



Home Office

Guide S – Registration of a stateless person as a:

- British citizen
- British Overseas Territories citizen
- British overseas citizen
- British subject

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Introduction

This guide sets out the different ways in which you can apply for British nationality on the basis of being stateless. The guide will help you decide whether you or your child qualify to apply for registration and tells you how to do so.

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.

For your application to be successful you will need to show that you satisfy a number of requirements. The requirements which you are required to meet will depend on whether you were born:

- [in the UK or a British overseas territory on or after 1 January 1983](#)
- [outside of the UK and overseas territories on or after 1 January 1983](#)
- [before 1 January 1983](#)

OISC and Immigration Advice

You may, if you wish, use the services of an agent such as a solicitor or other competent adviser to help you with your application.

Immigration or nationality advisers acting in the course of business (whether paid or unpaid) are regulated by the Office of the Immigration Services Commissioner (OISC), an independent body. The provision of such advice is prohibited unless a person works for an organisation registered with, or exempted by, the OISC or is authorised to practise (like solicitors and barristers) by a designated professional body. Certain categories (for example public health bodies) are exempted from the regulatory scheme by Ministerial Order. It is a criminal offence to provide advice or services in contravention of the regulatory scheme. Further information about the regulatory scheme and a full list of OISC regulated advisers is available on its website at www.oisc.gov.uk.

Requirements

This section sets out the requirements you must meet in order to apply to register as a British national and what type of British nationality you will acquire if successful.

Born in the UK or an overseas territory on or after 1 January 1983

Paragraph 3 of schedule 2 to the British Nationality Act 1981 sets out the requirements under which a person born in the UK or a British overseas territory on or after 1 January 1983 and who is otherwise stateless can register as a British citizen or a British Overseas Territories citizen.

To be registered you:

- must have been born in the UK or a British overseas territory
- must have been born on or after 1 January 1983
- must have been stateless when you born
- must always have been stateless
- must have been in the UK or a British overseas territory at the beginning of a period of 5 years ending with the date of application (you must have been in the UK or a British overseas period on the date 5 years before your application is received)
- should not have been absent from the UK or British overseas territory for more than 450 days in that 5-year period.
- must be under the age of 22 years old on the date of application

If you were outside the UK or a British overseas territory for more than 450 days in the 5-year period, you may still be able to be registered. You should explain the reason for the excess absences and any special circumstances.

A child who is born in a British overseas territory may already be a British Overseas Territories citizen if, when the child was born one or more of their parents was a British Overseas Territories citizen, or settled in a British Overseas Territory.

A child who is born in the UK or, since 21 May 2002, a qualifying territory (British Overseas Territories except the Sovereign Base Areas of Akrotiri and Dhekelia) may already be a British citizen or a British Overseas Territories citizen (or both) depending on residence and their parent's citizenship.

A child who does not meet the requirements listed above may still have a right to be registered as a British citizen or British Overseas Territories citizen depending on residence and their parent's citizenship.

The Home Secretary or Governor may also be prepared to exercise discretion to register a child, if there are special circumstances such as where the parents are applying for registration themselves.

Type of citizenship acquired under paragraph 3 of Schedule 2

If you meet the requirements and you are registered by the Home Secretary or the Governor, you will become a:

- British citizen – if you have spent more time in the United Kingdom than in the British Overseas Territories during the 5-year qualifying period
- British Overseas Territories citizen- if you have spent more time in the British Overseas Territories than in the UK during the 5-year qualifying period.

If you are applying under this provision, please go the next relevant section on [Biometrics](#).

Born outside the UK and overseas territories on or after 1 January 1983.

Paragraph 4 of schedule 2 to the British Nationality Act 1981 sets out the requirements under which a person born outside of the UK and the British Overseas Territories on or after 1 January 1983 and who is otherwise stateless can register as a British citizen, a British Overseas Territories citizen, British overseas citizen or British subject status.

To be registered:

- you must have been born on or after 1 January 1983
- you must have been born outside the UK and British Overseas Territories
- you must have been born stateless
- you must have always been stateless
- you must have been in the UK or a British Overseas Territory at the beginning of the period of 3 years ending with the date of your application (you must have been in the UK or a British overseas period on the date 3 years before your application is received)

- you should have not been absent from the UK or British overseas territory for more than 270 days in that 3-year period.
- When you were born, your mother or father was a:
 - British citizen
 - British Overseas Territories citizen
 - British overseas citizen
 - British subject

If you were outside the UK or a British overseas territory for more than 270 days in the 3-year period, you may still be able to be registered. You should explain the reason for the excess absences and any special circumstances.

A child who does not meet the requirements listed above may still have a right to be registered as a British citizen or a British Overseas Territories citizen, depending on residence and their parent's citizenship.

The Home Secretary may also be prepared to exercise discretion to register a child, if there are special circumstances, such as, if their parents are applying for registration themselves.

You can also apply if you would have qualified for registration under this paragraph but for the fact that your parents were not married. Your application will be considered under section 4F of the 1981 Act.

Type of citizenship acquired under paragraph 4 of Schedule 2

If you meet the requirements, you will acquire the citizenship or status your parent held. If your parents had, between them, more than one citizenship, you may acquire one or more of the citizenships. You must indicate in your application what citizenship or citizenships you wish to apply for.

If applying under this provision, please go the next relevant section on [Biometrics](#).

Born before 1 January 1983

Paragraph 5 of schedule 2 to the British Nationality Act 1981 sets out the requirements under which a person born before 1 January 1983, who is otherwise stateless can register as a British citizen, a British Overseas Territories citizen or a British Overseas citizen.

To apply you must have been born before 1 January 1983, be stateless and always have been stateless and fall within one of the groups set out in our [caseworker guidance](#).

Type of citizenship acquired under paragraph 5 of Schedule 2

The British Nationality Act 1981 replaced citizenship of the UK and Colonies with 3 separate citizenships:

- British citizenship, for people closely connected with the UK, including the Channel Islands and the Isle of Man
- British Overseas Territories citizenship, for people connected with the overseas territories (the British Overseas Territories were called the British dependant territories before 26 February 2002)
- British Overseas citizenship, for those citizens of the UK and Colonies who do not have these connections with either the UK or the dependent territories.

If you meet the requirements you will be registered as a British citizen, except where:

- you qualify on the ground that your mother was a citizen of the UK and Colonies at the time of your birth. You will receive the same citizenship your mother acquired on 1 January 1983 or would have acquire but for her death
- you were born in a British overseas territory. You will be registered as a British Overseas Territory citizen.

Biometric enrolment

As part of your application, all applicants are required to enrol their biometric details for the purpose of identity verification.

Children under 18 applying for registration as a British citizen must also enrol their biometric details. Children under the age of 6 do not need to provide fingerprints, but must have a digital photograph taken of their face.

Up to the age of 6 the Home Office only requires a digitised image of the child's face, although the regulation does not prevent fingerprints being recorded from children aged less than 6 years. There is no upper age limit for biometric information to be taken.

Children under the age of 16 must be accompanied by a parent or legal guardian at their biometric enrolment appointment.

Where you give your biometric information depends on how you're making your visa or immigration application. You'll be told where to go after you've applied.

Your application may be rejected as invalid if you do not enrol your biometrics when requested. For more information about enrolling biometrics and the current fee, please visit the following section of our website: <http://www.gov.uk/biometric-residence-permits>.

Documents

This section tells you the sort of documents you will need to provide so we can consider your application. We cannot consider your application unless we have supporting documents. If you do not submit your application with supporting evidence then the application will be returned to you unprocessed.

You should provide evidence:

- that you have been stateless from birth. For example, a letter from the authorities in the country in which you were born, stating that you are not, and never have been, a citizen of that country.
- of the citizenship or status of the applicant's mother or father. This may include:
 - the parent's birth certificate
 - any certificate of registration or naturalisation
 - any passports or official letters which show the parent's citizenship or status at any time.
- if either of your parents holds a non-British nationality, a letter from the authorities of the country concerned, saying that you have never held that country's citizenship or nationality.
- if you have lived for period of 5 years or more outside the United Kingdom, outside the territory where you were born and outside any country of which either of your parents is a citizen or national, a letter from the authorities of that country of residence saying you have never held that country's citizenship or nationality.

If your parents hold different non-British citizenships or nationalities, or either of them holds more than one citizenship or nationality, you will need to get letters from all of the countries concerned. Similarly, if you have resided for 5 years or more in more than one country, you will need to get letters of confirmation from all of the countries concerned. Unless otherwise indicated any reference to "parent" means for;

- Children born before 1 July 2006
 - the mother (if the child was born on or after 1 January 1983) - before 1983 women were not able to pass on citizenship to their children
 - the father (but only if he was married to the mother)

If the parents were not married when the child was born, but then get married, the marriage might legitimate the child's birth. If it does, the child would become a British

citizen (and would be regarded as having been one from birth) if the father was a British citizen (or settled) when the child was born. Children of a void marriage may also in some circumstances, be treated as legitimate.

- Children born on or after 1 July 2006
 - the mother (i.e. the woman who gives birth to the child)
 - the father if:
 - he is married to the mother at the time of the birth; or
 - he is treated as the father under section 28 of the Human Fertilisation and Embryology Act 1990, or, if the child was conceived on or after 6 April 2009, a woman who is treated as a parent of the child under s.42 or 43 of the Human Fertilisation and Embryology Act 2008 (second female parent); or
 - (if neither of the previous 2 bullets apply) he can satisfy certain requirements as regards proof of paternity, he can satisfy the Home Secretary that he is the father of the child (by means of DNA test results, court orders, birth certificates or other relevant evidence)

- If your parents were married you should provide their marriage certificate. If your parents were not married and you are applying for citizenship on the basis of your father, you should provide evidence of paternity. If your natural father was named as your father on a birth certificate issued within 12 months of your birth, and the birth was registered before 10th September 2015 this will be acceptable evidence of paternity. If not, you should provide other evidence. This could include:
 - DNA test reports (we will accept test results from a company that is on the [Ministry of Justice's accredited list](#)), or
 - a court order,
 - your birth certificate, or
 - other evidence that proves you are related as claimed.

Please provide any translations if these are applicable.

- That you have been in the United Kingdom or a British overseas territory for a period of 3/5 years stated in your application. Please provide the passport or passports (including stateless persons travel documents) which cover the whole of the qualifying period. If you cannot do this, please explain why and send as much as you can of the following:

- letters from your employers during the qualifying period
- letters from schools or other educational establishments which were attended during the qualifying period
- a letter from the HM Revenue & Customs National Insurance Contributions Office showing that you have paid National Insurance contributions during the qualifying period, or an equivalent letter in the case of a British overseas territory
- P60 forms or a letter from the HM Revenue & Customs (or the equivalent in a British overseas territory) showing that you have paid tax during the qualifying period
- any other documents which show that you lived in the United Kingdom or the British Overseas Territories during the qualifying period.

Please note that if the application is made by a guardian for a person under 18, evidence of their right to do so, such as a deed, will or court order is needed.

Citizenship ceremonies

If your application is successful and you are living in the UK, you will be invited to attend a citizenship ceremony if you are over 18. You will receive an invitation from the Home Office and this will confirm the local authority you should contact to arrange your ceremony. We expect you to arrange to attend a ceremony within 3 months of receiving your invitation otherwise it will expire and you will have to re-apply for registration and pay a further processing fee.

If you are outside the UK, arrangements will be made for you to make the oath/affirmation and pledge at the British Embassy, High Commission, Consulate, Governor's Office or Lieutenant Governor's Office.

If you are over the age of 18 when your application is decided, you will need to attend a citizenship ceremony. At the ceremony, you will be asked to affirm or swear an oath of allegiance to Her Majesty the Queen and to pledge your loyalty to the UK. Following this you will be presented with your certificate of registration as a British citizen.

You must make immediate contact with the local authority once you have been informed that your application is successful, as you only have 90 days in which to attend the ceremony. The date by which you must attend your ceremony will be given in your Home Office citizenship ceremony invitation. If you do not attend the ceremony within 90 days without good reason, your application for citizenship will be refused and you will need to re-apply.

Making the Oath (or Affirmation) and Pledge at a citizenship ceremony is a legal requirement for adults, and the point at which you will become a British citizen. You are therefore expected to attend a ceremony. If you have special needs or concerns about saying the Oath (or Affirmation) and Pledge in English, you should bring these to the attention of the local authority once you have received your invitation.

Deprivation of citizenship

You may be deprived of British citizenship if it is found to have been obtained by fraud, false representation or the concealment of any material fact. The Home Secretary may also deprive you of British citizenship if, in his opinion, it would be in the public interest for him to do so and you would not thereby be made stateless.

Ministers suggested during the passage of the Immigration, Asylum and Nationality Act 2006 that deprivation may be appropriate where the person-

- has encouraged or assisted others to commit acts of terrorism;
- has committed war crimes, public order offences or other serious crime; or
- has carried out acts seriously prejudicial to vital national interests, including espionage and acts of terrorism directed at the United Kingdom or an allied power.

A certificate of registration will, as a matter of law, be ineffective from the outset if it is obtained by means of impersonation.