Dual Nationality

1. Position of dual nationals in UK law

1.1 There are currently no restrictions in UK law on dual or multiple nationality (but see s.35 BNA 1981 and Article 10 of the British Protectorates, Protected States and Protected Persons Order 1982, which provide, respectively, for the automatic loss of the statuses of British subject and British protected person in certain cases).

1.2 A British citizen who acquires citizenship of another country is not required under UK law to renounce British nationality. Neither is a foreign national required under UK law to relinquish his original nationality on becoming a British citizen. However, people who enquire about the effect of their naturalisation or registration upon their previous citizenship should be referred to the Embassy or High Commission of the country concerned, since a number of Commonwealth and foreign countries do not permit dual citizenship.

2. History of dual nationality

2.1 Prior to 1870, British subjects could not divest themselves of their nationality in any circumstances. However, in addition to introducing provision for renunciation of British subject status, the Naturalization Act 1870 provided that British subjects would be deemed to have lost that status automatically if they voluntarily naturalized in a foreign country. If a foreign man was married to a British subject at that time, his wife would be deemed to have acquired his new nationality - whether or not she had - and as a result, many women effectively became stateless. The same applied, potentially, to his children who were resident in that foreign country.
2.2 The British Nationality and Status of Aliens Act 1914 retained the concept of loss of British subject status by naturalization in a foreign country and, initially, the 1870 Act provisions relating to the status of wives. However, the British Nationality Act 1933, passed as a result of the 1930 Hague Convention, provided retrospectively that:

- A woman who married a foreign national would not lose British subject status unless she automatically acquired her husband's nationality as a result of the marriage
- Where her husband naturalized as a foreign national during the marriage, she could make a declaration of retention of British nationality

2.3 As regards minors, the position was similar, although rather more complicated. The British Nationality Act 1922, however, provided that children who held another nationality would lose British subject status unless, on attaining majority (i.e. age 21), they declared a desire to remain British and, if possible, renounced the other nationality. The "renunciation" element was repealed by the British Nationality Act 1943, which also provided for the acceptance of "late" declarations of retention (as a result, children could be deemed to have retained British nationality by making a declaration under the 1943 Act even if they had lost it under the 1922 Act).

2.4 The British Nationality Act 1948 removed restrictions on dual nationality, largely for the following reasons:

- Dual nationality was not thought to be so undesirable, since most practical problems were avoided by the Master Nationality Rule (see below)

- The majority of cases of dual nationality were caused by the conflict of laws rather than by naturalisation abroad
- There had been difficulties administering the 1914 Act provisions: it was not always clear whether a person had acquired a foreign nationality voluntarily by naturalisation, it often involved the interpretation of obscure foreign law, and there were anomalies
- The policy of allowing British nationality to be retained was felt to be justified by the loyalty shown during the Second World War by the large British communities abroad with dual nationality

3. Dual nationals outside the UK - the Master Nationality Rule

3.1 The UK Government normally extends diplomatic protection to British nationals outside the UK. However, Article 4 of the Hague Convention on Certain Questions relating to the Conflict of Nationality Laws, 1930 provides that "a State may not afford diplomatic protection to one of its nationals against a state whose nationality such person also possesses".

3.2 Commonly known as the "Master Nationality Rule", the practical effect of this Article is that where a person is a national of, for example, two States (A and B), and is in the territory of State A, then State B has no right to claim that person as its national or to intervene on that person's behalf. Such a person who goes into the territory of a third state may be treated as a national of either A or B - it does not normally matter which one, except, for example, where the courts of the third state have to adjudicate upon matters relating to that person's status and the relevant laws depend on the person's nationality. In such cases, it is necessary to choose an effective nationality (i.e. one of the two nationalities is selected as effective for the purposes of the third state).

3.3 Application of the Master Nationality Rule

3.3.1 It is quite often necessary to refer to this rule in dealing with applicants who say that they want a "British passport" to protect them on a visit to their country of origin.

3.3.2 The United Kingdom accepts that international law limits its ability to provide full consular protection to dual nationals in the country or territory of their second nationality. However, it is a matter for the UK to decide what representations it makes in any individual case and, even in cases of acknowledged dual nationality, the UK would normally make informal representations.

3.3.3 We usually explain to applicants that, even if they acquired British citizenship, they may not be able to claim UK consular protection in their country of origin if that country still regarded them as possessing its nationality.