



Home Office

## Guide NS

# Confirmation of British nationality status

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# Introduction

This guide is intended to assist those who believe they have a claim to British nationality and want confirmation of that status for a reason other than applying for a passport. If you want to obtain a British passport you must make a passport application and His Majesty's Passport Office will consider whether you have a claim to British nationality.

Information about applying for a British passport can be found on His Majesty's Passport Office [website](#) or by telephoning 0300 222 0000.

If you want to establish your status for another purpose, you can apply for confirmation. A decision will be made by UK Visas and Immigration as to whether, on the balance of probabilities, the person making the claim holds British nationality. The decision will be in the form of a written opinion. Whether you have British nationality is a matter that can be determined conclusively only by the courts. The law on British nationality is complex and it is not possible, in this short guide, to list all the circumstances that give rise to a claim to British nationality or to cover all of the exceptions to the general principles we describe. This guide focuses on British citizenship. Similar rules apply to the acquisition of the other forms of British nationality that can be acquired automatically without the need for an application. If your circumstances do not exactly match the guidance and examples given here, you may wish to consult an immigration lawyer or agent. If you use an immigration agent, you should ensure that they are registered with the Immigration Advice Authority (IAA).

This guide is not a definitive statement of nationality law and is intended to help those with a clear claim to British citizenship. Liability cannot be accepted for any action taken on the basis of this guidance. Other information about citizenship and immigration, including information about becoming a British citizen through naturalisation or registration, is available on the [website](#).

You should read the guidance on how to determine whether you are a British citizen and consider what supporting evidence you have and whether this is sufficient to support your claim and to allow a decision to be made in your favour. If your claim is not accepted you will be told why, and the fee will be retained. Any further request for confirmation of nationality status must be covered by a fresh fee.

## IAA 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 Immigration Advice Authority (IAA), an independent body. Nationality advice should only be provided by a person who works for an organisation registered with, or exempted by, the IAA or who 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 IAA regulated advisers are available at <https://www.gov.uk/government/organisations/immigration-advice-authority>.

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# How to determine whether you are British

There are currently six different forms of British nationality. These are:

- British citizen
- British Overseas citizen
- British Overseas Territories citizen
- British National (Overseas)
- British subject
- British protected person

Other forms of British nationality have existed but they are not current, for example citizenship of the UK and Colonies (CUKC), or British dependent territories citizenship. Information on all forms of British nationality is available on the [website](#).

The only British nationals who have the right to live and work in the UK are:

- British citizens
- certain British subjects with right of abode through qualifying connections under the Immigration Act 1971

People holding one of the other forms of British nationality may only live and work in the UK if their immigration status allows it.

British nationality is defined in law. Whether a person has a claim to British nationality can be determined by applying the definitions and requirements of the British Nationality Act 1981 and related legislation, to the facts of their date and place of birth and descent. This section provides brief guidance on how to work out whether you already hold British citizenship. Separate advice and guidance for those who are not currently British citizens but who wish to acquire British citizenship through naturalisation or registration information is available on the [website](#).

British citizenship, British dependent territories citizenship and British overseas citizenship were introduced from 1 January 1983 to replace the earlier nationality status of citizenship of the UK and Colonies.

- British citizenship was automatically acquired from that date, by citizens of the UK and Colonies who had a right of abode in the United Kingdom
- British dependent territories citizenship was acquired by people with a connection with an overseas territory
- British overseas citizenship was acquired by those who did not have a right of abode in the UK or a connection with an overseas territory.

If you were issued with a British passport between 1 January 1973 and 1 January 1983 it may be stamped with “Citizen of the UK & Colonies” and “the holder has the right of abode in the UK”; or “the holder has patriality in the UK”. These stamps would indicate that the holder became, or if deceased, would have become a British citizen on 1 January 1983. If the passport says that the holder was a citizen of the UK & Colonies but does not mention right of abode or patriality, then the person is likely to have become a British overseas citizen (unless they had previously lost citizenship of the UK & Colonies before 1 January 1983).

Most British Overseas Territories citizens were deemed to be British citizens from 21 May 2002 under the British Overseas Territories Act 2002.

## Automatic claims to British citizenship by descent and otherwise than by descent

The law makes a basic distinction between British citizens “by descent”, who generally speaking cannot pass on their citizenship to children born outside the United Kingdom and British citizens “otherwise than by descent”, who can.

It is not possible for people holding British citizenship by descent to “upgrade” their status to British citizenship otherwise than by descent.

People who are:

- Naturalised
- Registered as a British citizen
- Born or adopted in the United Kingdom before 1 January 1983
- Born in the United Kingdom on or after 1 January 1983 whose mother or (if their parents were married) father was a British citizen or settled (which means not subject to immigration time restrictions) in the United Kingdom
- Born in the United Kingdom on or after 1 July 2006 with a parent who is a British citizen or settled (which means not subject to immigration time restrictions) in the United Kingdom are normally British citizens otherwise than by descent. Exceptions include those born in the United Kingdom to parents who were not subject to immigration control at the time of birth. These include:
  - Foreign diplomats based in the UK
  - Visiting members of armed forces
  - Occupying enemy aliens

Under current legislation, British citizenship can normally be passed on through one generation to children born abroad. Such children are British citizens by descent and

are generally unable to transmit their citizenship to subsequent generations born abroad.

- Before 1 January 1983 citizenship of the UK & Colonies could only be passed on by a British citizen otherwise than by descent father (and if he was married to the child's mother).
- From 1 January 1983 British citizenship could be passed on by men (if married to the child's mother) and women.
- From 1 July 2006 British citizenship could be passed to a child by an unmarried British father.

## Crown service abroad

Prior to 1 January 1983 British men in UK Government service outside the United Kingdom could pass on their British nationality to their overseas-born children, irrespective of whether they themselves held citizenship by descent or otherwise than by descent.

This arrangement continues under current law but:

- British women in UK Government service can now transmit their citizenship on equal terms with British men in such service
- Activities designated by the Home Secretary as being closely related to the UK Government service (such as NATO), and service under an institution of the EC, are treated for this purpose as being equivalent to UK Government service

Recruitment to the UK Government or closely related service must also have taken place in the United Kingdom. Recruitment to the EC Institution service must also have taken place in an EC Member State.

## Birth in the Crown's dominions (former British Empire) up to 1949 and in the UK & Colonies up to 1983

Prior to 1949, birth anywhere within the Crown's dominions normally conveyed British subject status automatically. The Crown's dominions prior to 1949, is a reference to the territories within the British Empire, apart from those which were merely under British protection rather than British sovereignty.

The British Nationality Act 1948, in force from 1 January 1949, was enacted to create a new nationality status (citizenship of the UK & Colonies) for people from the UK and the UK's remaining colonies. The 1948 Act provided for people to be citizens of the UK & Colonies (CUKCs) by virtue of a connection with the UK or a remaining UK colony, and equivalent statutes passed in the Dominions provided for separate citizenship for people connected to countries that had become independent, such as Canada or Australia.

Those who were British subjects before 1949 generally became:

- CUKCs (if from the UK or a remaining UK colony)
- citizens of an independent country (such as Canada).

From 1949, British subject status (also known as Commonwealth citizenship) was a status shared by all CUKCs and citizens of the independent Commonwealth countries.

An example of this is someone born in Canada in 1940 was a British subject by birth in the Crown's dominions. On 1 January 1949, when Canada was defined as an independent Commonwealth country for the purposes of British nationality law, that person did not become a CUKC but was a British subject: Citizen of Canada, a Commonwealth citizen.

From 1949 onwards, a number of former colonies became independent states. CUKCs who became citizens of those countries on independence, automatically lost their citizenship of the UK and colonies unless they benefited from a specified exception. Exceptions would apply where they had a continuing connection with the UK or a remaining colony, usually through the male line going back two generations.

An example that illustrates exception to loss would be someone born in Canada in 1940 to a father born in Jamaica. On 1 January 1949 he would have become a citizen of Canada but he would also be a CUKC on that date by virtue of a sufficiently close connection with the Colony of Jamaica. Once Jamaica gained independence on 6 August 1962 he would lose his citizenship of the UK & colonies status and become a dual Canadian/Jamaican citizen, the latter by descent. If his paternal grandfather was born in a place which was still within the UK & Colonies on or after 6 August 1962, the person concerned would not have ceased to be a CUKC on that date.

Those connected with independent Commonwealth countries, who did not automatically become citizens of those countries, nor of countries from which they descended, remained citizens of the UK & Colonies. People from former British India, who were British subjects immediately prior to 1 January 1949, but who did not become citizens of India or Pakistan under the citizenship law of those countries, remained British subjects without citizenship.

Tracing citizenship through successive generations requires knowledge of the citizenship legislation in force at the time and in other countries.

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# Before you apply

Citizenship may only be claimed through a qualifying connection with the UK, which is recognised as such by relevant legislation.

You must ensure that you have a clear idea of why, as a matter of law, you believe that you are a British citizen, and provide sufficient evidence in support of your claim.

You must only apply if you want to find out about your status for a purpose other than applying for a British passport. If you wish to obtain a British passport you must apply to His Majesty's Passport office.

For advice on the documents needed for the passport applications in the UK, see the guidance booklet with passport application forms, the His Majesty's Passport Office: <https://www.gov.uk/passport-advice-line>.

Although a decision will be made on the basis of the information you supply and the supporting documents, we may wish to contact you on individual points of your claim. You should provide contact points of daytime telephone number or e-mail address where we can contact you easily.

If you are applying on behalf of someone other than yourself, for example someone who is unable to apply themselves due to medical incapacity, or if you want to find out about the status of someone who is deceased, you should say who you are and why you are making this application and also provide:

- evidence of death or medical incapacity (if relevant)
- evidence of how the requestor is linked to the deceased or medically incapacitated applicant (if relevant)

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# Documents you need to supply

You must supply documents which support the identity of the people (ancestors) you use to support your claim to British citizenship, including evidence of marriage and registration as citizens of the UK and Colonies or British citizenship, including immigration status, where this is relevant.

The evidence must date from around the time that the events to which it relates took place. For example, birth many years ago should be evidenced using documents that existed around that time.

We will not usually accept as supporting evidence a certificate of birth for an adult whose birth has only recently been registered. We will only accept statutory declarations in support of a customary wedding taking place from a credible witness who attended the wedding, subject to all the information available. Credible witnesses would include the minister who officiated at the marriage or someone who can be proven to have been there at the time.

Original documents must only be posted using secure mail. We cannot accept responsibility for valuable documents lost in post.

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# What happens after you apply?

Once we have received your application for confirmation of British nationality status, we will contact you to advise that it has been received and acknowledge receipt of your fee.

Your application will be logged onto a computer database which will allow us to track it and any future correspondence we may have with you.

The application will be considered by a trained nationality caseworker. While we try to deal with cases quickly, this cannot be guaranteed and we cannot confirm your status unless we are satisfied that, on the balance of probabilities, you have a legitimate claim to British citizenship.

If we recognise that you have a claim to British citizenship, we will write and tell you. If we do not agree your claim we will write and tell you why. This will include, if appropriate, how to reapply with more convincing supporting documents. Reapplications must be supported by fresh fees.

There is no right of appeal or review of our decision.

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