



Home Office

## **MN1**

# Registration as a British citizen— A guide about the registration of children under 18

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# Introduction to the Guide

## Who is included in this guide and who is not included

This guide assists children who have not yet reached the age of majority (age 18) to become British citizens under the following sections of the British Nationality Act 1981. Once a child reaches age 18 they will have to apply to naturalise using form and guide AN.

This guide covers the following:

- section 1(3) birth in the UK to parents who are now settled in the UK or have become British citizens
- section 1(3A) birth in the UK to parents who have joined the armed forces
- section 3(1) child whose parents are applying for British citizenship
- section 3(2) birth abroad to parents who are British by descent and have lived in the UK or a British overseas territory
- section 3(5) birth abroad to parents who are British by descent but are now living in the UK or a British overseas territory
- section 3(1) children adopted abroad by British citizen parents
- section 3(1) children whose parents had renounced and subsequently resumed British citizenship
- section 3(1) any other case not listed below where it is considered to be in the child's best interests to be granted British citizenship
- section 4D birth abroad to parents serving in the armed forces

It does not cover:

- British overseas territories citizenship – see guide [MN2](#)
- British overseas citizenship – see guide [MN3](#)
- British subjects – see guide [MN4](#)
- Children born outside the UK who are, and always have been stateless (have no citizenship) see – [guide S](#)
- Children born in the UK who are, and always have been stateless (have no citizenship) see – [guide S](#)
- Children born in the UK who have lived there for at least the first 10 years of their life – British Nationality Act 1981, section 1(4) – see [guide T](#)
- Children born on or after 4 February 1997 in Hong Kong – see [guide EM](#)
- Children born before 1 July 2006 who would have become British citizens automatically if their parents had been married – see [guide UKF](#)

## Citizenship through entitlement and discretion

There are a number of routes for children to apply for British citizenship.

- Some routes give them a right under British nationality law to apply and be registered as British citizens. These are entitlements.
- Other routes allow children to be granted on the decision of the Home Secretary. In these cases applications must show that the child meets existing criteria that the Home Secretary has already agreed should allow children to be registered as British. Or, in other cases, they should demonstrate that it would be right for the Home Secretary exceptionally to allow a child to be registered as a British citizen because of the compelling nature of the child's circumstances. These are at the Home Secretary's discretion. Further details about discretion are available later in this guide.

The words "entitlement" and "discretion" will be used throughout this guide to describe the different routes.

A parent applying for British citizenship at the same time as their child should consider the possibility that the child may be found to be eligible for registration when their own application will be refused. The application form invites the parent to confirm that, if this is the case, the child should still be registered as a British citizen. If the relevant section is not completed, the child's application will be treated as having been withdrawn at the point when the parent's application is refused. No refund will be given.

## Becoming a British citizen

The contents and the information of this guide says what section of the British Nationality Act 1981 the application might be made under. It will be helpful to us, in processing the application, and to you, in understanding the requirements and what needs to go in the application, if you include in your application which section you think applies to the child on whose behalf you are applying.

Becoming a British citizen is a significant life event. Apart from allowing a child to apply for a British citizen passport, British citizenship gives them the opportunity to participate more fully in the life of their local community as they grow up.

For the application to succeed, you will need to show that the child satisfies any requirements that are set out in British nationality law. Or, if the application is at the discretion of the Home Secretary, you will need to show that it satisfies the agreed criteria which can be seen on the GOV.UK website. If the child does not satisfy legal requirements and agreed policy, you will need to demonstrate why it would be

right for the Home Secretary to grant the child British citizenship. This guide tells you what information you will need and which documents you need to supply.

This guide summarises the legal requirements for applying for registration. There may be some discretion where a child is unable to fully satisfy certain requirements. The way that the Home Secretary exercises this discretion is described in the nationality staff instructions which may be accessed on our [website](#).

It is important that you take care in completing the application and in making sure that you satisfy the requirements for registration.

## What happens to the child's present citizenship?

Before continuing with your application, you must understand that under the nationality laws of some countries a person will automatically lose their nationality if they become a citizen of another country. If you have any questions about this, you should ask the authorities of the country of which the child is a citizen through the Embassy or High Commission before making your application. If the country of which the child is currently a citizen continues to recognise them as one of its citizens, they may continue to be subject to the duties of citizens of that country when they are in its territory. This may include obligations to undergo military service.

The law covering registration is contained in the British Nationality Act 1981 and the regulations made under it. This guide is intended to help you to apply. It is not a statement about the law or policy. Other information about citizenship and immigration is available on the GOV.UK [website](#).

## 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 practice (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](http://www.oisc.gov.uk).

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# Who qualifies for registration?

Children must be under 18 years old when the application is made. Once they reach the age of 18 they must apply for British citizenship as adults, either by registration if they have an entitlement, or by naturalisation. The date of application is the date it is received by the Home Office or the receiving authority. If the child is aged 10 or over they must be of good character.

## Automatic acquisition of British citizenship

Children who have automatically acquired British citizenship do not need to be registered. There are two ways a child can automatically be a British citizen without needing to register.

## British citizenship otherwise than by descent

A child born in the UK to a parent who is

- a British citizen, or
- settled in the UK at the time the child is born, or
- a member of the UK armed forces

is automatically a British citizen otherwise than by descent and does not need to be registered. A child born in a British Overseas Territory after 21 May 2002 will also be a British citizen if, at the time of the birth, either parent is a British citizen, or settled in the United Kingdom, or settled in that particular territory, or is a member of the UK armed forces.

A child who is adopted in the UK and one or both adoptive parents are British citizens will also automatically be a British citizen otherwise than by descent on adoption and does not need to be registered. A child adopted under the 1993 Hague Convention on Intercountry Adoption may be regarded as a British citizen otherwise than by descent on production of

- the Convention adoption certificate issued on or after 1 June 2003
- evidence that, on the date of the adoption, the adopter or, in the case of a joint adoption, one of the adopters was a British citizen
- evidence that, on the date of the adoption, the adopter or, in the case of a joint adoption, both of the adopters were habitually resident in the United Kingdom or in a territory designated for this purpose.

To be settled, the parent(s) must be free from immigration conditions. Children born in the UK to the following will not automatically become British citizens:

- diplomatic staff of foreign missions who have diplomatic immunity
- members of the armed forces of another country based in or visiting the UK
- in the event of war, children of an enemy alien who is part of an occupying force
- parents who are/were in breach of immigration laws. This may apply to parents who are claiming asylum even if they have been given temporary admission. This applies particularly where asylum seekers entered the UK illegally.

## British citizenship by descent

British citizenship can be passed on to one generation born abroad. So a child born abroad to a parent who is British otherwise than by descent will automatically be British by descent.

The exception is

- a child born before 1 July 2006 to a British father and non-British mother who were not married. The child will be able to apply for registration under section 4G using [form UKF](#).

Children born to parents who are British by descent have no automatic claim to British citizenship. Applications may be made through entitlement under section 3(2) or section 3(5) if children satisfy the requirements for registration. Or they may apply at the Home Secretary's discretion under section 3(1) if there are compelling or exceptional reasons for registering a child as British. The exception to this broad rule is where a child is born abroad to one or more parents who are in Crown service or service designated for this purpose or in Community institution service. In this case, the child will be a British citizen otherwise than by descent. To qualify, the parent must have been recruited in the UK and have been sent to serve abroad. Designated service is agreed by Parliament. A [list of designated service](#) is available on our website.

Someone who is a British citizen by descent cannot change their citizenship by applying to be registered or naturalised as a British citizen otherwise than by descent.

## Children of EEA nationals

Some children born in the United Kingdom to EEA and Swiss nationals will be British citizens automatically. However, changes in the law mean that different rules apply depending on when a child was born.

- A child born in the United Kingdom before 2<sup>nd</sup> October 2000 to an EEA national parent will be a British citizen if the parent was exercising EC Treaty rights at the time of birth.



- A child born in the United Kingdom between 2<sup>nd</sup> October 2000 and 30 April 2006 to an EEA national parent will only be a British citizen if the parent had indefinite leave to remain in the UK at the time of the birth. (This does not apply to EEA nationals with an unconditional right of residence, such as retired people or someone who is unable to work because of incapacity.)
- A child born in the United Kingdom to an EEA national after 30 April 2006 will be a British citizen if their parent had been in the United Kingdom exercising EC Treaty rights in accordance with the Immigration (European Economic Area) Regulations 2006 for more than 5 years or has indefinite leave to remain.

The child of an EEA national who did not become a British citizen at birth may now have an entitlement to be registered as a British citizen under section 1(3), if the parent has since become “settled” here. The parent will have become “settled” if:

- he or she has been granted indefinite leave in the United Kingdom (this includes ILR granted under the EU Settlement Scheme), or
- he or she has been exercising EEA free movement rights in the United Kingdom for a continuous period of 5 years ending on or after 30 April 2006.

For further information about EEA nationals and EEA free movement rights can be found on our [website](#).

## Entitlement to registration as a British citizen

### Children born in the UK – Section 1(3) and 1(3A) application

Section 1(3) - A child born in the UK whose parents are not British citizens and were not settled in the UK will have an entitlement to register when one of their parents become settled in the UK or become British citizens.

Section 1(3A) - A child born in the UK on or after 13 January 2010 whose parents are not born British citizens and were not settled in the UK will have an entitlement to register if either parent becomes a member of the UK armed forces.

If a child lives in the United Kingdom for the first 10 years of their life, an application can be made under section 1(4). Form T should be used for this purpose.

A child born in the United Kingdom who is and has always been stateless may also qualify on the basis of a period of 5 years residence. Form S3 should be used for this purpose.

Alternatively, a child born in the UK whose parents are not settled in the UK and are not applying for settlement of British citizenship may be registered at the discretion of the Home Secretary.

## Children born abroad to British parents – Section 3(2) or section 3(5) application

This category applies to children who:

- were born outside the United Kingdom
- if born after 21 May 2002, were born outside the UK or any of the British Overseas Territories; and
- in either case, were born to parents who are British citizens by descent (see [“Automatic acquisition of British citizenship”](#)).

The United Kingdom means England, Wales, Scotland, Northern Ireland, the Channel Islands and the Isle of Man.

For the purposes of this guide, the British Overseas Territories are: Anguilla; Bermuda; British Antarctic Territory; British Indian Ocean Territory; Cayman Islands; Falkland Islands; Gibraltar; Montserrat; Pitcairn, Henderson, Ducie and Oeno Islands; St. Helena, Ascension and Tristan da Cunha; South Georgia and the South Sandwich Islands; the Sovereign Base Areas of Akrotiri and Dhekelia; Turks and Caicos Islands; Virgin Islands.

Children coming under this category have an entitlement to register provided they can satisfy the requirements under either section 3(2) or section 3(5).

### Section 3(2)

A child will qualify under this section if:

- they were born outside the UK
- either of the child’s parents was a British citizen by descent at the time of the child’s birth
- the mother or father of that parent (the child’s grandparent) became, or but for their death would have become a British citizen otherwise than by descent, either:
  - on 1 January 1983
  - at the time of the parent’s birth

The British citizen by descent parent must have lived in the UK (or, if the child was born on or after 21 May 2002, in a British overseas territory) for a continuous period of 3 years at any time before the child’s birth. During that period they should not have absences exceeding 270 days. The application must be made whilst the child is under 18 years of age.

The 3-year residence requirement for the parent does not need to be met if the child is stateless.

An example of a child who qualifies under section 3(2) is as follows:

- The child's maternal grandfather was born in the United Kingdom in 1949
- The child's mother was born in France in 1970 (and is a British citizen by descent). She lived in the United Kingdom from September 1989 to September 1992 (and was not outside the United Kingdom for more than 270 days during that time)
- The child, born in France in 2009, is not a British citizen but can be registered under section 3(2)

It is important to note that a child registered under this section will be a British citizen by descent and unable to pass British citizenship automatically by descent to any of their children born abroad.

A child registered under section [3\(5\)](#) will be a British citizen otherwise than by descent; any of their children born abroad will be British by descent. If the family are living abroad, parents will need to decide whether to apply under this section. Or, if there is a possibility that they may return to live in the UK or a British Overseas Territory before the child reaches age 15, whether to wait and apply under section 3(5). You should indicate that you are aware of this by ticking relevant box on the application.

## Section 3(5)

To qualify under this section the child and their mother and father should have lived in the UK (or British Overseas Territory if born after 21 May 2002) for a 3-year period ending with the date the application is received. And the child and their parents should be physically present in the UK or a British Overseas Territory at the start of that period.

The child and their parents must not have been absent from the UK (or the British Overseas Territories if appropriate) for more than 270 days during the 3-year residential period. There is no discretion to disregard absences greater than 270 days.

If the parents' marriage or civil partnership has ended or they are legally separated then only the child and one parent has to satisfy the residence requirement.

Both parents must consent to the child being registered as a British citizen. If one of the parents has died then only the consent of the surviving parent is required.

A child registered under this section will be a British citizen otherwise than by descent.

## Children born abroad to a parent serving as a member of the UK armed forces - Section 4D application

A child will come within this category if:

- the child was born on or after 13 January 2010
- the child was born outside the UK and the territories listed in this guide

- both parents consent to the child being registered as a British citizen. (If one of the parents has died, then only the consent of the surviving parent is required.)
- For the purpose of this guide, “member of the armed forces” means either: a member of the regular forces within the meaning of the Armed Forces Act 2006
- a member of the reserve forces within the meaning of the 2006 Act subject to service law by virtue of section 367(2)(a)-(c) of that Act.

However, a person is not regarded as being a “member of the armed forces” if, for example, they are:

- a member of the forces raised in a British overseas territory who is serving, or undergoing training, with the UK armed forces
- a member of another country’s armed forces who is attached to the UK armed forces (such as part of a coalition force)

## Children whose parents were not married – sections 4F and 3(1)

Children born before 1 July 2006 whose parents were not married could only acquire British citizenship through their mothers. They could not benefit from their father’s British citizenship unless their parents married at a later date and the birth was “legitimated”.

Children born to a British citizen father on or after 1 July 2006 may acquire citizenship from him even if the parents were not married to each other, and will be a British citizen from birth automatically provided there is satisfactory evidence of paternity.

From 6 April 2009 the definition of a “father” for nationality purposes was extended to include female second parents under sections 42 or 43 of the [Human Fertilisation and Embryology Act 2008](#).

The following provisions are for children born before 1 July 2006 whose parents were not married:

- a child born before 1 July 2006, who would have become British automatically had their parents been married can apply for registration under section 4G – see [Guide UKF](#).
- a child born before 1 July 2006 who could now meet the requirements for section 1(3), 3(2) or section 3(5) had their parents been married can apply under section 4F, using [Form MN1](#).
- a child born before 1 July 2006 to unmarried parents who would have had an automatic claim to citizenship, or an entitlement to registration under one of the above sections, had their parents been married, can apply for registration under section 3(1) which is at the Home Secretary’s discretion.

If you wish to apply under section 4F you should check to see if the child would meet the requirements for section [1\(3\)](#), [3\(2\)](#) or [3\(5\)](#) if the parents were married.

We may normally register a child, born before 1 July 2006, whose British citizen father was not married to their mother, under section 3(1) if:

- We are satisfied about the paternity of the child
- We have the consent of all those with parental responsibility
- If the child's parents had been married, we would normally have registered under section 3(1)
- There is no reason to refuse on character grounds

Where a child's mother is married at the time of the birth, her husband (and no other man) is regarded as the father of any child born to her on or after 1 July 2006.

However, cases may arise where there is compelling evidence that someone other than the husband is the child's natural father. In such cases, where the child would have had a claim to citizenship or entitlement to registration if the mother had been married to the natural father, we will normally register the child under section 3(1) if the above criteria relating to paternity and consent are met.

## Paternity

Where the mother was not married at the time of a child's birth and no provision is made through surrogacy arrangements or the female second parent provisions of the HFE Act 2008 as to the identity of the father, the "father" will be any person who is shown to be such by either:

- a birth certificate, issued within one year of the birth, naming the child's father, where the birth was registered before 10 September 2015
- any other evidence, such as DNA test reports, court orders or birth certificates, the Home Secretary considers to be relevant to the issue of paternity and to constitute sufficient proof.

## Registration at the Home Secretary's discretion – Section 3(1) application

### Children born abroad to parents who are applying for British citizenship

Where one or both parents are applying for British citizenship they may apply for one or more children who are not automatically British at birth (see "[Automatic acquisition of British citizenship](#)" above) to be registered as British citizens as part of a "family application". Children in this category will be considered at the Home Secretary's discretion and will usually be registered only if both the parents are granted or already hold British citizenship, or if one parent holds British citizenship

and the other is settled in the UK.

## Children whose parent or grandfather is/was in designated or Community institution service.

There are some instances where a child's parent or grandfather is or was in service which became Community institution or designated service after the child's birth. This means that the child did not acquire citizenship automatically, whereas any children born after the designation or admission of the service would. In view of this, we would normally register if either:

- the child was born before the date of designation/admission
  - the child's parent became (or would, but for their death, have become) a British citizen otherwise than by descent on the date of designation as a result of the grandfather's service
  - the child's parent is a British citizen by descent and was in designated service on the date of application, and in the same service at the time of the birth
- and
- the normal section 3(1) criteria relating to consent and good character are met.

## Children adopted abroad by British citizen parents

Applications for registration of children adopted either:

- under the terms of the Hague Convention on Intercountry Adoptions
- before 3 January 2014 in territories designated under the Adoption (Designation of Overseas Adoptions) Order 1973
- after 3 January 2014 in territories listed in the Adoption (Recognition of Overseas Adoptions) Order 2013 or the Adoption (Recognition of Overseas Adoptions) (Scotland) Regulations 2013 and the Adoption (Recognition of Overseas Adoptions) (Scotland) Amendment Regulations 2013

will be considered at the Home Secretary's discretion if:

- at least one of the adoptive parents is a [British citizen otherwise than by descent](#)
- if necessary, both adoptive parents have signified their consent to the registration
- there is no reason to refuse on character grounds
- we are satisfied that all relevant adoption laws have been adhered to. This includes the laws of the country in which the adoption has taken place, the country of origin of the child and the country in which the adoptive parents are habitually resident
- we are satisfied the adoption is not one of convenience arranged to facilitate the child's admission to the United Kingdom.

If some or all of the criteria set out above are not met, the application will be

considered on its merits and the child registered if registration is demonstrably in the child's best interest. Even where the criteria above are met, there may be reason why the child should not be registered, such as the existence of serious doubts about an adoptive parent's character or suitability to adopt a child, or irregularities in the adoption procedure.

You must supply the evidence listed in the section "[Child adopted by a British citizen](#)" of this guide.

The full list of countries recognised for Overseas Adoptions can be found at [www.legislation.GOV.UK/uksi/2013/1801/schedule/made](http://www.legislation.GOV.UK/uksi/2013/1801/schedule/made).

Applications for registration of children who were adopted abroad in other circumstances will normally be refused. However, all applications will be considered on their merits and the child may be registered as a British citizen if it is demonstrably in the child's best interest. In such cases we would expect confirmation that nothing adverse is known about the child or the parents.

## Children born to a parent who had renounced and subsequently resumed British citizenship

A child will come within this category if:

- the mother or father has renounced and subsequently resumed British citizenship
- that parent became a British citizen otherwise than by descent on resumption
- the child was born before the date of resumption
- both parents give their consent to registration (unless good reasons are provided).

## Any other child born to British or non-British parents

It is not possible to cover all circumstances under which the Home Secretary might exercise discretion in circumstances not already described in this guide. However, in considering any application not specifically covered above consideration will be given to:

- the child's connections with the UK – we would expect the child to be free of any restrictions on their stay in the UK
- where the child's future is likely to lie
- the parents' views
- the parents' nationality and immigration status – we expect either both parents to be British citizens or one parent a British citizen and the other parent settled in the UK
- whether the child is of good character
- the length of time the child has lived in the UK – we expect at least 2 years residence (particularly if the child is over the age of 13)
- any compelling circumstances

The way that discretion may be exercised is described in the [Caseworker guidance](#) available for viewing on the GOV.UK website. These guidance documents used by trained nationality caseworkers and do not constitute a definitive set of criteria for registration. They must be taken as a whole. The fact that children may satisfy certain criteria does not mean they will be registered if there are other criteria that they do not satisfy.

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# Good Character

To be of good character a person should show respect for the rights and freedoms of the United Kingdom, observe its laws and fulfil their rights and duties as a resident of the United Kingdom. Checks will be made on children aged 10 years and over to ensure that this requirement is met.

If you are not honest about the information you provide and the child is registered on the basis of incorrect or fraudulent information they will be liable to have British citizenship taken away (deprivation) and you may be prosecuted. It is a criminal offence to make a false declaration knowing that it is untrue.

Among the duties and obligations which the child is expected to fulfil are payment of income tax and National Insurance contributions, if employed. We may ask H.M. Revenue & Customs for confirmation that tax and National Insurance affairs are in order.

If a child is liable for income tax but does not pay through PAYE you must demonstrate that their obligations towards the H.M. Revenue & Customs have been discharged by attaching a Self Assessment Statement of Account.

You must give details of all criminal convictions given to the child both within and outside the United Kingdom. These include road traffic offences. Fixed penalty notices (such as speeding or parking tickets) must be disclosed, although will not normally be taken in to account unless:

- they have failed to pay and there were criminal proceedings as a result; or
- they have received numerous fixed penalty notices.

Drink driving offences must be declared. If the child has any endorsements on their driving license you must provide the paper counterpart.

A driving conviction may not yet be disregarded despite any penalty points being removed from the driving license.

Criminal record checks will be carried out in all cases on minors 10 years and over.



If the child has a conviction within the relevant sentence based threshold they are unlikely to be registered and the fee would not be refunded. Similarly if the child has been charged with a criminal offence and are awaiting trial or sentencing, you are advised not to make any application for the child's registration until the outcome is known. If the child is convicted, you should then consult the table below.

Sentence	Impact on Nationality
4 Years or more imprisonment	Application will normally be refused, regardless of when the conviction occurred.
Between 12 months and 4 years imprisonment	Application will normally be refused unless 15 years have passed since the end of the sentence.
Up to 12 months imprisonment	Application will normally be refused unless 10 years have passed since the end of the sentence.
A non-custodial offence or other out of court disposal that is recorded on a person's criminal record	Application will normally be refused if the conviction occurred in the last 3 years.

#### Notes regarding types of conviction or caution:

- A person who receives a sentence of life imprisonment is included in the '4 years or more imprisonment' category.
- A person who receives a custodial sentence of exactly 4 years is included in the '4 years or more imprisonment' category.
- A person who receives a custodial sentence of exactly 12 months or exactly 1 year is included in the 'Between 12 months and 4 years imprisonment' category.
- The "end of the sentence" means the entire sentence imposed, not just the time the person spent in prison. For example, a person sentenced to 3 years' imprisonment on 1<sup>st</sup> January 2013 will normally be refused citizenship until 1<sup>st</sup> January 2031 – the 15 year 'bar' added to the 3 year sentence.
- A "non-custodial offence or other out of court disposal that is recorded on a person's criminal record" includes Fines, Cautions, Warnings and Reprimands, Community Sentences, Civil Orders, Hospital Orders & Restriction Orders and Potential Court Orders.
- A person who is subject of an extant Deportation Order will be refused citizenship regardless of when they apply.

- Some extremely short periods of imprisonment may not be included in the ‘up to 12 months imprisonment’ category. This will depend on whether the person was convicted and sentenced or simply committed to prison. The latter is not a sentence and the vast majority of those detained for one day– will have been committed by the court and not sentenced. The decision maker will instead treat this as a “non-custodial offence or other out of court disposal that is recorded on a person’s criminal record”.
- A suspended prison sentence will be treated as a “non-custodial offence or other out of court disposal that is recorded on a person’s criminal record”.
- The exception is where that sentence is subsequently ‘activated’. This means that the person re-offended or failed to adhere to/breached the conditions of that sentence. Where this happens, the sentence length will be the one originally imposed.

Example 1: a person is sentenced to 6 months’ imprisonment, suspended for two years. If they ‘activate’ this, the sentence should be 6 months and fall into the ‘up to 12 months’ imprisonment’ category above.

Example 2: a person is sentenced to 12 months’ imprisonment, suspended for two years. If they ‘activate’ this, the sentence should be 12 months and fall into the ‘Between 12 months and 4 years’ imprisonment’ category above.

- Sentences imposed overseas will normally be treated as if they occurred in the UK.
- For concurrent sentences, the decision maker will take the longest single sentence imposed. For example, a sentence of 9 months’ imprisonment served concurrently with a sentence of 6 months’ imprisonment will be treated the same as one 9-month sentence.
- For consecutive sentences, the decision maker will add together the total of all the sentences imposed. For example, a sentence of 9 months’ imprisonment served consecutively with a of 6 months’ imprisonment will be treated the same as one 15 month sentence.

You are also advised to refer to the good character policy guidance which caseworkers use to decide your application. This is available on the [website](#).

We may disregard a single non-custodial sentence, providing it did not occur in the last 12 months, if there are strong countervailing factors which suggest the child is of good character in all other regards and the decision to refuse would be disproportionate. Offences involving dishonesty (such as theft), violence or sexual offences or drugs would not be disregarded. Drink-driving offences, driving while uninsured or disqualified or driving whilst using a mobile phone would not be disregarded either.

You must give details of all civil judgments which have resulted in a court order being made against you as well as any civil penalties under the UK Immigration Acts. If you have been declared bankrupt at any time you should give details of the bankruptcy proceedings. (Your application is unlikely to succeed if you are an undischarged bankrupt.)

You do not need to give details of family law proceedings such as divorce decrees, dissolved civil partnerships, guardianship orders, parental responsibility orders.

You must give details of any cautions (simple or conditional), warnings or reprimands you have received in the UK or any other country. Cautions, warnings and reprimands are out of court disposals that are recorded on a person's criminal record and are taken in to account when assessing a person's character.

You must say if your details have been recorded by the police as a result of certain sexual offences, or if you are subject to one of the following orders: notification order, sexual offences prevention order, foreign travel order, risk of sexual harm order (or equivalent order made in a British overseas territory or any other country). If your details are recorded on the "sex offenders" register, even if any conviction is spent, the Home Secretary is unlikely to be satisfied that you meet the good character requirement and so an application for citizenship is unlikely to be successful.

### **What if there is no conviction but the child's character may be in doubt?**

You must say if there is any offence for which the child may go to court or which is awaiting hearing in court. This includes having been arrested for an offence and waiting to hear if the child will be formally charged. If the child has been arrested and not told that charges have been dropped, or that the child will not have to appear in court, you may wish to confirm the position with the police. For applicants from Scotland any civil penalties must also be declared.

You must tell us if the child is arrested or charged with an offence after you make the application and while the application is under consideration. You risk prosecution under section 46 of the British Nationality Act 1981 if you do not do so.

You must also say here whether the child has had any involvement in terrorism. If you do not regard something as an act of terrorism but you know that others do or might, you should mention it. You must also say whether the child has been involved in any crimes in the course of armed conflict, including crimes against humanity, war crimes or genocide. If you are in any doubt as to whether something should be mentioned, you should mention it.

The following information provides guidance on actions which may constitute genocide, crimes against humanity and war crimes.

This guidance is not exhaustive. Before you answer these questions you should consider the full definitions of war crimes, crimes against humanity and genocide which can be found in Schedule 8 of the International Criminal Court Act 2001 at the following web-site:

[www.hmso.GOV.UK/acts/acts2001/20010017.htm](http://www.hmso.GOV.UK/acts/acts2001/20010017.htm)

Alternatively, copies can be purchased from The Stationery Office, telephone 0333 202 5070.

It is your responsibility to satisfy yourself that you are familiar with the definitions and can answer the questions accurately.

## Genocide

Acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group.

## Crimes against humanity

Acts committed at any time (not just during armed conflict) as part of a widespread or systematic attack, directed against any civilian population with knowledge of the attack. This would include offences such as murder, torture, rape, severe deprivation of liberty in violation of fundamental rules of international law and enforced disappearance of persons.

## War Crimes

Grave breaches of the Geneva Conventions committed during an armed conflict. This includes an internal armed conflict and an international armed conflict. The types of acts that may constitute a war crime include wilful killing, torture, extensive destruction of property not justified by military necessity, unlawful deportation, the intentional targeting of civilians and the taking of hostages.

## Terrorist Activities

Any act committed, or the threat of action, designed to influence a government or intimidate the public and made for the purpose of advancing a political, religious or ideological cause and that involves serious violence against a person; that may endanger another person's life; creates a serious risk to the health or safety of the public; involves serious damage to property; is designed to seriously disrupt or interfere with an electronic system.

## Organisations concerned in terrorism

An organisation is concerned in terrorism if it:

- commits or participates in acts of terrorism
- prepares for terrorism
- promotes and/or encourages terrorism
- is otherwise concerned in terrorism

## Deception

If you have practised deception in your dealings with the Home Office or other Government Departments (such as by providing false information or fraudulent documents) this will be taken into account in considering whether a child meets the good character requirement.

An application will be refused if a person has attempted to deceive the Home Office within the last 10 years.

## Immigration Related Issues

Your application will be refused if you have attempted to deceive the Home Office within the last 10 years, such as entering the UK illegally, evading immigration control, helping someone else abuse the immigration laws, or abuse of the Knowledge of Language and Life in the UK requirement. Full details of our policy can be seen at our [website](#).

You must say whether the child has been involved in anything which might indicate that they are not of good character. You must give information about any of these activities no matter how long ago it was. Checks will be made in all cases and the application may fail and the fee will not be fully refunded if you make an untruthful declaration. If you are in any doubt about whether the child has done something or it has been alleged that the child has done something which might lead us to think that they are not of good character you should say so.

You must tell us if the child has ever practised deception in their dealings with the Home Office or other Government Departments (such as by providing false information or fraudulent documents). This will be taken in to account in considering whether the child meets the good character requirement. If the application is refused, and there is clear evidence of the deception, any future application made within 10 years is unlikely to be successful.

You must also tell us if the child has been convicted of an offence or has received a court order (such as an injunction or Criminal Behaviour Order).

## Deprivation of citizenship

A person 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 a person of British citizenship if, in their opinion, it would be in the public interest for him to do so and the person 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
- 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 may, as a matter of law, be ineffective from the outset if it was obtained by means of impersonation.

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

An application may be rejected as invalid if the person does 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>

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# Documents

## All applications for registration of a child as a British citizen

### Evidence of identity

Either:

- Child's passport or travel document
- Child's birth certificate, showing the parents' names
- Driving licence
- Bank, building society or credit card statement issued to them in the last 6 months

### Child born abroad to British citizen parents

Provide the following:

- Child's birth certificate showing the parents' names
- Parents' marriage certificate (if the father is a British citizen)
- British parent's birth certificate or passport\*
- British grandparent's birth certificate, registration or naturalisation certificate or passport\*
- Grandparents' marriage certificate
- Evidence of residence\*
  - Section 3(2) – evidence that the British parent lived in the UK for a period of 3 years at some time before the child's birth
  - Section 3(5) – evidence that the child and both parents have lived in the UK for 3 years immediately before the date of application.

### Child adopted abroad by British parents

Provide all of the following:

- The child's birth certificate, or where the child has been abandoned, a certificate of abandonment from the authorities previously responsible for the child
- Evidence of the relevant adoptive parent's claim to British citizenship otherwise than by descent\*
- The consent of the adoptive parent(s) to the registration

- The Adoption Order
- A contemporary report from the overseas equivalent of the Social Services
- Department which details:
  - the child's parentage and history, and
  - the degree of contact with the original parent(s), and
  - the reasons for adoption, and
  - the date, reasons and arrangements for the child's entry into an institution or foster placement, and
  - when, how and why the child came to be offered to the adoptive parent(s)
- Evidence of the parents' country of habitual residence.

and either:

- Where the parents are habitually resident in the UK, confirmation from the Department for Education (DfE) (for those in England and Wales), from the Scottish Executive (for those parents in Scotland) or from the Department of Health Social Security and Public Safety – Northern Ireland (for those resident in Northern Ireland) that they have been assessed and approved as eligible to become an adoptive parent.
- Where the parents are not habitually resident in the UK, confirmation from the equivalent of the Social Services Department in their country of residence that all relevant adoption laws have been complied with.

## For children living in the UK

Provide the following:

- Child's full birth certificate
- Child's passport of entry to the United Kingdom, and any subsequent passports
- Parents' marriage certificate or civil partnership certificate
- If one of the parents does not agree to registration a letter explaining their reasons.
- If the application is being made by a guardian, evidence of their right to do so, such as a deed, will or court order.

Only include children who are not already British.

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# Citizenship Ceremonies

## What the child will have to do

Taking the Oath and Pledge is a legal requirement for successful applicants over 18 years of age, and the point at which they become British citizens.

Children who attend ceremonies will be asked to swear or affirm an oath of allegiance to Her Majesty the Queen and to pledge their loyalty to the United Kingdom.

Following this they will be presented with their certificate of naturalisation as a British citizen.

Anyone required to attend who has special needs or concerns about saying the Oath and Pledge in English, should bring these to the attention of the local authority once they have their invitation letter.

When you make contact with the local authority you will be asked a number of questions to establish the child's identity, and checks may be made. If the child does not speak English you will need to explain to the registrar that the child was registered as a British citizen.

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.

## Will the child understand the ceremony?

If the child cannot speak enough English to understand what will be said they will be expected to take someone with them to interpret. During the ceremony they will be asked to repeat the words of the oath and pledge in English, and are advised to practise saying these words before they attend.

Ceremonies are arranged locally and reflect the particular community to which the child now belongs. They will meet a local dignitary or celebrity and be told something about the area and what can be expected of them as a British citizen.

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