



Home Office

Registration as British citizen: following renunciation

Previously chapters 16 and 17

Version 2.0

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About this guidance

This guidance tells Home Office staff how to consider applications from people who have previously renounced citizenship and have applied to register as a British citizen.

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 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 **2.0**
- published for Home Office staff on **21 July 2023**

Changes from last version of this guidance

To incorporate changes made by the Illegal Migration Act 2023.

Related content

[Contents](#)

Registration following renunciation

This page tells you about how a person can register as a British citizen if they have renounced citizenship in the past.

There are 2 categories under which an individual may resume British citizenship:

- [Section 13 of the British Nationality Act 1981](#) – where the person renounced British citizenship – on or after 1 January 1983
- [Section 10 of the British Nationality Act 1981](#) – where the person renounced citizenship of the United Kingdom and Colonies – before 1 January 1983

Related content

[Contents](#)

Registration following renunciation of British citizenship: Section 13

[Section 13 of the British Nationality Act 1981](#) explains how British citizens who have lost that status as a result of making a declaration of renunciation can regain it.

Under [section 13\(1\)](#) persons are entitled to be registered as British citizens if:

- they are of full capacity
- the Secretary of State is satisfied that they are of good character they have made a declaration of renunciation of British citizenship
- renunciation was necessary to enable them to retain or acquire another citizenship or nationality

[Section 13\(2\)](#) explains that a person cannot be registered under [section 13\(1\)](#) more than once. This means that a person who is registered under [section 13\(1\)](#) and then renounces British citizenship again can only be registered under [section 13\(3\)](#)

[Section 13\(3\)](#) gives the Home Secretary discretion to register persons as British citizens if:

- they are of full capacity
- the Secretary of State is satisfied that they are of good character
- they have for any reason made a declaration of renunciation of British citizenship

A person who would have become a British citizen on 1 January 1983 but for having renounced citizenship of the UK and Colonies cannot be registered under [section 13](#), but may be eligible for registration under [section 10](#) ([Registration following renunciation of citizenship of the UK and Colonies](#))

‘Of full capacity’ is defined in the [British Nationality Act 1981](#) as meaning that a person is not of unsound mind. For a detailed explanation of how this is interpreted for the purposes of the Act, and how the requirement to be of full capacity may be waived in certain circumstances see full capacity requirements.

A person who was a British citizen by descent when renouncing British citizenship will become a British citizen by descent on registration under [section 13](#). All other persons registered under [section 13](#) will become British citizens otherwise than by descent.

A person will not be eligible for registration under this section if they meet the criteria for the [citizenship ban](#).

Related content

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Registration following renunciation of citizenship of the UK and Colonies

Section 10

[Section 10 of the British Nationality Act 1981](#) explains how certain citizens of the UK and Colonies, who lost that status before 1 January 1983 as a result of making a declaration of renunciation, may be registered as British citizens.

Under [section 10\(1\)](#) persons are entitled to registration as British citizens if before 1 January 1983:

- they are of full capacity
- the Secretary of State is satisfied that they are of good character they have ceased to be citizens of the UK and Colonies as a result of making a declaration of renunciation
 - at the time of making the declaration they were or were about to become citizens of a [Commonwealth country](#) and either they could not have remained or become such citizens unless they renounced citizenship of the UK and Colonies
 - they reasonably believed they would be deprived of citizenship of such countries unless they renounced citizenship of the UK and Colonies

and on the date of application they either:

- had a qualifying connection with the UK - see [section 10\(4\)](#)
- had been married to a person who had, or would but for their death have had, such a connection

Under [section 10\(2\)](#) persons may be registered as British citizens at the Home Secretary's discretion if, either:

- they are of full capacity
- the Secretary of State is satisfied that they are of good character
- before 1 January 1983, they had ceased to be citizens of the UK and Colonies as a result of making a declaration of renunciation
- on the date of the application they had a qualifying connection with the UK
- they had, at any time before the date of the application, been married to or the civil partner of a person who had, or would but for their death have had, such a connection

[Section 10\(3\)](#) explains that an individual cannot be registered under [section 10\(1\)](#) more than once. This means that a person who has been registered under [section 10\(1\)](#), and who then renounces British citizenship, can be registered only under [section 10\(2\)](#) or under [section 13](#) (see registration following renunciation of British citizenship).

[Section 10\(4\)](#) explains the qualifying connections with the UK required under [section 10\(1\)](#) and [section 10\(2\)](#). These are that the person, their father or paternal grandfather either

- was born in the UK
- is, or was a person naturalised in the UK
- was registered as a citizen of the UK and Colonies either
 - in the UK
 - in a country which, at the time, was included in [section 1\(3\) of the British Nationality Act 1948](#)

The reference to the term ‘father’ only applies to those who were married to the mother of the child. However such a child may have been ‘legitimated’ by the subsequent marriage of their parents.

Before 7 November 2002, it was only possible for women to qualify for registration on the basis of marriage to a man who had an appropriate qualifying connection. The [Nationality, Immigration and Asylum Act 2002](#) extended this requirement to include men who were married to citizens of the UK and Colonies as regards applications made either:

- on or after 7 November 2002
- before 7 November 2002 but still undetermined on that date

Registration under [section 10](#) gives British citizenship otherwise than by descent unless, the person had not renounced citizenship of the UK and Colonies, they would have become a British citizen by descent under [section 14\(1\)\(b\)](#) on 1 January 1983. In such cases, registration gives British citizenship by descent.

A person will not be eligible for registration under this section if they meet the criteria for the [citizenship ban](#).

Evidence to be supplied

All applications must be supported by the following evidence:

- passport/travel document or the relevant certificates of birth, marriage, death, adoption, registration, or naturalisation to establish the applicant's current nationality/citizenship
- the declaration of renunciation of British citizenship or the citizenship of the United Kingdom and Colonies

The following additional evidence must also be provided:

Applications submitted under [section 13\(1\)](#):

- a letter from the authorities of the country concerned (unless it is a British overseas territory) stating that the applicant's renunciation of British citizenship was necessary in order to acquire or retain that country's citizenship

Applications under [section 13\(3\)](#):

- evidence to support any other reasons for the renunciation of British citizenship and the wish to re-acquire it. See [exercise of discretion](#)

Applications under [section 10\(1\)](#) :

- a letter from the authorities of the [Commonwealth country](#) stating that the applicant's renunciation of citizenship of the UK and Colonies was either:
 - necessary in order to acquire or retain that country's citizenship
 - in the reasonable belief that the applicant would otherwise have been deprived of citizenship of that country

Applications under [section 10\(2\)](#):

- evidence to support any other reasons for the renunciation of citizenship of the UK and Colonies and the wish to acquire British citizenship. See [exercise of discretion](#)

It is the applicant's responsibility to provide the required documentation. This is stated in the guidance notes that support the application form. In cases where the applicant has failed to provide the required documentation, you must write to the applicant to request the documents, allowing 14 days for the applicant to provide a response.

If after 14 days the applicant has failed to provide the evidence required to support their application the application must be refused, and the applicant must be informed their application has been decided with the evidence already supplied, and that they have failed to meet the requirements to register.

To guard against the possibility of fraud, we would expect to see the evidence of identity over and above that required to establish an entitlement to registration following renunciation. You must not accept a birth certificate as evidence of identity. A birth certificate is evidence of an event not the individual's identity.

You must take into account any evidence already on file. If documents have been examined in the past you do not need to ask to see them again. If a particular marriage or parent and child relationship has been accepted as valid by an Entry Clearance Officer, Immigration Officer, Home Office official, or any Tribunal or court in the UK you do not need to ask for any further evidence except where later information provides reasonable grounds to doubt the previously accepted position. You must note, however, that on occasions a subsisting relationship is accepted for immigration purposes whereas for nationality purposes a valid marriage is needed.

All declarations of renunciation of British citizenship are recorded on the Home Office file together with any information and documentary evidence provided at the time. If the applicant is unable to produce the declaration of renunciation, the details given on the Form RS1 must be checked with the information held on file.

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Checking the application

Checking the validity of renunciation

British citizenship or citizenship of the United Kingdom and Colonies was lost on registration of the declaration if the person then had another nationality or citizenship.

If the declaration was made in order to acquire another nationality or citizenship, and no such nationality or citizenship was acquired within 6 months of the date of registration of the declaration, the renunciation was void and the person remained a citizen. However, unless the evidence or information available indicates that the other nationality or citizenship was not acquired, it must be assumed that the renunciation was valid and that citizenship was lost.

If the renunciation was after 1 January 1983 and British citizenship was not lost, you must:

- follow the procedure consideration of declarations
- write and explain that the person is still a British citizen and that registration is not necessary - any fee must be refunded in full

If the renunciation was before 1 January 1983 and citizenship of the UK and Colonies was retained, you must check the sections on automatic claims to determine whether the person is:

- a British citizen under [section 11](#)
- a British overseas territories citizen under [section 23](#)
- a British overseas citizen under [section 26](#)

If the person is a British citizen, you must write to say so and explain that registration is not necessary, and refund in full any fee submitted with the application.

If the person is not a British citizen, but is a British overseas territories citizen or a British overseas citizen, you must write to say so and:

- explain that the person cannot be registered as a British citizen under [section 10](#) because the person did not cease to be a citizen of the UK and Colonies as a result of the declaration of renunciation
- explain the route to British citizenship under [section 4](#) for registration and [section 6](#) for naturalisation
- refund the application.

Checking the reason for renunciation – Section 13

In order for a person to be entitled to registration under [section 13\(1\)](#), the renunciation of British citizenship must have been necessary in order to retain or acquire another nationality or citizenship.

If renunciation of British citizenship was unnecessary, or was made for any other reason, the application must be considered under [section 13\(3\)](#) exercise of discretion.

If the person has previously been registered as a British citizen under [section 13\(1\)](#), they cannot be registered again under this provision. The application must therefore be considered under [section 13\(3\)](#). See [exercise of discretion](#)

Checking the reason for renunciation – Section 10

In order for a person to be entitled to registration under [section 10\(1\)](#), the renunciation of citizenship of the UK and Colonies must have been:

- necessary in order to retain or acquire citizenship of a [Commonwealth country](#)
- made in the reasonable belief that they would otherwise be deprived of the citizenship of such a country

The application can be considered under [section 10\(2\)](#) if:

- renunciation of citizenship of the UK and Colonies was unnecessary
- the person's belief about deprivation was unreasonable
- it was for any other reason

This would be considered at the Home Secretary's discretion. See [exercise of discretion](#)

Exercising discretion – Section 13(3)

[Section 13\(3\)](#) gives the Home Secretary discretion to register as a British citizen a person who has previously renounced that status.

This discretion is intended to benefit those who renounced British citizenship to either acquire the nationality or citizenship of their spouse or civil partner or to assist them in their careers where:

- the marriage, civil partnership or the career has now ended
- they wish to remain in the UK, or return to the UK for settlement

You must therefore normally register under [section 13\(3\)](#) if these conditions are met, and you are satisfied that the applicant's future is likely to lie in the UK if registered.

Where renunciation of British citizenship was not necessary in order to retain or acquire another nationality or citizenship or the applicant renounced British citizenship in order to apply for a repatriation to return to their country of origin you

should only exercise discretion to register under section 13(3) in exceptional circumstances.

Where renunciation of British citizenship was not to either acquire the nationality or citizenship of their spouse or civil partner, or to assist them in their careers, and the person has been registered previously under [section 13\(1\)](#) you must still consider the application on its merits, taking into account the reasons given for the renunciation, and the reasons for wishing to re-acquire British citizenship. If no reasons have been given, you must request this from the applicant.

Exercising discretion – Section 10(2)

[Section 10\(2\)](#) gives the Home Secretary discretion to register as a British citizen, any person who ceased to be a citizen of the UK and Colonies as a result of making a declaration of renunciation, provided they have a qualifying connection with the UK.

This discretion is intended primarily to benefit those:

- whose renunciation of citizenship of the UK and Colonies was necessary in order to retain or acquire the citizenship of a country not listed as a [Commonwealth country](#) who reasonably believe they would be deprived of such citizenship if they did not renounce citizenship of the UK and Colonies

We may therefore normally grant applications under [section 10\(2\)](#) if applicants renounced citizenship of the UK and Colonies because either:

- they could not otherwise have remained or become citizens of any country not listed as a [Commonwealth country](#)
- they reasonably believed that they would be deprived of the citizenship of such a country if they did not renounce citizenship of the UK and Colonies

If either:

- renunciation of citizenship of the UK and Colonies was not necessary in order to retain or acquire the citizenship of another country, including those listed under [Commonwealth countries](#)
- the person had no reason to believe that renunciation of citizenship of the UK and Colonies was necessary to prevent him or her being deprived of the citizenship of another country, including those listed under [Commonwealth countries](#)
- the person had already been registered as a British citizen under section [10\(1\)](#)

the application must be considered under [section 10\(2\)](#) on its merits, taking into account the reasons given for the renunciation or the reasons for wishing to become a British citizen. If no reasons have been given, they must be requested.

Examples of the circumstances in which it may be appropriate to register are where:

- renunciation was in order to acquire the citizenship of a spouse, and the marriage has now ended
- renunciation was in order to acquire another citizenship to assist in a career and the person now wishes to return or come to the UK for settlement, and we are satisfied their future is likely to lie here if registered

Checking the qualifying connection

If the person does not have a qualifying connection with the UK, but has a qualifying connection with a British overseas territory, they may be able to be registered as a British overseas territories citizen under [section 22 of the British Nationality Act 1981](#).

When you refuse an application under [section 10](#) you must explain the possibility of registration as a British overseas territories citizen under [section 22](#) and send a link to the application [form RS2](#)

Checking for previous registration

If the person has previously been registered as a British citizen under [section 10\(1\)](#) they cannot be registered again under this provision. The application must therefore be considered either:

- under [section 10\(2\)](#) exercise of discretion
- under [section 13\(3\)](#) see registration following renunciation of British citizenship

Refusing applications

The Home Secretary may refuse to grant a certificate where the applicant meets the statutory requirements but it would not be in the public interest to grant citizenship. This could be for reasons relating to their actions, behaviour, personal circumstances and/or associations (including family relationships).

Citizenship may be refused where granting the application could:

- have an adverse impact on international relations
- mean that a decision to grant would be so perverse as to undermine confidence in the immigration and nationality system
- mean that a refusal could act as a deterrent to others against behaviour which is not conducive to the public good

In particular, the applicant's associations, including family relationships, with those who have been or who are engaged in terrorism or unacceptable extremist behaviour or who have raised security concerns, will normally warrant a refusal of citizenship. Due regard will be given to whether an association is current or whether family ties have been severed.

If therefore, the applicant is eligible for registration under [section 10\(2\)](#) or [section 13\(3\)](#) further enquiries may be needed.

Oath and pledge

The must attend a citizenship ceremony and make an appropriate [oath of allegiance and pledge](#).

Related content

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The citizenship ban

The Illegal Migration Act 2023 introduced a “citizenship ban”. This will apply where the applicant:

- required leave to enter the United Kingdom, but entered the United Kingdom:
 - without leave to enter (or with leave to enter that was obtained by deception)
 - in breach of a deportation order
 - without a valid entry clearance if it was required; or without a valid electronic travel authorisation if one was required
- entered or arrived on or after 7 March 2023
- did not come directly from a country in which their life and liberty were threatened by reason of their race, religion, nationality, membership of a particular social group or political opinion

They also will not qualify if they entered Jersey, Guernsey or the Isle of Man, or an overseas territory, in the same way.

There is an exemption to the citizenship ban where treating a person as ineligible for citizenship would breach the United Kingdom’s obligations under the Human Rights Convention. This means that we will need to consider the application, although not necessarily grant.

If you do come across such an application, you must refer it to a senior caseworker for advice.

Related content

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Historical position of countries

Commonwealth countries as at 31 December 1982:

- Antigua and Barbuda
- Australia
- The Bahamas
- Bangladesh
- Barbados
- Belize
- Botswana
- Canada
- Republic of Cyprus
- Dominica
- Fiji
- Ghana
- Grenada
- Guyana
- India
- Jamaica
- Kenya
- Kiribati
- Lesotho
- Malawi
- Malta
- Mauritius
- Nauru
- New Zealand
- Nigeria
- Papua New Guinea
- Saint Lucia
- St Vincent & the Grenadines
- Seychelles
- Sierra Leone
- Singapore
- Solomon Islands
- Sri Lanka
- Swaziland
- Tanzania
- Tonga
- Trinidad and Tobago
- Tuvalu

Commonwealth countries as at 31 December 1982:

- Uganda

- Vanuatu
- Western Samoa
- Zambia
- Zimbabwe

Countries which have been included in section 1(3) of the British Nationality Act 1948

Country	From	To
Antigua and Barbuda	1 November 1981	31 December 1982
Australia	1 January 1949	31 December 1982
The Bahamas	10 July 1973	31 December 1982
Bangladesh	4 February 1972	31 December 1982
Barbados	30 November 1966	31 December 1982
Belize	21 September 1981	31 December 1982
Botswana	30 September 1966	31 December 1982
Canada	1 January 1949	31 December 1982
Ceylon	1 January 1949	25 May 1972
Cyprus	1 January 1949	31 December 1982
Dominica	3 November 1978	31 December 1982
Fiji	10 October 1970	31 December 1982
The Gambia	18 February 1965	31 December 1982
Ghana	6 March 1957	31 December 1982
Grenada	7 February 1974	31 December 1982
Guyana	26 May 1966	31 December 1982
India	1 January 1949	31 December 1982
Jamaica	6 August 1962	31 December 1982
Kenya	12 December 1963	31 December 1982
Kiribati	12 July 1979	31 December 1982
Lesotho	4 October 1966	31 December 1982
Malawi	6 July 1964	31 December 1982
Federation of Malaya	31 August 1957	15 September 1963
Federation of Malaysia	16 September 1963	31 December 1982
Malta	21 September 1964	31 December 1982
Mauritius	12 March 1968	31 December 1982
Nauru	31 January 1980	31 December 1982
New Zealand	1 January 1949	31 December 1982
Newfoundland	1 January 1949	22 May 1950
Nigeria	1 October 1960	31 December 1982
Pakistan	1 January 1949	31 August 1973
Papua New Guinea	31 January 1980	31 December 1982
Federation of Rhodesia	1 March 1958	31 December 1963
St Lucia	22 February 1979	31 December 1982
St Vincent and the Grenadines	27 October 1979	31 December 1982
Seychelles	29 June 1976	31 December 1982
Sierra Leone	27 April 1961	31 December 1982
Singapore	3 June 1959	15 September 1963

Country	From	To
Singapore	9 August 1965	31 December 1982
Solomon Islands	7 July 1978	31 December 1982
South Africa	1 January 1949	30 May 1962
Southern Rhodesia	1 January 1949	28 February 1958
Southern Rhodesia	1 January 1964	17 April 1980
Sri Lanka	22 May 1972	31 December 1982
Swaziland	6 September 1968	31 December 1982
Tanganyika	9 December 1961	25 April 1964
Tanzania	26 April 1964	31 December 1982
Tonga	4 June 1970	31 December 1982
Trinidad and Tobago	31 August 1962	31 December 1982
Tuvalu	1 October 1978	31 December 1982
Uganda	9 October 1962	31 December 1982
Vanuatu	30 July 1980	31 December 1982
Western Samoa	31 January 1980	31 December 1982
Zambia	24 October 1964	31 December 1982
Zanzibar	10 December 1963	25 April 1964
Zimbabwe	18 April 1980	31 December 1982

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