



Home Office

Registration as a British overseas territories citizen and British citizen: Chagossian descendant

Version 1.0

Guidance on how to consider applications for registration under sections 17H of the British Nationality Act 1981.

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About this guidance

British overseas territories citizenship (BOTC) was previously 'British dependent territories citizenship' before 26 February 2002. On that date all British Dependent Territories were renamed as British overseas territories. Those with British overseas territories citizenship were automatically given British citizenship on 21 May 2002 as a result of provisions introduced by the British Overseas Territories Act 2002.

This guidance tells Nationality caseworkers how to consider applications for registration as a British overseas territories citizen (BOTC) from:

- people who are directly descended from someone who was a citizen of the United Kingdom and colonies due to their birth on the British Indian Ocean Territory

Successful applicants may also be eligible to register as British citizens. Unless the applicant has stated on their application form that they do not wish to become a British citizen, the majority of applications should be considered as applications for both BOTC and 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 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 cleared:

- version **1.0**
- published for Home Office staff on **23 November 2022**

Changes from last version of this guidance

This is new guidance.

Related content

[Contents](#)

Introduction

This page tells you about applications for British overseas territories citizenship (BOTC) and British citizenship, made by descendants of Chagossians born on the islands that now form part of the British Indian Ocean Territory (BIOT).

The Chagossians are the former residents of the BIOT, who were removed from the islands, predominantly to Mauritius and Seychelles, between the mid-1960s and early-1970s. While those Chagossians born on the islands and their children born outside British territory hold British nationality, subsequent generations born outside British territory had no entitlement to it.

[The Nationality and Borders Act 2022](#) inserted **section 17H** into the British Nationality Act 1981, which created an entitlement for the direct descendants of Chagossians to be registered as BOTCs and British citizens. It addresses the unique situation of the descendants of Chagossians whose ancestors were forced to leave the British Indian Ocean Territory resulting in the loss of access to British nationality rights. Applicants will normally qualify if they are a direct descendant of a Chagossian ancestor born in the British Indian Ocean Territory.

British Citizens

Applicants can apply for BOTC and British citizenship at the same time using the BIOT application form. If successful, most applicants will obtain both statuses. Where applicants choose to register as BOTC only, they will be asked to confirm this on their application form. Some applicants may have already been registered or naturalised as a British citizen. In this case they are still able to apply under this route for BOTC status. Similarly, those who already have BOTC status can also apply for British Citizenship.

Section 4K of the [British Nationality Act 1981](#) enables those who are entitled to register as BOTC (under section 17H) to register as a British citizen.

Citizenship ceremony

In most cases where the applicant applies for both BOTC and British citizenship, those who are successful will need to attend a citizenship ceremony. Where successful applicants have applied for BOTC only, they will only need to make the oath and pledge. Applicants who are under 18 years of age do not have to attend a ceremony or make an oath and pledge.

Fees

There is no fee to apply to register as a BOTC and a British citizen under this route.

Related content

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Descendants of Chagossians

This page tells you how to consider applications from people who are the direct descendants of someone who was born on the British Indian Ocean Territory (BIOT).

The Law

A person will qualify for registration under section 17H of the British Nationality Act 1981 if they are both:

- a direct descendant of someone who was born on the islands that now form the British Indian Ocean Territory (BIOT)
- have never previously been a British overseas territories citizenship (BOTC) or British Dependent Territories citizen

The period during which applications can be made is limited. Adults have 5 years from the commencement of the measure to make an application. Those who are children when the route is launched or who are born within the 5-year application period after commencement (between 23 November 2022 and 23 November 2027), will have until they are 23 years old to claim this entitlement to British nationality.

Defining direct descendant

Direct descendants are the biological children and grandchildren of an ancestor. For example, you are a direct descendant of your mother, your grandmother, your great-grandmother, and so on. This also applies to the paternal side and includes your father, your grandfather, your great grandfather and so on. Direct descendants do not refer to aunts, uncles, nieces, nephews, brothers, sisters, cousins, and so on.

Evidence to be supplied

You must take into account any evidence already on the file. If documents have been seen and noted in the past, you do not need to ask to see them again. If a parent and child relationship has been accepted as valid by an Entry Clearance Officer, Immigration Officer, Home Office official, or any tribunal court in the United Kingdom or its territories, you do not need to ask for further evidence unless you have reasons to doubt the previously accepted position.

You should normally see the evidence below. However, you must be satisfied, taking into account all of the information and evidence that you have seen, that the applicant on the balance of probabilities, is a direct descendant of someone born on the British Indian Ocean Territory. This will include searching the digitised BIOT birth record archives to verify ancestor birth claims.

Evidence of birth

Evidence of the applicant's date of birth, such as a birth certificate, passport or National identity card.

Evidence of Chagossian Descent

Evidence to show that the applicant is a direct descendant of someone born on the British Indian Ocean Territory (BIOT). This should include:

- the applicant's full birth certificate (one which includes the name of the applicant's parent(s))
- a series of birth records showing an unbroken line of descent between the applicant and their relative born on BIOT

You should recognise that people may not have the documents mentioned above and take into account other documents that independently verify or support a claim of Chagossian descent. Documents that may assist could include for example:

- medical or dental records
- marriage or civil partnership certificate
- Change of name deed poll
- factual records including court proceedings

Legitimacy

When examining an application there is no requirement for legitimacy and parents do not have to be married in order to have a claim. However, you must check the application and documents provided to confirm paternity if an application is based on the male line.

Proof of paternity

The 'father' will be any person who is shown to be such by either:

- being named before 10 September 2015 as the child's father on the birth certificate issued within 12 months of the birth
- in all other cases any evidence such as DNA test reports, court orders or birth certificates considered by the Secretary of State to establish paternity

You must not mandate DNA evidence as this is not a requirement. Applicants can choose to volunteer DNA evidence, either proactively or in response to an invitation to submit further evidence. Where applicants choose not to volunteer DNA evidence, no negative inferences can be drawn from this. See DNA policy guidance for full instructions on the use and consideration of DNA evidence to prove a biological relationship. Testing laboratory must hold accreditation to a suitable International Organization for Standardization (ISO) standard.

The standard of proof is the balance of probabilities (see the section on Automatic Claims). Documents must be from a reliable source.

Under 18's

If the person applying is under 18, the consent of all those with parental responsibility should be provided.

Type of BOT citizenship

Following registration under sections 17H of the British Nationality Act 1981, a person will be a BOTC 'otherwise than by descent'. This reflects the status they would have held, had they been born on BIOT.

Related content

[Contents](#)

Registration as British citizen: other British nationals

Registration as British citizen: children

British citizenship

The majority of applicants will apply for British overseas territories citizenship (BOTC) and British citizenship at the same time.

People who qualify for registration under sections 17H can also apply for British citizenship under section 4K of the [British Nationality Act 1981](#), which was introduced by the [Nationality and Borders Act 2022](#), if they would also have acquired that status.

Applicants are entitled to be registered as a British citizen under section 4K of the British Nationality Act 1981 if they are entitled to be registered as BOTC under section 17H or they would be entitled to be registered as a BOTC under this section but for the fact that they have already become a British overseas territories citizen under a different provision.

If an applicant becomes a BOTC otherwise than by descent and are also registered as a British citizen they will become a British Citizen otherwise than by decent.

Related content

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