



Home Office

Registration as a BOTC: otherwise stateless

Version 1.0

This guidance covers the registration as a British overseas territories citizen (BOTC) by people who would otherwise be stateless.

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About this guidance

This guidance tells nationality caseworkers about registration as British overseas territories citizens by people who would otherwise be stateless.

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 the 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 **1.0**
- published for Home Office staff on **14 July 2017**

Changes from last version of this guidance

This is a new piece of guidance.

Related content

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Criteria for registration

This page tells you about the criteria an individual who would otherwise be stateless must meet in order to be registered as a British overseas territories citizen (BOTC).

Where an individual meets the requirements to be registered as a BOTC, they will be a BOTC otherwise than by descent.

Schedule 2, paragraph 3

People are entitled to registration under [schedule 2, paragraph 3 of the British Nationality Act 1981](#) if they:

- were born on or after 1 January 1983
- were born in the UK or a British overseas territory
- were born stateless
- have remained stateless
- are under the age of 22 on the date of application
- were in the UK or a British overseas territory at the beginning of the 5 year period ending with the date of application
- were not absent from both the UK and British overseas territories for more than 450 days in that 5 year period

A person who meets these requirements is entitled to be registered as a BOTC, unless the number of days spent in the UK exceeds that spent in British overseas territories in which case they should be registered as a British citizen.

Schedule 2, paragraph 4

People are entitled to registration under [schedule 2, paragraph 4 of the British Nationality Act 1981](#) if they:

- were born on or after 1 January 1983
- were born outside the UK and the British overseas territories
- were born stateless
- have remained stateless
- at the time of their birth, their mother or father was a British overseas citizen
- were in the UK or a British overseas territory at the beginning of the 3 year period ending with the date of application
- were not absent from both the UK and the British overseas territories for more than 270 days in that 3 year period

Individuals may also be entitled to register as another type of British nationality where one of their parents held that nationality on the individual's date of birth.

Schedule 2, paragraph 5

People are entitled to registration under [schedule 2, paragraph 5 of the British Nationality Act 1981](#) if they:

- were born before 1 January 1983

- were born stateless
- have remained stateless and either:
 - their mother was a citizen of the UK and Colonies at the time of their birth
 - they were born in a place which is within the UK or a British overseas territory at the time of their application
 - they otherwise meet the requirements of parentage or residence set out in the schedule to the [British Nationality \(No 2\) Act 1964](#), as amended by section 4 of the [British Nationality Act 1965](#)

Excess absences

There is discretion to allow absences of more than 450 days under [schedule 2, paragraph 3](#) and 270 days under [schedule 2, paragraph 4](#) where:

- they are the result of circumstances beyond the individual's control, such as serious illness or accident, which prevented the person from returning from a visit to a country outside the UK or the British overseas territories
- they amount to no more than 30 days over the permitted limit
- refusal would seriously disadvantage the individual- statelessness in itself is not sufficient reason to exercise discretion

Excess absences should not normally be waived because:

- individuals or their parents were unaware of the requirements
- the absences were not entirely voluntary
- a refusal would cause inconvenience, such as difficulty in travelling, rather than serious disadvantage

Fees

Applicants are required to declare what type of citizenship they are applying for as part of their application. Before considering the application you must ensure that the applicant has paid the relevant fees for this type of application.

An applicant under [paragraph 3 of schedule 2 of the British Nationality Act 1981](#) can only acquire either British citizenship or BOTC. The fee for registration in the UK is the same in either case and therefore only one fee is payable in either case.

An applicant under [paragraph 4 of schedule 2 of the British Nationality Act 1981](#) may be able to acquire British citizenship, BOTC or British overseas citizenship. A separate fee must be payable for each type of citizenship sought.

An applicant under [paragraph 5 of schedule 2 of the British Nationality Act 1981](#) may be entitled to both British citizenship and BOTC. In such cases only one fee is payable as it is not a matter of choice on the applicant's part.

Fees for applications to be decided in the British overseas territories are a matter for the governments of the territories concerned.

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Evidence to support an application

This section tells you what documents you must see to support an individual's claim for registration as a British overseas territories citizen under [paragraph 3, 4 or 5 of schedule 2 of the British Nationality Act 1981](#).

All applications

When considering an application made under [paragraph 3, 4 or 5 of schedule 2 of the British Nationality Act 1981](#) you must have the following documents:

- the person's full birth certificate
- a letter from the authorities of the person's country of birth, unless this is the UK or a British overseas territory, stating that the person is not and never has been a citizen of that country
- if either or both of the person's parents is not a national of that country, a letter from the authorities of the country of which either or both parents is a national stating that the person is not, and never has been, a citizen of that country

Additional documents for applications under paragraph 3 and 4

Where an individual is seeking to register under paragraphs [3 or 4 of schedule 2 of the British Nationality Act 1981](#) in addition to the documents for [all applications](#) you must also see documents which:

- establish the person's residence in the UK or a British overseas territory for the relevant qualifying period
- establish that the person did not have excess absences

Additional documents for applications under paragraph 4

When considering a claim under [paragraph 4 of schedule 2 of the British Nationality Act 1981](#), you must also see documents which demonstrate that at least one of their parents held British overseas territories citizenship at the time of the person's birth, such as:

- a passport describing the holder as either a British dependent territories citizen or a British overseas territories citizen
- a birth certificate showing their parents' details and birth in a British overseas territory before 1 January 1983
- if born on or after 1 January 1983, a British overseas territories birth certificate showing their parents' details and evidence that, at the time of the birth, either parent was a British overseas territories citizen or settled in a British overseas territory
- an adoption certificate issued by a court in a British overseas territory and evidence that, at the time of the adoption, one of the adoptive parents was a British overseas territories citizen
- certificate of registration or naturalisation describing the holder as a British dependent territories citizen or a British overseas territories citizen

- a certificate of registration or naturalisation issued in a British overseas territory describing the holder as a citizen of the UK and Colonies (CUKC)
- the relevant documents related to parents', grandparents', spouse's birth, adoption, marriage, death, registration or naturalisation, which establish the parent's claim to British overseas territories citizenship

Additional documents for applications under paragraph 5

In addition to the documents required for [all applications](#) to register as a British overseas territories citizen, for applications under [paragraph 5 of schedule 2 of the British Nationality Act 1981](#) you must also see the following evidence:

- the relevant birth, marriage, death, adoption, registration, naturalisation certificates or other documents to establish the parent in question's CUKC or British subject status at the appropriate time
- if necessary, passports and other documents to establish the person's ordinary residence in the UK or the British overseas territory for the 3 years immediately before the application

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Consent to applications made by children

It is not necessary for children applying under [paragraphs 3, 4 or 5 of schedule 2 of the British Nationality Act 1981](#) to obtain the consent of their parents or the person who has responsibility for them.

It is good practice to gain consent of all those with parental responsibility for the child but this is not mandatory.

If they meet the requirements, they are entitled to registration, and the application cannot be refused even if their parents or person with parental responsibility do not consent to it.

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Registration authority

British overseas territories citizenship (BOTC) is normally granted by the governor of the British overseas territory with which the person being registered is connected by residence or parentage.

The Home Secretary also has power to grant BOTC. If an application is made to the Home Office under [paragraph 3, 4 or 5 of schedule 2 of the British Nationality Act 1981](#) which can result in BOTC being granted, either solely or in combination with another status, you must consider it in the UK and not transfer it to the relevant territory. The exception to this is where an application is based mainly on residence in Gibraltar, which must be transferred to the [Civil status and registration office](#) in Gibraltar. This is necessary to ensure that the applicant becomes a UK national for European community purposes and therefore eligible for registration as a British citizen under [section 5](#).

If you register someone as a BOTC you must notify the governor of the territory concerned.

Oath and pledge

Where the person is an adult at the time that they are being registered they will have to make a citizenship oath and pledge.

Issuing of certificates

Where more than one citizenship or status is being acquired you must issue separate certificates of registration for each type being acquired.

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