria
- Czech Republic

- Cyprus
- Denmark
- Estonia
- France
- Finland
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Slovakia
- Slovenia
- Spain
- Sweden
- United Kingdom

‘Ordinary residence’ is not defined in the [British Nationality Act 1981](#), except to the extent that s.50(5) of the Act makes it clear that a person who is in the United Kingdom or in a British Overseas territory ‘in breach of the immigration laws’ is not to be considered ordinarily resident there.

The courts have held that if there can be proven a regular habitual mode of life in a particular place, the continuity of which has persisted despite temporary absences, ordinary residence is established provided only that it is adopted voluntarily and for a settled purpose (and provided it is lawful).

In relation to a person born before 1 July 2006, ‘parent’ means:

- the mother of a legitimate or illegitimate child
- the father of a legitimate child only (a child may be legitimated by the subsequent marriage of the parents)

In relation to a person born on or after 1 July 2006 and who is conceived on or before 5 April 2009:

- the mother is the woman who gives birth to the child, and
- the father is either:
  - the mother’s husband, if any, at the time of the child’s birth,
  - any person who is treated as the father under [s.28 of the Human Fertilisation and Embryology Act 1990](#)

- (if neither of the above applies) a person who is proven to be the father by the production of either:
  - a birth certificate identifying him as such, and issued by the competent registration authority within 12 months of the birth of the child to which it relates
  - such other evidence (such as a DNA test report or court order) as may satisfy the Secretary of State in this point.

In relation to a person conceived on or after 6 April 2009:

- the mother is the woman who gives birth to the child, and
- the father is either:
  - the mother's husband, if any, at the time of the child's birth,
  - any person who is treated as the father under s.35 or 36 of the Human Fertilisation and Embryology Act 2008
  - a person who is treated as a parent of the child under s.42 or 43 of the Human Fertilisation and Embryology Act 2008 (second female parent)
- (if neither of the above applies), a person who is proven to be the father by the production of either:
  - a birth certificate identifying him as such, and issued by the competent registration authority within 12 months of the birth of the child to which it relates
  - such other evidence (such as a DNA test report or court order) as may satisfy the Secretary of State in this point

The legislation does not specify what forms of evidence apart from those specifically mentioned in paragraph 24.2(c)/24.3(c) above might constitute sufficient proof of paternity. However, we may normally accept that a man is the father of an illegitimate child if:

- paternity has been acknowledged in some other official context – for example, if the child was born abroad and there is reliable evidence that the claimed relationship has been accepted for United Kingdom immigration purposes
- he has stated that he is the father and we have confirmation of that from the mother, provided there is no evidence to suggest that their evidence is false (given in the hope of gaining an immigration advantage)

The acquisition of a gender recognition does not alter the recipient's status as the parent of a child.

A person has a 'qualifying CTA (common travel area) entitlement' if they:

- are a citizen of the Republic of Ireland
- last arrived in the United Kingdom on a local journey (within the meaning of the [Immigration Act 1971](#)) from the Republic of Ireland
- on that arrival, were a citizen of the Republic of Ireland and was entitled to enter without leave by virtue of s.1(3) of the Immigration Act 1971 (entry from the common travel area)

'Qualifying territory' means a British overseas territory other than the Sovereign Base Areas of Akrotiri and Dhekelia.

'Recruitment in a British overseas territory/qualifying territory' is not defined in the [British Nationality 1981](#).

Persons can be taken to have been recruited in a British overseas territory or qualifying territory if they:

- were employed as a result of recruitment initiatives –such as advertisements, university or career fair visits - in a British overseas territory or qualifying territory
- went through a selection process in a British overseas territory or qualifying territory
- hold a contract of employment made in a British overseas territory or qualifying territory

'Recruitment in a country which at the time of the recruitment was a member of the Communities' is not defined in the [British Nationality Act 1981](#).

Persons can be taken to have been recruited in a country which was then a member of the Communities if they:

- were employed as a direct result of recruitment initiatives - such as advertisements, university or careers fair visits in such a country
- went through a selection process in such a country
- hold a contract of employment made in such a country

This does not include recruitment in a country which, at the time, was an Associate member of the Communities.

'Recruitment in the United Kingdom' is not defined in the [British Nationality 1981](#).

Persons can be taken to have been recruited in the United Kingdom if they:

- were employed as a result of recruitment initiatives – such as advertisements, university or career fair visits in the United Kingdom
- went through a selection process in the United Kingdom
- hold a contract of employment made in the United Kingdom

'Registrar' means:

- (in England and Wales) a superintendent registrar of births, deaths and marriages or a deputy superintendent registrar (in accordance with s.8 of the Registration Service Act 1953)
- (in Scotland) a district registrar within the meaning of [s.7\(12\) of the Registration of Births, Deaths and Marriages \(Scotland\) Act 1965](#)

'Registration in the United Kingdom' includes registration:



- at the Home Office
- in the Channel Islands
- in the Isle of Man
- before 1 January 1983, in an independent Commonwealth country at a British High Commission by virtue of arrangements made under [s.8\(2\) of the British Nationality Act 1948](#)

It does not include registration:

- under s.6(2) of the [British Nationality Act 1948](#), if the marriage took place on or after 28 October 1971
- under s.7 of the [British Nationality Act 1948](#), at a British High Commission on or after 28 October 1971

A person is settled in the United Kingdom if, subject to the exceptions described below, they are:

- not subject under the immigration laws to any restriction on the period for which he or she may remain
- ordinarily resident in the United Kingdom

Unless there is clear evidence to the contrary, a person living here free of immigration restrictions may be assumed to be ordinarily resident in the United Kingdom. This includes holders of certificates of entitlement or patriality showing they have the right of abode in the United Kingdom.

Persons who are not regarded as 'settled' include:

- those entitled to an exemption from immigration control under [s.8\(3\) of the Immigration Act 1971](#) as amended by s.4 of the Immigration Act 1988 (for example members of diplomatic missions in the United Kingdom and members of their family living with them), unless they were settled in the United Kingdom before their entitlement to an exemption began and were ordinarily resident in the United Kingdom from the time their entitlement to exemption began to the time of the birth of the child
  - this exception does not apply if, at the time of the birth, the child's father or mother was a person on whom any immunity from jurisdiction is conferred by or under the Diplomatic Privileges Act 1964)
- those entitled to an exemption from immigration control under s.8(2) of the Immigration Act 1971 (for example consular staff and certain employees of international organisations) unless they were settled in the United Kingdom before their entitlement to an exemption began
- those entitled to an exemption from immigration control under s.8(4)(b) and (c) of the Immigration Act 1971 (for example members of Commonwealth or visiting forces)
- those here in breach of the immigration laws
- those with limited leave under the immigration laws to enter or remain in the United Kingdom

- holders of certificates of entitlement or patriality resident abroad
- persons whose right to remain under the EC Treaty is time-limited or conditional on their being engaged in a particular activity

A person is settled in a British overseas territory if, subject to the exceptions described below, they are:

- not subject, under the immigration laws of that territory, to any restriction on the period for which they may remain
- ordinarily resident in that territory

Unless there is clear evidence to the contrary, a person living in a British overseas territory free of immigration restrictions may be assumed to be ordinarily resident in there.

Persons who are not regarded as 'settled' include those who are entitled to an exemption corresponding to any of the following:

- exemption from immigration control under s.8(3) of the Immigration Act 1971, as amended by s.4 of the Immigration Act 1988 (for example. members of diplomatic missions in the United Kingdom and members of their family living with them)
- exemption from immigration control under s.8(2) of the Immigration Act 1971 (for example. consular staff and certain employees of international organisations)
- exemption from immigration control under s.8(4)(b) and (c) of the Immigration Act 1971 (for example members of Commonwealth or visiting forces)

There may also be other categories of persons who are not regarded as settled in a British overseas territory. This will depend upon the local immigration laws. The authorities of the relevant territory should be consulted in cases of doubt.

'United Kingdom' means Great Britain (England, Wales, Scotland), Northern Ireland, the Channel Islands and the Isle of Man taken together.

United Kingdom territorial waters do not form part of the United Kingdom for nationality purposes.

## **Related content**

[Contents](#)