



Home Office

**Border &
Immigration Agency**

GUIDE EM

**REGISTRATION AS A BRITISH CITIZEN
UNDER THE BRITISH NATIONALITY (HONG
KONG) ACT 1997**

A guide to registration as a British citizen under the British Nationality (Hong Kong) Act 1997

1. The following guidance has been produced for those who wish to apply for British citizenship under the British Nationality (Hong Kong) Act 1997. Please read it carefully before completing the application form. The law covering registration is contained in the British Nationality (Hong Kong) Act 1997 and in regulations made under the British Nationality Act 1981. The information given here is meant only as a brief guide to the law and to the Home Secretary's policy. It is not a comprehensive statement of either the law or the policy.

THE REQUIREMENTS YOU HAVE TO MEET

ORDINARY RESIDENCE

2. You must be an ordinarily resident in Hong Kong on the date of your application.
3. You must also have been ordinarily resident in Hong Kong immediately before 4 February 1997.
4. A child born on or after 4 February 1997 must have been ordinarily resident in Hong Kong at the time of his birth. In such cases account will be taken of where the parent/s were ordinarily resident at the time of the birth.

Note: British courts have ruled that ordinary residence has the following features:

- it is a regular habitual mode of life in a particular place;
- its continuity has persisted despite temporary absences;
- it may be of long or short duration;
- it must be lawful;
- it must have been adopted voluntarily;
- it must be for a settled purpose.

NATIONALITY

5. On the relevant date (immediately before 4 February 1997) you must have been a British national, i.e. either:

- a British Dependent Territories citizen by virtue only of a connection with Hong Kong; or
- a British National (Overseas); or
- a British Overseas citizen; or
- a British subject; or
- a British protected person.

However if you only became a British national on or after that date (e.g. due to birth, registration or naturalisation) the date on which you became such a national is the relevant date.

6. You must not have held (hold) any other, non-British nationality or citizenship on the relevant date.

Notes:

- (i) You may have held (hold) one or more of the above statuses.
- (ii) It is possible to be a British Dependent Territories citizen by connection with more than one British dependent territory. For example, a person born in Hong Kong to a parent born in another dependent territory could be a British Dependent Territories citizen regardless of the fact that he had been born in Hong Kong. Only a former BDTC by virtue of a connection with Hong Kong is eligible to apply under the 1997 Act.
- (iii) It is possible to be a national or citizen of another country even if you have never held a passport issued by the authorities of that country.

(iv) You should take particular care if you become a British national through your Hong Kong connections but you are ethnically Chinese. Under Chinese nationality rules, you may have been regarded as a Chinese national. If so, you would not be entitled to registration under the 1997 Act. If you are in this category, we advise you to contact the Hong Kong Special Administrative Region Immigration Department for clarification before making an application.

(v) You will not be eligible for registration as a British citizen if you renounced (or otherwise gave up) the nationality or citizenship of some other country on or after "the relevant date"

THE CITIZENSHIP YOU WILL ACQUIRE IF YOUR APPLICATION IS SUCCESSFUL

7. All successful applicants will become British citizens. Some will become British citizens otherwise than by descent whilst some will become British citizens by descent. Your registration certificate will state whether you are a British citizen otherwise than by descent or a British citizen by descent.

British citizens otherwise than by descent

8. To become a British citizen otherwise than by descent you must;

- have been a British Dependent Territories citizen otherwise than by descent before you registered as a British National (Overseas) or - because you failed to register - became a British Overseas citizen on 1 July 1997. British Dependent Territories citizens who were born, naturalised (or, in some cases, registered) or adopted in Hong Kong became British Dependent Territories citizens otherwise than by descent.

9. As a British citizen otherwise than by descent you will be able to pass on British citizenship to any children born to you subsequently even if they are born outside the United Kingdom.

British citizens by descent

10. To become a British citizen by descent you must fall into one of two categories;

- (i) you were a British Dependent Territories citizen by descent before you registered as a British National (Overseas) or - because you failed to register - became a British Overseas citizen on 1 July 1997. In general, British Dependent Territories citizens who were born outside Hong Kong became British Dependent Territories citizens by descent;
- (ii) you were (at the relevant time) :
 - a British Overseas citizen (otherwise than as a former Hong Kong British Dependent Territories citizen who gained British Overseas citizenship on 1 July 1997) ; or
 - a British subject; or
 - a British protected person.

As a British citizen by descent you will not normally be able to pass on British citizenship to any children born outside the United Kingdom.

CHILDREN AND GRANDCHILDREN

12. If you are registered as a British citizen otherwise than by descent (see paragraph 7 above), any children subsequently born to you would automatically become British citizens by descent. Any children you had before you were registered would not become British citizens automatically. They would need to apply and qualify for British citizenship in their own right.

13. If you are registered as a British citizen by descent neither your existing children nor any subsequent children would become British citizens automatically. They would need to seek British citizenship in their own right.

14. If, on 1 July 1997, you either:

- became a British Overseas citizen under article 6 of the Hong Kong (British Nationality) Order 1986 because you were a Hong Kong British Dependent Territories citizen who would otherwise have been stateless; or
- were a British National (Overseas).

any children then born to you while you held that status would, if they would otherwise be stateless, be British Overseas citizens at birth. In certain circumstances, your grandchildren would, if they were born stateless, also have an entitlement to registration as British Overseas citizens (normally within 12 months of their birth).

THE APPLICATION FORM

15. Important Note: Please ensure that your names and other particulars on the form are written or typed clearly in black or blue-black ink and in BLOCK LETTERS. Delays in processing may arise if the information you give is difficult to read.

SECTION A

16. You should complete all parts of this section.

SECTION B

17. You should complete all parts of this section.

18. Explanation of birth, ancestry, registration, naturalisation and adoption. Broadly speaking, for the purposes of this section of the form, you will be;

- British by birth if you hold any form of British nationality because you were born on British territory;
- you will be British by ancestry if you were born on non-British territory and you hold any form of British nationality through a parent's or grandparent's birth, adoption, naturalisation or registration;
- if you are British by registration or naturalisation, this means that you were not British when you were born but acquired this status as a result of an application for a registration or naturalisation certificate;
- if you are British by adoption (only applicable if you are a British Dependent Territories Citizen or a British National (Overseas)), this means that you automatically became British from the date of your adoption by a British parent.

SECTION C

19. You should complete all parts of this section.

SECTIONS D AND E

20. You should complete the first part of each section (relating to your parents' names, birth details and nationality). Only complete the second part of each section (relating to their residence) if you are under 18 years of age.

SECTION F - DECLARATION

21. When you have filled in the form, sign and date the declaration, OTHERWISE THE APPLICATION WILL NOT BE VALID.

DOCUMENTS YOU SHOULD SEND WITH THE FORM

22. You should send:

- the fee;
- a photocopy of your Hong Kong Permanent Identity Card (if you have been issued with one);

- Documentary evidence of ordinary residence:- evidence that you are currently ordinarily resident in Hong Kong and that you (and, if you are under 18, your parents) were ordinarily resident on the other date which applies to you; and
- documentary evidence of your nationality:- a photocopy of your passport; or the original of your certificate of naturalisation, certificate of registration or other - documentary evidence that you were on 30 June 1997 a British Dependent Territories citizen, or that you are a British National (Overseas), a British Overseas citizen, British subject or British protected person; and
- documentary evidence that you have renounced or otherwise ceased to hold any non-British nationality you have held; and
- if you are under 18, your birth certificate showing details of your parents, and your parents' marriage certificate.

You should send in the originals of these documents except where it is otherwise stated. Where photocopies of documents are sent, the original documents may be requested when your application reaches its turn for consideration.

WHERE TO SEND YOUR APPLICATION FORM

23. All applications will be considered by the Home Office in the United Kingdom.

If you are in Hong Kong, send the form with the fee and supporting documents to:

Consular Section, Level 3
British Consulate-General
1 Supreme Court Road
Hong Kong

Phone: 852 2901 3281.

If you are in England, Scotland, Wales or Northern Ireland, send them to:

Border and Immigration Agency
Department 1
PO Box 306
Liverpool
L2 0NQ

Phone: 0845 010 5200

If you are in the Channel Islands or the Isle of Man, you should send them to the Lieutenant Governor.

If you are in a dependent territory send them to the governor.

If you are elsewhere, you send them to the nearest British embassy, high commission or consulate.

24. You must make your application in this way. You may not send your application direct to the Home Office if you are outside the United Kingdom, even if you normally live there.

25. By law, the date of your application will be the date on which it is received by the local British government representative as shown above, not the date on which you send it. It is not advisable to post your application as you are about to leave a country or dependent territory, because it may not be received before your departure. In these circumstances your application would not be valid.

AFTER YOU HAVE SENT IN YOUR APPLICATION

CHANGES AFTER YOU SEND IN YOUR FORM

26. The declaration at the end of the application form includes an undertaking to tell the Home Secretary if any changes occur which affect the accuracy of the information you put on the form. It is important that you do this while your application is being considered. It may remind you to do this if you take a copy of your completed application form.

27. Please remember to notify any changes of address or telephone number in writing, quoting your application's reference number, if known.

WAITING TIMES

28. All applications will be dealt with as quickly as possible. It is possible that some applicants will need to provide more details about their applications and may be asked to attend an interview.

CERTIFICATE OF REGISTRATION

29. If you are successful you will normally be invited to collect your certificate of registration from the British Consulate General in Hong Kong in person, and you will need to have with you satisfactory evidence of your identity, preferably your Hong Kong Permanent Identity Card (if you have one). But a certificate may be withdrawn if it is found to have been obtained by fraud, false representation or the concealment of any material fact.