



Home Office

Border & Immigration Agency

GUIDE MN2 - REGISTRATION OF A CHILD AS A BRITISH OVERSEAS TERRITORIES CITIZEN

A guide about the registration of children under 18

This guide and the application form MN2 are for a person who wishes a child under 18 to be registered as a British overseas territories citizen.

It is not necessary to fill in this form if you are a parent who is applying for naturalisation or registration as a British overseas territories citizen yourself. You should apply for the registration of any of your children under 18 by including their details on your own application form.

If you have any questions please write to or telephone the:

Border and Immigration Agency
Department 2
PO Box 306
Liverpool
L2 0QN

Telephone: 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 an overseas territory send them to the governor.

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

Please quote any Home Office reference number from a previous application or correspondence.

WHAT THIS GUIDE CONTAINS

1. explains 4 different sets of requirements. You may apply if a child meets set of requirements.
2. tells you what matters are considered if an application is made for a child who does not meet any of the sets of requirements in part 1.
3. has a note about the legitimisation of children who are born illegitimate.
4. tells you who should fill in the application form, which parts to fill in and contains notes about certain parts of the form.
5. tells you what to send with the form and where to send it.
6. tells you about the Certificate of Registration.

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

1. WHAT ARE THE REQUIREMENTS

A child under the age of 18 has to be registered as a British overseas territories citizen (see note below) if he or she comes within of the SECTIONS A, B or C below.

The Governor of the British overseas territory (see note below) concerned will normally be responsible for the registration.

The Governor may, if he thinks fit, register as a British overseas territories citizen any other child under 18. The matters which he will take into account are set out in SECTION D.

SECTION A is for children born in a British overseas territory after 1 January 1983 who are not British overseas territories citizens at birth but one of whose parents later becomes a British overseas territories citizen or becomes settled in a British overseas territory.

SECTION B is for children born outside the British overseas territories after 1 January 1983 where the child is likely to remain living overseas and where one (or both) of the parents is a British overseas territories citizen by descent with certain parental and residential connections with a British overseas territory.

SECTION C is for children born outside the British overseas territories after 1 January 1983 to a British overseas territories citizen (or citizens) by descent where the child later comes to a British overseas territory with his parent or parents to live.

SECTION D covers the Governor's discretion to register any minor child.

Parent means, in the case of an illegitimate child, the mother; otherwise it refers to the mother or father (see also the note in section 3).

Warning on dual nationality. A person does not have to give up his or her present citizenship or nationality to become a British overseas territories citizen. But under the nationality laws of some countries a child could automatically lose his or her citizenship if he or she becomes a citizen of another country. If you are not sure about this, you should ask the authorities of the country concerned before you make an application.

NB. The British overseas territories and British overseas territories citizenship are what the dependent territories and British Dependent Territories citizenship have been called since 26 February 2002. As regards any time before 26 February 2002, any references in this guide to British overseas territories (citizenship) should be read accordingly.

Section A

The child will come within this section if:

| | Notes |
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| <ul style="list-style-type: none"> the child was born in a British overseas territory; | The British Overseas territories are currently Anguilla, Bermuda, British Antarctic Territory, British Indian Ocean Territory, Cayman Islands, Falkland Islands, Gibraltar, Montserrat, Pitcairn, Henderson, Ducie and Oeno Islands, St. Helena and Dependencies, South Georgia and the South Sandwich Islands, the Sovereign Base Areas of Akrotiri and Dhekelia, Turks and Caicos Islands and the Virgin Islands. |
| and | |
| <ul style="list-style-type: none"> was not a British overseas territories citizen by birth; | |
| and | |
| <ul style="list-style-type: none"> one (or both) of the child's parents later became a British overseas territories citizen or settled in a British overseas territory; | |
| and | |
| <ul style="list-style-type: none"> that parent has at any time before the child's birth lived in a | This requirement does not apply if |

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| British overseas territory for a period of 3 years without being absent from the territory for more than 270 days in that period; | the child was born stateless |
| and | |
| <ul style="list-style-type: none"> the application is made within 12 months of the child's birth. | This time limit may be extended to within 6 years of the child's birth if there are special circumstances. If you make an application outside the 12 months, you should explain what the special circumstances are on a separate sheet of paper. |

Section B

Important warning: A child who comes within SECTION B and is registered becomes a British overseas territories citizen by descent, whereas a child who comes within SECTION C becomes a British overseas territories citizen otherwise than by descent. The difference is important because a citizen otherwise than by descent automatically passes on British overseas territories citizenship to his or her children who are born outside the British overseas territories but a citizen by descent does not. A person who is registered as a citizen by descent cannot later be registered as a citizen otherwise than by descent. If therefore the child comes within SECTION B but the family intend to return to a British overseas territory the parents should consider whether it would be advisable to delay an application until the child qualifies for registration under SECTION C.

If one of the child's parents is a British overseas territories citizen otherwise than by descent the child would automatically become a British overseas territories citizen at birth. There is no need to apply for registration of the child.

If one of the child's parents is a British citizen by descent the child may be entitled to registration as a British citizen in addition to registration as a British overseas territories citizen an application for registration as a British citizen should be made on form MN1. Further information about registration as a British citizen is contained in the guide accompanying form MN1 or by contacting the relevant office mentioned at the beginning of this guide

The child will come within this section if:

| | Notes |
|--|--|
| <ul style="list-style-type: none"> the child was born outside the British overseas territories on or after 1 January 1983 | <p>The British Overseas territories are currently Anguilla, Bermuda, British Antarctic Territory, British Indian Ocean Territory, Cayman Islands, Falkland Islands, Gibraltar, Montserrat, Pitcairn, Henderson, Ducie and Oeno Islands, St. Helena and Dependencies, South Georgia and the South Sandwich Islands, the Sovereign Base Areas of Akrotiri and Dhekelia, Turks and Caicos Islands and the Virgin Islands.</p> <p>1 January 1983 is the date the British Nationality Act 1981 came into force.</p> |
| and | |
| <ul style="list-style-type: none"> the child is likely to remain living overseas; | |

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| and | |
| <ul style="list-style-type: none"> one (or both) parents is a British overseas territories citizen by descent with a connection to a British overseas territory both through living there and through their parents; | |
| and | |
| <ul style="list-style-type: none"> before the child's birth, that parent lived in a British overseas territory for a period of three years without being absent from the territory for more than 270 days; | |
| and | |
| <ul style="list-style-type: none"> the application is made within 12 months of the child's birth. | In exceptional cases we may grant applications for registrations made within six years of the child's birth. |

Section C

The child will come within this section if:

| | Notes |
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| <ul style="list-style-type: none"> if the child was born outside the British overseas territories on or after 1 January 1983; | 1 January 1983 is the date the British Nationality Act 1981 came into force. |
| and | |
| <ul style="list-style-type: none"> one of the child's parents was a British overseas territories citizen by descent at the time of the child's birth; | |
| and | |
| <ul style="list-style-type: none"> his or her mother and father were in one and the same British overseas territory during the 3 years immediately before the application without any of them being absent from that territory for more than 270 days in that period. They must also have been in that territory at the beginning of the 3-year period; | |
| and | |
| <ul style="list-style-type: none"> the child's mother and father consent to the application for registration of the child; | If either parent has died this requirement applies to the other parent |
| and | |
| <ul style="list-style-type: none"> the application is received before the | If the child is illegitimate the above requirements do not apply to the father |

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| child's 18th birthday. | |
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If one of the child's parents is a British overseas territories citizen otherwise than by descent the child would automatically become a British overseas territories citizen at birth. There is no need to apply for registration of the child.

If one of the parents is a British citizen by descent, the child may be entitled to registration as a British citizen in addition to registration as a British overseas territories citizen. An application for registration as a British citizen should be made on form MN1. Further information about registration as a British citizen is contained in the guide accompanying form MN1 or by contacting the relevant office mentioned at the beginning of this guide.

2. IF A CHILD DOES NOT MEET THE REQUIREMENTS IN SECTIONS A-C

Section D

A child who does not come within SECTIONS A to C may be registered as a British overseas territories citizen at the discretion of the Governor provided an application is received before the child's 18 birthday. It is not possible to set out all the circumstances in which he would normally agree to registration but consideration is given to:

- the child's connections with the territory;
- where the child's future is likely to lie;
- the views of the parents;
- the nationality of the parents;
- whether the child is of good character;
- the length of time the child has lived in the territory.

The last two points are considered only in the case of older children, particularly those approaching 18.

3. LEGITIMACY

A child who was illegitimate at birth may, in some circumstances, have been legitimated by the subsequent marriage of his or her parents. Also, the child of a void marriage may, in some circumstances, be treated as legitimate. In certain cases of this kind a child may even already be a British overseas territories citizen, for example, if the father was such a citizen because he was born in a British overseas territory. If a child comes within either of these categories, do not make an application (unless there is a danger of passing a time limit) but send full details to the appropriate office mentioned at the start of this guide.

4. THE APPLICATION FORM

Who should fill in the form

An application should normally be made by a parent or guardian of the child. If the child comes within SECTION C both parents must agree to the application unless the child is illegitimate (see note in SECTION C).

A guardian should apply or consent only if both parents are dead or if for some reason (which must be given) neither parent is able to make the application. A guardian must send evidence of his or her right to act as guardian, e.g. an Order of Court or the written authority of the parent(s).

If the child makes his or her own application and does not come within SECTIONS A, B or C the written consent of the parent(s) or guardian should be given and it should be explained why a parent or guardian is not making the application.

Which parts to fill in

If the child comes within SECTION A of this guide fill in parts 1-5, 8, 12-13 and 16 of the form.

If the child comes within SECTION B of this guide fill in parts 1-5, 8-9 and 12-16 of the form.

If the child comes within SECTION C of this guide fill in parts 1-5, 8-9, 12-14 and 16 of the form.

If the child comes within SECTION D of this guide fill in parts 1-13 and 16 of the form.

Notes about some parts of the form

Part 10 - Criminal Record

If you are applying under you must give details of all the child's criminal convictions.

Part 16 - Consent

If it is not convenient for both parents to give their consent on the application form, written consent can be given in a separate letter to the Governor.

If one of the parents has not given his or her consent, the reason should be given in part 16 a) e.g. a parent is dead, cannot be traced, objects etc.

Where a parent objects, a separate letter giving the reasons should be sent to the Governor.

Part 17 - Declaration

When you have filled in the form as explained above, sign and date the Declaration at part 17 of the form.

An undeclared application will not be valid.

NOTE: Information you give us will be treated in confidence, but may be disclosed to other Government Departments and agencies and local authorities to enable them to carry out their functions.

5. WHAT TO SEND WITH THE FORM

The Fee

This will depend on the fees charged in the British overseas territory concerned. You will be notified about the fee later.

Documents

Please also send the evidence below:

If the child comes within SECTION A, you should send evidence:

that the child was born in a British overseas territory.

- Please send the child's birth certificate.

that a parent has become a British overseas territories citizen or settled in a British overseas territory

- As evidence of British overseas territories citizenship please send the naturalisation or registration certificate.
- As evidence of settled status please send the passport, or the Police Registration Certificate, or a letter from the authorities showing that there is no time limit on the parent's stay in the territory.(if the parent concerned is the father) that the child's parents were married, please send the marriage certificate.

If the child comes within SECTION B, you should send evidence:

of the child's birth outside the British overseas territories.

- Please send the birth certificate.

of the parent's citizenship.

- Please send any birth, marriage, naturalisation or registration certificates, passports or official letters which prove the citizenship of the parent concerned.

of the grandparent's citizenship.

- Please send any birth, marriage, naturalisation or registration certificates, passports or official letters which prove the citizenship of the grandparent concerned.

of the parent's residence in a British overseas territory for 3 years before the child's birth (unless the child is stateless).

- Please send documents which cover the 3 year period. These can be made up of the following:
 - letters from employers during the qualifying period;
 - letters from schools or other educational establishments which the parent attended during the qualifying period;
 - a letter showing that the parent has paid tax during the qualifying period;
 - any other documents which show that the parent lived in a British overseas territory during the qualifying period.

(if the parent concerned is the father) that the child's parents were married.

- Please send the marriage certificate.

of statelessness (if the child is stateless).

- Please send a letter from the authorities of the country in which the child was born stating that the child is not and never has been a citizen of that country.

If the child comes within SECTION C, you should send evidence:

of the child's birth outside the British overseas territories.

- Please send the birth certificate.

of the parent's citizenship.

- Please send any birth, marriage, naturalisation or registration certificates, passports or official letters which prove the citizenship of the parent concerned.

of the child's, the mother's and the father's residence in one and the same British overseas territory during the 3 years immediately before the application.

- Please send the passport(s) which cover the 3 year period. If these do not show that the parent who is a British overseas territories citizen has been resident in the territory send as much as you can of the following:
 - letters from employers during the qualifying period;
 - letters from schools or other educational establishments which the child attended during the qualifying period;

- letter showing that the parent has paid tax during the qualifying period;
- any other documents which show that the family has lived in the territory during the qualifying period.

of the death of a parent (if this has occurred).

- Please send the death certificate.

of the divorce or legal separation of the parents (if either has occurred).

- Please send the divorce certificate or court order.

that custody of the child has been awarded to one parent (if this has occurred).

- Please send the court order.

If the child comes within SECTION D you should send evidence:

of the child's birth and citizenship.

- Please send the child's birth certificate and passport.

of the parents' citizenship.

- Please send any birth, naturalisation or registration certificates or passports which show their citizenship.

that the child has been resident in a British overseas territory (if this is so).

- Please send the child's passport. If you cannot do this please explain why and send the following:
 - letters from schools or educational establishments any other document which shows the child's residence.

that custody of the child has been awarded to one parent or a guardian (if this has occurred).

- Please send the court order.

that the child is adopted (if this is so).

- Please send the court order.

of any other fact that may be relevant to the application e.g. if the child is married please send the marriage certificate.

Where to send the application form

If you are applying in England, Wales, Scotland or Northern Ireland, send the form with the fee and supporting documents to:

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

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 British overseas territory, you should send them to the governor.

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

What happens afterwards?

The application will be forwarded for consideration to the Governor of the British overseas territory with which the child or the parent(s) are or were connected. He will be in touch with you direct about the final decision.

6. CERTIFICATE OF REGISTRATION

If the application is successful a certificate of registration will be issued in the name of the child. But citizenship may be withdrawn if it has been obtained by fraud, false representation or the concealment of any material fact.

NB. Place and country of birth names shown on the certificate will be names in current acceptable use (and will be in English where English versions exist).