

## STATELESSNESS

1. A stateless person is one who is not regarded as a national by any state under the operation of its law.
2. As a result of the United Kingdom's obligations under the **United Nations Convention on Statelessness 1961 (Cmnd 1825)**, the British Nationality Act 1981 contains a number of provisions relating to stateless persons. The principal statelessness provisions are contained in **Schedule 2** to the Act (see paragraph 6 below), but the point does arise elsewhere too. The following paragraphs provide a brief summary of the statelessness provisions - for a more detailed description, see the appropriate chapters in Volume 1 (as indicated).
3. Under **s.50(7)** (and, since 21 May 2002, **s.50(7A)** and **(7B)**), a child born on a British ship or aircraft neither of whose parents is a BC (or BOTC, as the case may be) at the time of the birth will only acquire that citizenship if the child would otherwise be stateless (see **Chapter 5**).
4. An application under **s.3(2)** of the Act to register a minor as a BC normally requires a period of residence by the minor's parent in the United Kingdom (or, if the child was born on or after 21 May 2002, in a qualifying territory - i.e. a British overseas territory other than the Sovereign Base Areas of Akrotiri and Dhekelia). However, if the minor was "born stateless" the residential requirement is waived (see **Chapter 10**).
5. Hong Kong BDTCs became BOCs on 1 July 1997 if they would otherwise have become stateless. Their children and grandchildren will also be (or have an entitlement to become) BOCs if otherwise stateless (see **Chapters 38** and **40**).
6. **Schedule 2** to the British Nationality Act 1981 provides that:
  - a child born stateless in the United Kingdom after commencement will be a BOTC, BOC or British subject if either parent possesses any such status (**Schedule 2, paragraph 1**) - see **Chapter 25, 38** or **44** (as appropriate)
  - a child born stateless in a British overseas territory after commencement will be a BC, BOC or British subject if either parent possesses any such status (**Schedule 2, paragraph 2**) - see **Chapter 5, 38** or **44** (as appropriate)

A person who becomes a BC under **Schedule 2, paragraph 2** is a BC by descent (**s.14(1)(h)**). However, it should be noted that, as regards acquisition of BC by people born on or after 21 May 2002, **Schedule 2 paragraph 2** applies only to people born in the Sovereign Base Areas of Akrotiri and Dhekelia - those born in any other British overseas territory will be a BC under **s.1** of the 1981 Act.

A person who becomes a BOTC under **Schedule 2, paragraph 1** is a BOTC by descent (**s.25(1)(i)**).

7. **Paragraphs 3-6** of **Schedule 2** concern registration as a BC, BOTC, BOC of British subject. **Paragraphs 3, 4** and **6** relate to persons born stateless after commencement; **paragraph 5** relates to persons born stateless before

This document was archived on 27 July 2017

commencement. Further guidance is contained in **Chapter 15, 31, 40** or **47** (as appropriate).

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