



Home Office

British citizenship: automatic acquisition

Version 5.0

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About this guidance

This guidance tells nationality caseworkers how to consider whether an individual has an automatic claim to British citizenship.

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 **5.0**
- published for Home Office staff on **1 July 2021**

Changes from last version of this guidance

Information added to reflect the entitlement of children born to EEA national parents from 1 July 2021 onward, including where the parent may not have held settled status under the EU Settlement Scheme at the time of the child's birth.

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Legislation

This page tells you about the different legislation that sets out when an individual will have a claim to British citizenship. The relevant bits of legislation are found in:

- [section 11 of the British Nationality Act 1981](#) which explains which people born before 1 January 1983 acquired British citizenship automatically on that date
- [sections 1\(1\) and 1\(2\) of the British Nationality Act 1981](#) which explain which people born, or deemed to have been born, in the UK on or after 1 January 1983 or in the UK or a qualifying territory on or after 21 May 2002, acquired British citizenship
- [section 1\(5\) of the British Nationality Act 1981](#) which explains which people acquire British citizenship by adoption or parental order in the UK on or after 1 January 1983
- [sections 1\(2\) and 1\(3\) of the British Nationality \(Falkland Islands\) Act 1983](#) which explain which people born, or deemed to have been born, in the Falkland Islands on or after 1 January 1983 before 21 May 2002 acquired British citizenship automatically at birth
- [section 2\(1\) of the British Nationality Act 1981](#), as amended by the British Overseas Territories Act 2002 which explains which people born outside the UK on or after 1 January 1983 acquired British citizenship automatically at birth
- [the British Overseas Territories Act 2002](#), which makes special provision in respect of those who, immediately before 21 May 2002, were either British overseas territories citizens or had a connection with the British Indian Ocean territory
- [The British Nationality Act 1981 \(Immigration Rules Appendix EU\) \(Amendment\) Regulations 2021](#) which insert section 10A into the British Nationality Act 1981, ensuring that specific children born in the UK after the grace period ends on 30 June 2021, who would otherwise not be British citizens, do not need to make a separate application to become one

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Claims to British citizenship

This section tells you about the different criteria that an individual must meet to establish a claim to British citizenship.

The burden of proof to establish a claim to citizenship

The [Immigration Act 1971](#) puts the burden of proving a status on the applicant or person making a claim.

[Section 3\(8\) of the 1971 act](#), as amended, provides that:

"When any question arises under this Act whether or not a person is a British citizen [or otherwise has the right of abode] ... it shall lie on the person asserting it to prove that he is."

The person seeking to establish a claim must usually obtain the necessary information or documents themselves.

However, where a right of abode has been demonstrated by the production of a British citizen passport or certificate of entitlement, it is for the Home Office or immigration officer to disprove the existence of that right, for example by showing that the passport or certificate is a forgery (*R v Secretary of State for the Home Department ex parte Obi* [1997] Imm AR 420).

Standard of proof

The Immigration Appeal Tribunal in *Kessori Khatun* (4272) held that "the standard of proof applicable to the right of abode, whether that right be dependent on citizenship or relationship, is that of the normal balance of probabilities".

This means that a right of abode or claim to citizenship is established if the evidence that it exists outweighs, however slightly, the evidence that it does not. Any requirement that applicants or claimants produce 'conclusive' evidence of their status, or establish their position 'beyond doubt', sets the standard too high and risks challenge in the courts. You must therefore avoid using such words and phrases.

Effect of renunciation or deprivation

Before recognising any claim to British citizenship, you must check UKVI systems to confirm that the person has not renounced or been deprived of their status.

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Born before 1 January 1983

Under [section 11\(1\) of the British Nationality Act 1981](#), a person automatically became a British citizen on 1 January 1983 if immediately before that date they:

- were a citizen of the UK and Colonies (CUKC)
- had the right of abode in the UK under [section 2 of the Immigration Act 1971](#) as then in force

In addition to this:

- under [section 11\(3\) of the 1981 act](#) anyone registered under section 12(6) of the [British Nationality Act 1948](#) on the grounds of descent in the male line from a person born or naturalised in the UK became a British citizen on 1 January 1983 regardless of whether they held the right of abode before this date
- [section 1\(1\) of the British Nationality \(Falkland Islands\) Act 1983](#) provides that a person who on 1 January 1983 became a British dependent territories citizen under [section 23 of the British Nationality Act 1981](#) became a British citizen if:
 - they were a CUKC who had that citizenship by birth, naturalisation or registration in the Falkland Islands
 - one of the parents or grandparents was, or but for death would have been a CUKC who had that citizenship by birth, naturalisation or registration in the Falkland Islands
 - in the case of a woman, was or had previously been the wife of a man who is a British citizen under either of the categories above or would have been but for his death
 - they had not renounced or been deprived of British dependent territories citizenship between 1 January 1983 and 27 March 1983 inclusive

The [British Overseas Territories Act 2002](#) added 2 further categories of persons who automatically became British citizens after 1 January 1983:

- British overseas territories citizens became British citizens automatically on 21 May 2002 provided they had that citizenship by connection with a qualifying territory
- a person who:
 - was born on or after 26 April 1969 and before 1 January 1983
 - was born to a woman who, at the time of the birth, was a CUKC by virtue of her birth in the British Indian Ocean territory
 - immediately before 21 May 2002, was neither a British citizen nor a British overseas territories citizen

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Born on or after 1 January 1983 in the UK or qualifying territory

This section tells you how to assess whether someone born, in the UK or a qualifying territory, on or after 1 January 1983 is a British citizen.

Where this guidance refers to an individual being settled in the United Kingdom, this means that they are:

- not subject under the immigration laws to any restriction on the period for which he or she may remain
- ordinarily resident in the United Kingdom

Unless there is clear evidence to the contrary, a person living here free of immigration restrictions may be assumed to be ordinarily resident in the United Kingdom. This includes holders of certificates of entitlement or patriality showing they have the right of abode in the United Kingdom.

More information can be found here: [Nationality Policy: general information – all British nationals](#)

British Nationality Act 1981

Under [section 1\(1\) of the British Nationality Act 1981](#), a person born in the UK between 1 January 1983 and 30 June 2006 (inclusive) is a British citizen if, at the time of their birth one or more of the following applies:

- their parents are married and either parent is a British citizen
- their parents are married and either parent is settled in the UK
- their parents are married and either parent is a member of the armed forces and the person was born on or after 13 January 2010
- their mother is a British citizen
- their mother is settled in the UK
- their mother is a member of the armed forces and the person was born on or after 13 January 2010

For guidance on registering children born to unmarried British fathers before 1 July 2006 see: Registration as British citizen: children of British parents

Under [section 1\(1\) of the British Nationality Act 1981](#), a person born in the UK on or after 1 July 2006 is a British citizen if, at the time of their birth, one or more of the following applies:

- either parent is a British citizen
- either parent is settled in the UK

- either parent is a member of the armed forces and the person was born on or after 13 January 2010

Under the [Immigration Rules Appendix EU](#) EEA and Swiss citizens and their family members who are exempt from immigration control under section 8 of the Immigration Act 1971, but who were resident in the UK before 11.00pm on 31 December 2020, will still be able to be granted status under the [EU Settlement Scheme](#) (EUSS) whilst continuing to be exempt from immigration control. Should such individuals have a child in the UK, they may be treated as having been settled in the UK for the purposes of the child's citizenship claim.

A parent who held permanent residence status under [the Immigration \(European Economic Area\) Regulations 2016](#) and who made an application to the EUSS before 30 June 2021, will retain the rights afforded by their permanent residence status whilst they await the outcome of their EUSS application. If they have a child in the UK after 30 June 2021 but before they have been granted ILR under the EUSS, the child will usually still have an automatic claim to British citizenship from birth on the basis of the parent's permanent residence status. In any other circumstances, permanent residence status will not be valid after the end of the grace period.

Under The British Nationality Act 1981 (Immigration Rules Appendix EU) (Amendment) Regulations 2021, a person born in the UK from 1 July 2021 onward, who is otherwise not a British citizen, will still become one automatically where:

- their parent is successful in being granted ILR under the EUSS after the child's birth; and
 - the application was submitted by 30 June 2021, by a parent who did hold permanent residence, but had not been resolved at the point the child is born
 - the application is submitted after 30 June 2021 and similarly is resolved favourably after the child's birth, and the parent can demonstrate both reasonable grounds for a late application and that they could have met the requirements for EUSS ILR on 30 June 2021 had an application been submitted. This may also include a parent who was exempt from immigration control and did not make a valid application at that time because they were exempt

In these instances, the child will become British automatically from the date on which the parent is granted ILR under the EUSS. There will be no need for a separate application or fee, as is the usual case where a parent becomes settled after the child's birth. They may apply directly for a British citizen passport if they wish to.

Also see [Check if you're a British citizen.](#)

Whilst the Regulations also apply to children born in the Isle of Man, please note that Jersey and Guernsey introduced local measures to protect nationality rights, while Gibraltar used a declaratory scheme. Caseworkers should refer to HMPO's guidance, EUSS: children born on, or after 1 July 2021.

A person born in a qualifying overseas territory between 21 May 2002 and 30 June 2006 (inclusive) is a British citizen at birth if, at the time of birth:

- their mother is a British citizen
- their mother is settled in the UK
- their mother is settled in that qualifying territory
- their parents are married and either parent is a British citizen
- their parents are married and either parent is settled in the UK
- their parents are married and either parent is settled in that qualifying territory

A person born in a qualifying overseas territory on or after 1 July 2006 is a British citizen at birth if, at the time of birth:

- either parent is a British citizen
- either parent is settled in the UK
- either parent is settled in that qualifying territory

A qualifying territory is defined in the [British Nationality Act 1981](#) as being British overseas territory other than the Sovereign Base Areas of Akrotiri and Dhekelia.

Under [section 1\(2\) of the British Nationality Act 1981](#), a new-born infant found abandoned in the UK on or after 1 January 1983 can be regarded, for the purposes of [section 1\(1\)](#) as having been:

- born in the UK on or after 1 January 1983
- born to a parent who at the time of the birth was a British citizen or settled in the UK

This would be unless either can be disproved.

A new-born infant found abandoned in a qualifying overseas territory on or after 21 May 2002 can be regarded, for the purposes of [section 1\(1\)](#) as having been:

- born in that territory on or after 21 May 2002
- born to a parent who, at the time of the birth, was either a British citizen or settled in that territory

This would be unless either can be disproved.

British Nationality (Falkland Islands) Act 1983

Under [section 1\(2\) of the British Nationality \(Falkland Islands\) Act 1983](#) on or after 1 January 1983 and before 21 May 2002 an individual is a British citizen if:

- either parent was a British citizen
- either parent was settled in the Falkland Islands

Under [section 1\(3\)](#), a new-born infant found abandoned in the Falkland Islands on or after 1 January 1983 and before 21 May 2002 can be regarded for the purposes of [section 1\(2\)](#), as having been:

- born in the Falkland Islands on or after 1 January 1983
- born to a parent who, at the time of birth, was a British citizen or settled in the Falkland Islands

This would be unless either can be disproved.

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Acquisition of British citizenship by adoption or parental order

[Section 1\(5\) of the British Nationality Act 1981](#) as amended by the Adoption (Intercountry Aspects) Act 1999, the British Overseas Territories Act 2002 and the Adoption and Children Act 2002, explains which children adopted on or after 1 January 1983 acquired British citizenship automatically because of their adoption.

Under [section 1\(5\)](#), a child who is not already a British citizen becomes a British citizen from the date of an adoption order if:

- the adopter, or in the case of a joint adoption, one of the adopters is be a British citizen on the date of the adoption order and either:
 - the adoption is authorised by a court in the UK on or after 1 January 1983
 - the adoption is authorised by order of a court in a qualifying territory on or after 21 May 2002

They also become a British citizen if the following are met:

- it is a convention adoption under the 1993 Hague Convention on Intercountry adoptions
- the adoption is affected on or after 1 June 2003
- the adopter or, in the case of a joint adoption, both of the adopters is habitually resident in the UK or in a territory designated for this purpose under [section 50\(14\) of the British Nationality Act 1981](#) on the date of the convention adoption

From 6 April 2010 a child who is the subject of a parental order made in a UK court, following a surrogacy arrangement, becomes a British citizen under [section 1\(5\) of the British Nationality Act 1981](#) from the date of the order, if either of the persons making the order is a British citizen.

Under [section 1\(6\) of the British Nationality Act 1981](#), British citizenship acquired by virtue of [section 1\(5\)](#) is not lost if the adoption or parental order ceases to have effect at a later date, for example on annulment. Where, however, the order is merely set aside by a higher court on appeal by the Home Secretary, [section 1\(6\)](#) has no effect and the child will cease to be a British citizen.

Adoption in the Falkland Islands

[Section 1\(4\) of the British Nationality \(Falkland Islands\) Act 1983](#) explains which children adopted in the Falkland Islands acquired British citizenship automatically because of their adoption.

Under [section 1\(4\)](#), a child who is not already a British citizen becomes a British citizen from the date of an adoption order if: the adoption is authorised, on or after 1 January 1983 and before 21 May 2002, by order of a court in the Falkland Islands

- the adopter or, in the case of a joint adoption, one of the adopters was a British citizen on the date of the adoption order

Under [section 1\(5\)](#), British citizenship acquired by virtue of [section 1\(4\)](#) is not lost if the adoption order ceases to have effect at a later date, for example on annulment. Where, however, the order is merely set aside by a higher court on appeal by the Home Secretary, [section 1\(5\)](#) has no effect and the child will cease to be a British citizen.

[Sections 1\(4\) and 1\(5\)](#) were repealed by the [British Overseas Territories Act 2002](#) on 21 May 2002. However, as the Falkland Islands is one of the 'qualifying territories', a child adopted in the Falkland Islands on or after 21 May 2002 will still be a British citizen if they meet the relevant requirements on this basis.

Any person who is a British citizen under [section 1\(1\) or 1\(5\) of the British Nationality Act 1981](#) or [section 1\(2\) or 1\(4\) of the British Nationality \(Falkland Islands\) Act 1983](#) is a British citizen otherwise than by descent.

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Born on, or after 1 January 1983 outside of the UK and qualifying territories

Under [section 2\(1\)\(a\) of the British Nationality Act 1981](#), a person born outside of the UK on or after 1 January 1983 is a British citizen at birth, if at the time of birth, either parent is a British citizen 'otherwise than by descent'.

Under [section 2\(1\)\(b\) of the British Nationality Act 1981](#), a person born outside of the UK on or after 1 January 1983 is a British citizen at birth if, at the time of birth:

- either parent is a British citizen
- that parent is serving outside of the UK in either:
 - crown service under the government of the UK
 - service of any description designated under [section 2\(3\) of the British Nationality Act 1981](#)

The serving parent must have been recruited in the UK for that service.

Under [section 2\(1\)\(c\) of the British Nationality Act 1981](#), a person born outside of the UK on or after 1 January 1983 is a British citizen at birth if, at the time of birth:

- either parent is a British citizen
- that parent is serving outside of the UK:
 - in service under a [EU institution](#)
 - was recruited for that service in a country which at the time was a member of the EU

Effect of the British Overseas Territories Act 2002

The British Overseas Territories Act 2002 extended the provisions of [section 2 of the British Nationality Act 1981](#) to certain children born outside of the UK or a qualifying territory on or after 21 May 2002.

Under [section 2\(1\)\(a\) of the British Nationality Act 1981](#), a person born outside of the UK and the qualifying territories on or after 21 May 2002 is a British citizen at birth if, at the time of birth, either parent is a British citizen 'otherwise than by descent'.

Under [section 2\(1\)\(b\) of the British Nationality Act 1981](#), as amended by the British Overseas Territories Act 2002, a person born outside the UK and the qualifying territories on or after 21 May 2002 is a British citizen at birth if, at the time of birth:

- either parent is a British citizen
- that parent is serving outside of the UK and the qualifying territories:

- in crown service under the government of the UK or of a qualifying territory
- in service of any description designated under [section 2\(3\) of the British Nationality Act 1981](#)
- was recruited for that service in the UK or a qualifying territory

Under [section 2\(1\)\(c\) of the British Nationality Act 1981](#), as amended by the British Overseas Territories Act 2002, a person born outside the UK and qualifying territories on or after 21 May 2002 is a British citizen at birth if, at the time of birth:

- either parent is a British citizen
- that parent is serving outside the UK and the qualifying territories:
 - in service under a [EU institution](#)
 - was recruited for that service in a country which at the time was a member of the EU

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Claims to British citizenship

This section tells you about investigating claims to British citizenship.

Evidence required to establish a claim

To establish a claim to British citizenship you must see documents which clearly show that the individual and anyone on who their claim relies on meets the relevant requirements set out in this guidance.

The types of evidence you must see to establish a claim include:

Evidence of the parent's status, including:

- passports describing the holder as a British citizen or as a citizen of the UK and Colonies, issued before 1 January 1983, with an endorsement saying the holder has a right of abode in the UK
- birth certificate showing their parents' details and the country in which the individual was born such as the UK, Falkland Islands or qualifying territory
- a passport describing the holder as a British overseas territories citizen (BOTC) and information showing that the holder has that citizenship by connection with a qualifying territory
- a certificate of naturalisation issued in the UK describing the holder as either a British citizen or a citizen of the UK and Colonies
- a certificate of naturalisation issued in a qualifying territory describing the holder as either a British citizen, a British dependent territories citizen or a citizen of the UK and Colonies
- the relevant documents related to their parents', grandparents', spouse's birth, adoption, marriage, death, registration, or naturalisation

Evidence of a parent's indefinite leave to remain, including:

- immigration officer's stamp in a passport showing the holder has been given leave to enter for an indefinite period
- a Home Office stamp in a passport showing the holder has indefinite leave to remain in the UK or that there is no time limit on their stay here
- a Home Office letter confirming that the named individual has been granted indefinite leave to remain in the UK
- a biometric residence permit confirming that the individual has indefinite leave to remain in the UK
- an EUSS record confirming settled status

Whether a child's parent was settled in the UK as an EEA or Swiss national, or their family member, will depend on when the child was born and the parent's status.

Detailed information, according to the relevant dates, can be found on the Gov.UK [“Check if you’re a British citizen”](#) pages.

If the parent has ILR that has been granted through the EU Settlement Scheme (EUSS) before the date of birth, the only evidence of immigration status required can be the date of the grant and you can check this against Home Office records.

Caseworkers should be aware of the [British Nationality Act 1981 \(Immigration Rules Appendix EU\) \(Amendment\) Regulations 2021](#), which mean that specific children, born in the UK from 1 July 2021 onward to parents who did not have EUSS ILR at the date of their birth but later attain it, may still become [British citizens automatically](#) from the date their parent’s ILR takes effect.

Evidence that a parent is a member of the armed forces, including:

- a Home Office stamp in a passport showing the holder is entitled to an exemption under section 8(4)(a) of the Immigration Act 1971
- a letter from the Ministry of Defence confirming detail of Armed Forces service, including details of postings at the time of birth and dates of service

Evidence of a parent’s employment, including a letter or certificate from:

- a government department in the UK or if applicable a qualifying territory
- a designated organisation
- an EU institution

The evidence of employment must confirm that the parent was in service outside of the UK and, if applicable, the qualifying territories on the date of the child’s birth and that they were recruited in the UK, qualifying territory or a member state of the EU.

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Service designated under section 2(3) of the British Nationality Act 1981

Ability to pass British citizenship on to children born outside of the UK

This section tells you about how to establish whether an individual is able to pass British citizenship onto their children born outside of the UK.

Every person who is a British citizen is either a British citizen by descent or a British citizen otherwise than by descent.

The differences between these are that a British citizen by descent cannot normally pass their citizenship to children born outside of the UK, unless they were born to a parent in crown designated or EU service. It does not affect any other of the rights or duties that go with British citizenship.

[Section 14\(1\) of the British Nationality Act 1981](#) defines the term British citizen by descent. Where a British citizen falls outside of this definition they will be a British citizen otherwise than by descent.

Under [section 14\(1\)](#) a British citizen born on or after 1 January 1983 is a British citizen by descent if they are a British citizen under one of the following sections of the 1981 act:

- automatically under [section 2\(1\)\(a\)](#) only
- by registration under [section 3\(1\)](#) and, at the time of their birth, their father or mother was a British citizen
- by registration under [section 3\(2\)](#)
- by registration under [section 4B](#), [4C](#), [4F\(3\)](#), [4G\(2\)](#), [4H\(2\)](#), [4I\(4\)](#)
- by registration under [section 5](#)
- by registration under [section 8](#) by reason of marriage to a man who, on 1 January 1983:
 - became a British citizen by descent
 - would, but for his death, have become a British citizen by descent
 - would, but for having ceased to be a citizen of the UK and Colonies (CUKC) as a result of a declaration of renunciation, have become a British citizen by descent
- by registration under [section 9](#)
- by registration under [section 10](#) and, would have become a British citizen by descent on 1 January 1983 by virtue of [section 14\(1\)\(b\)](#) had they not renounced CUKC status
- by registration under [section 13](#) and, immediately before renunciation of British citizenship was a British citizen by descent
- automatically under [paragraph 2 of schedule 2](#)

In addition, the following people born before 1 January 1983 are British citizens by descent:

- a person who was a CUKC under section 5, 12(2), 12(4), 12(6), 13(2) or paragraph 3 of schedule 3 of the [British Nationality Act 1948](#) or section 1(4) of the British Nationality (No.2) Act 1964
- a person who was a CUKC who:
 - had the right of abode under section 2(1)(b) only of the [Immigration Act 1971](#)
 - had the right of abode under section 2(1)(b) only and section 2(1)(c) of the [1971 act](#)
 - being a woman, had the right of abode only because she was, or had been, the wife of a man who had the right of abode under either section 2(1)(b) only or section 2(1)(b) only and section 2(1)(c) of the [1971 act](#)
- a woman, was a CUKC by registration under section 6(2) of the 1948 Act by reason of marriage to a man who, on 1 January 1983:
 - became a British citizen by descent
 - would, but for his death, have become a British citizen by descent
 - would, but for having ceased to be a CUKC as a result of a declaration of renunciation, have become a British citizen by descent

[Section 14\(2\) of the British Nationality Act 1981](#) sets out exemptions to the above for individuals born before 1 January 1983.

Under [section 14\(2\)](#), a British citizen born outside the UK before 1 January 1983 is not a British citizen by descent under [section 14\(1\)\(b\) or \(e\)](#) if, at the time of the birth, their father was either:

- serving outside the UK
- in crown service under the government of the UK
- in service of any description at any time designated under [section 2\(3\)](#)
- in service under an EU institution

The father must have also been recruited for the service in question in either:

- the UK, if in crown service or service at any time designated under section 2(3)
- a country which was at the time a member of the communities, if in service under a community institution

As a general principle, people are normally British citizens otherwise than by descent if they are British citizens:

- by birth, adoption, registration or naturalisation in the UK or the Falkland Islands before 21 May 2002
- by birth, adoption, registration or naturalisation in the UK or a qualifying territory on or after 21 May 2002
- because, immediately before 21 May 2002, they were British overseas territories citizens by birth, adoption, registration or naturalisation in a qualifying territory
- because they were adopted, on or after 1 June 2003, in any country under the terms of the Hague Convention on Intercountry Adoption 1993

People who are British citizens by birth or other means elsewhere are normally British citizens by descent.

There are however a number of exceptions to this and therefore care must be taken in establishing whether an individual has British citizenship by descent or otherwise than by descent.

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Service designated under section 2(3) of the British Nationality Act 1981

Issuing a status letter

Status letters are not certificates of nationality. They merely record UKVI's opinion that a person possesses a form of British nationality. Only the courts can determine conclusively whether that person is actually a British national.

If a person wishes to establish whether they hold British nationality, they should be advised to make a passport application or an application for a certificate of entitlement to the right of abode.

If a person does not wish to apply for a British passport or certificate of entitlement, but requires confirmation of how they acquired British nationality for another purpose, they can apply for a status letter using [Form NS](#).

If you accept that a person became a British citizen on 1 January 1983 or 21 May 2002 (if appropriate), then:

- if a claim to citizenship has been established by production of all the appropriate documents you must send a letter using DocGen template ICD 0491
- if it is a complicated claim to citizenship (such as involving difficult legitimacy or marriage law or several independence acts) or if it has not been possible to supply detailed evidence; and you are nonetheless satisfied that the claim is valid, you must send a status letter using DocGen template ICD 4021

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