

British National (Overseas) and British Dependent Territories Citizens

British National (Overseas)

Renewal and replacement of passports with BN(O) observations

BDTCs who did not register as BN(O)s

British Overseas Territories Act 2002

British National (Overseas)

British Dependent Territories citizens who derived their status from a connection with Hong Kong lost that status on 1 July 1997 when Hong Kong ceased to be a dependent territory. However, they have been entitled to retain British nationality from that date provided they hold, or are included in, a British passport in which their status is described as British National (Overseas) - BN(O).

NOTE 1: Acquisition of this status was by registration and the BN(O) register is held by the Hong Kong Consulate General's Office.

NOTE 2: Children born between 1 January and 30 June 1997 were eligible to acquire BN(O) status until 31 December 1997.

The following observations were entered in the passport at the time of issue:

- IN ACCORDANCE WITH THE UNITED KINGDOM IMMIGRATION RULES, THE HOLDER OF THIS PASSPORT DOES NOT REQUIRE AN ENTRY CERTIFICATE OR VISA TO VISIT THE UNITED KINGDOM
- THE HOLDER OF THIS PASSPORT HAS HONG KONG PERMANENT IDENTITY CARD NO WHICH STATES THAT THE HOLDER HAS THE RIGHT OF ABODE IN HONG KONG

NOTE: An individual "right of abode" observation was required for each child included in a BN(O) passport.

A British Citizen who was eligible, and wished to register as a BN(O) and retain their British Citizen passport, could do so with the observation being entered in the passport:

- THE HOLDER OF THIS PASSPORT HAS HONG KONG IDENTITY CARD NO WHICH STATES THAT THE HOLDER HAS RIGHT

OF ABODE IN HONG KONG. THE HOLDER IS ALSO A BRITISH NATIONAL (OVERSEAS)

Renewal and replacement of BN(O) passports and BC passports with the BN(O) observation

Applications for the renewal or replacement of a BN(O) passport, or a BC passport with the BN(O) observation, should be dealt with in the normal way with the appropriate observation(s) being entered in the passport.

NOTE: A British Citizen passport and a BN(O) passport cannot be held at the same time.

British Dependent Territories Citizens who did not register as British Nationals (Overseas)

Ethnic Chinese

Former ethnic Chinese Hong Kong British Dependent Territories Citizens (BDTCs) who did not register as BN(O)s ceased to hold British nationality on 1 July 1997 and became Chinese nationals. An applicant who was a former BDTC should be advised to contact the Chinese Embassy for information and an application form for a Hong Kong Special Administrative Region passport.

Non-ethnic Chinese

A former Hong Kong BDTC who was not ethnically Chinese and who did not register as a BN(O) automatically became a British Overseas Citizen (BOC) on 1 July 1997 or would have otherwise been stateless on that date.

Applicants for a BOC passport are required to:

- show they were a Hong Kong BDTC and hold no other nationality
- produce written confirmation from the Chinese authorities that they are not Chinese citizens
- provide statements from authorities in any other country with which they are connected by birth or descent confirming they did not have that country's nationality or citizenship on 1 July 1997.

Similar requirements apply to any potentially stateless children born to the applicant on or after 1 July 1997.

British Overseas Territories Act 2002

As of 21st May 2002, most people who currently hold a British Dependent Territories Citizen (BDTC) passport will automatically become British Citizens (BC).

This is the effect of the commencement of the British Citizenship provision of the British Overseas Territories Act 2002, which has already re-named British

Dependent Territories Citizenship as British Overseas Territories Citizenship (BOTC). The Act provides that BDTCs, **except** those whose BDTC status derives solely from their connection with sovereign base areas of Akrotiri and Dhekelia in Cyprus, became British Citizens on the 21st May 2002. People born in the Territories from that date will be both BCs and BOTCs from birth.

The Act gives British citizenship in addition to, not in replacement of, British Overseas Territories Citizenship. Individuals will therefore have the option of renewing BDTC passports as BOTC passports, but it is expected that the majority of those resident in the UK will want British citizen passports. Applications for British citizen passports will be treated as first applications, requiring fully completed forms, countersignatories and original supporting documents. This is based partly on the fact that BDTC passport applications dealt with in the Territories themselves were not handled by British diplomatic staff but the Territories' own governments, whose staff may not have had full training in British Nationality law. The Foreign and Commonwealth Office (FCO) are however satisfied that identity was properly established.

Amendments

Applications for amendment of status will not be accepted. This is in line with the policy being applied to applications made in the overseas territories and is based on the fact that British citizenship is an **additional** status for those concerned.

New Passport Applications

If the applicant has crossed the first passport box and provided a fully completed form with documentary evidence of their claim, it can be assumed that a British citizen passport is required. The BDTC passport submitted with the application **should not be cancelled**, except passports obtained through a connection with Gibraltar or the Falkland Islands (see footnote). The new British citizen passport will be a standard European Union (EU) format passport with no observations showing right of abode in the Territory.

Renewals

If the applicant has asked for a renewal, it will be necessary to contact them to ask whether they wish to have a renewal showing BOTC status or to make a countersigned application for a passport showing BC status, unless of course they have made this clear under additional information or in a separate note. In the event that a BOTC passport is wanted, the existing BDTC passport should be cancelled.

BOTCs resident abroad

Special arrangements have been made for passport applications from residents of some territories to be handled in the Liverpool Passport office. Any application received elsewhere from a BOTC who is not in the UK should

be rejected and the applicant advised to apply to the nearest British passport issuing post.

Main points to note

- Applications for British citizen passports are first applications (and therefore not eligible for the Premium Service at the counter).
- British citizenship is an additional status and holders may keep their BDTC/BOTC passport uncanceled, (with the exception of holders with Gibraltar or the Falkland Islands connections).

Footnote

Please note that BDTC or BOTC passport holders from Gibraltar or the Falkland Islands are not entitled to retain their BDTC or BOTC passport uncanceled, when issued with a British Citizen passport. This is because of the different nationality law background in respect of these territories compared to others. Falkland Islanders have had British Citizen status since the Falkland Islands Act 1983 and Gibraltarians have had the right to register as British Citizens since 1st January 1983 under section 5 of the 1981 Act. Any surrendered BDTC or BOTC passport from those connected with these territories should be cancelled. In all other cases, BDTC or BOTC passports should be returned uncanceled.