



Home Office

## Guide ROA

Applying for a certificate of entitlement to the right of abode

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# Introduction

This guide explains the meaning of right of abode in the UK under the Immigration Act 1971 and describes, in general terms, which people have that right. It also explains, for those people who may have to prove their claim, how to obtain a certificate of entitlement to the right of abode in the UK. The [notes](#) at the end of this guide explain some of the terms used.

Under regulations relating to certificates of entitlement to the right of abode you will not qualify for a certificate of entitlement to be placed in your foreign passport or travel document if you hold a UK passport describing you as a British citizen or as a British subject with right of abode.

You will not qualify for a certificate of entitlement to the right of abode if you have a valid certificate of entitlement in a different passport. For example, if you have an Australian and Canadian passport, you cannot have a certificate of entitlement in both of them.

The law covering the right of abode in the UK is contained in the Immigration Act 1971, the British Nationality Act 1981, the Nationality, Immigration and Asylum Act 2002, and the regulations made under them. The information in this guide is meant only as a brief guide to the law and to the Home Secretary's policy. It is not a comprehensive statement of either the law or the policy.

The following terms are used throughout this document:

- UK
- Parent and father
- Adopted
- Registered
- Settled
- Qualifying territory

For an explanation of these terms see the [notes](#) at the end of this guide.

## IAA and immigration advice

You may, if you wish, use the services of an agent such as a solicitor or other competent adviser to help you with your application.

Immigration or nationality advisers acting in the course of business (whether paid or

unpaid) are regulated by the Immigration Advice Authority (IAA), an independent body. Nationality advice should only be provided by a person who works for an organisation registered with, or exempted by, the IAA or who is authorised to practise (like solicitors and barristers) by a designated professional body. Certain categories (for example public health bodies) are exempted from the regulatory scheme by Ministerial Order. It is a criminal offence to provide advice or services in contravention of the regulatory scheme. Further information about the regulatory scheme and a full list of IAA regulated advisers are available at <https://www.gov.uk/government/organisations/immigration-advice-authority>.

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# The right of abode

If you have the right of abode in the UK, this means that you are entirely free from UK immigration control. You do not need to obtain the permission of an immigration officer to enter the UK, and you may live and work here without restriction.

However, you must prove your claim by production of either:

- a UK passport describing you as a British citizen or a British subject with the right of abode, or
- a certificate of entitlement to the right of abode in the UK issued by or on behalf of the Government of the UK.

Information about obtaining a UK passport is available from [His Majesty's Passport Office](#).

## Who has the right of abode?

Under section 2 of the Immigration Act 1971 (which was amended by section 39 of the British Nationality Act 1981), all British citizens and certain Commonwealth citizens have the right of abode in the UK.

## People who became British citizens on 1 January 1983

You will have become a British citizen on 1 January 1983 (when the British Nationality Act 1981 came into force) and will therefore have the right of abode in the UK if, immediately before that date:

- you were a citizen of the UK and Colonies and had your citizenship by being born, adopted, naturalised or registered in the UK, or
- you were
  - a citizen of the UK and Colonies and your parent at the time of your birth was a citizen of the UK and Colonies by being born, adopted, naturalised or registered in the UK, or
  - a citizen of the UK and Colonies whose parent qualified for the right of abode because their parent (your grandparent) was born, adopted, naturalised or registered in the UK, or
- you were a citizen of the UK and Colonies who, at any time before 1 January 1983,

- had been ordinarily resident in the UK for a continuous period of 5 years or more and,
- during that period, you were not in breach of the immigration laws and,
- at the end of that period, you did not have any time limit attached to your stay, or
- you were a citizen of the UK and Colonies who was or had been the wife of a man with the right of abode in the UK. You must have been married before 1 January 1983.

Please note that if you were a citizen of the UK and Colonies by birth in a former colony, you may have lost that status when that country became independent. In such cases you would only have a right of abode if you qualified under one of the provisions for [Commonwealth citizens](#).

## People who became British citizens on or after 1 January 1983

A person born in the UK on or after 1 January 1983 is a British citizen if either parent was, at that time:

- a British citizen, or
- settled in the UK.

A person born in the UK or a qualifying territory on or 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 UK or settled in that particular territory.

A person born outside the UK on or after 1 January 1983 is a British citizen if, at the time of the birth, either parent was a:

- British citizen otherwise than by descent, or
- British citizen by descent and was in:
  - Crown service, or
  - Community institution service, or
  - Service specially designated by the Secretary of State as being closely associated with the activities of the UK government.

Similar provisions apply for those born outside a qualifying territory on or after 21 May 2002.

A person who has successfully applied for registration or naturalisation as a British citizen will have become such a citizen on the date of registration or on the date of issue of the certificate of naturalisation.

A person adopted in the UK on or after 1 January 1983 or in a qualifying territory on or after 21 May 2002 is a British citizen if, on the date of the adoption, at least one of the adopters was a British citizen. A child adopted outside the UK under the terms of the Hague Convention on or after 1 June 2003 by Intercountry Adoption will become a British citizen on the date of adoption if one of the adopters is a British citizen and the adopter (or, in the case of a joint adoption, both adopters) is habitually resident in the UK.

Further information about British citizenship, including how this citizenship may be acquired after 1 January 1983, can be obtained on our [website](#) or by emailing the UKVI Contact Centre: [NationalityEnquiries@homeoffice.gov.uk](mailto:NationalityEnquiries@homeoffice.gov.uk).

## Commonwealth citizenship

If you are not a British citizen, you could still have the right of abode if, on 31 December 1982 you were:

- a Commonwealth citizen with a parent who, at the time of your birth or legal adoption, was a citizen of the UK and Colonies and obtained their citizenship by being born in the UK.

If you were born before 1 January 1983 and your mother was born in the UK, you may qualify for registration as a British citizen. For further information see [Guide UKM](#).

- a Commonwealth citizen and before 1 January 1983 had been married to a man with the right of abode. (You must have been married before 1st January 1983 and your husband must have had the right of abode before that date.)  
If you acquired the right of abode through marriage before 1983 to a man with the right of abode you will not be granted a certificate of entitlement, if either:
  - another living wife or widow of the same man is, or has at any time since her marriage been, in the UK otherwise than as a visitor, an illegal entrant or on temporary admission, or
  - another living wife or widow of the same man has been granted a certificate of entitlement or entry clearance on account of her marriage.

These restrictions do not apply if:

- you entered the UK as a wife before 1 August 1988 or have been in the UK at any time since your marriage, and
- at that time you were the only wife of your husband to have entered, or been cleared for entry to, the UK.

If you were not a Commonwealth citizen on 31 December 1982 or you ceased to be a Commonwealth citizen (even temporarily) at any time after that date, you will not have the right of abode. For example, nationals of South Africa, Pakistan and The Gambia do not qualify because these countries left the Commonwealth and rejoined.

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# Certificates of entitlement

A certificate of entitlement to the right of abode in the UK is placed in a valid passport. It constitutes proof of your right of abode for UK immigration control purposes.

If you hold a UK passport describing you as a British citizen, or as a British subject with the right of abode in the UK, you will not qualify for a certificate of entitlement. If you already have a valid certificate of entitlement in another foreign passport, you will not qualify for a further certificate of entitlement.

We will check with His Majesty's Passport Office (HMPO) to see if their records show that you hold a passport. If HMPO records show that you hold a current UK passport, describing you as a British citizen or as a British subject with the right of abode in the UK, we will not issue a certificate of entitlement. This is because the law does not allow a person to hold both a passport and a certificate of entitlement to the right of abode. If you have lost your British passport, you must notify HMPO so that their records can be updated. Until you notify HMPO of the loss of your passport an application for a certificate of entitlement to the right of abode may be refused, as records will show that you are the holder of a British citizen or British subject passport.

The Home Office issues certificates of entitlement to eligible applicants in the UK. If you are abroad, you must apply through [UK Visas](#).

In both cases, a fee is payable for processing applications.

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# Documents

- You must provide your valid passport or travel document. Passports issued abroad which are being submitted for an application made in the UK must contain immigration stamps showing that the passport holder is resident in the UK.
- You must submit 2 passport size photographs taken no more than 6 months before the date of application.
- You must also provide the documents needed to establish that you have a right of abode. The list below tells you what documents you need to provide. Birth and marriage certificates should be those issued at the time of birth or marriage. If not, please explain why.
- If you are currently using a different name than the name on your official documents you must provide documentary evidence of the change of name, such as your marriage certificate, adoption certificate or change of name deed.

Basis of application	Documents required
Applicant was registered or naturalised as a British citizen on or after 1 January 1983	Applicant's registration or naturalisation Certificate
Applicant was born in the UK before 1 January 1983	Applicant's full birth certificate, showing parents' details
Applicant was registered or naturalised as a citizen of the UK and Colonies in the UK before 1 January 1983	Applicant's registration or naturalisation certificate
Applicant was a British Overseas Territories citizen and became a British citizen on 21 May 2002	<ul style="list-style-type: none"> <li>• Applicant's British Overseas Territories citizen passport</li> <li>• Applicant's full birth certificate showing parents' details</li> <li>• If born outside an overseas territory; parents' marriage certificate (if claiming through the father) and parent's full birth certificate, registration, or naturalisation certificate</li> <li>• If registered or naturalised as a British Overseas Territories citizen before 21 May 2002, certificate of registration or naturalisation</li> </ul>

Basis of application	Documents required
	<ul style="list-style-type: none"> <li>• If registered or naturalised as a British Overseas Territories citizen on or after 21 May 2002, certificate of registration or naturalisation and certificate of registration as a British citizen</li> </ul>
Applicant is a Commonwealth (not British) citizen born before 1 January 1983 to a parent who was born in the UK	<ul style="list-style-type: none"> <li>• Applicant's full birth certificate showing parents' details, and</li> <li>• Parent's full UK birth certificate</li> <li>• If claiming through the father, the marriage certificate</li> </ul>
Applicant is a female Commonwealth citizen who was married before 1 January 1983 to a man with right of abode in the UK (the marriage must have taken place before 1 January 1983, and the husband should have had a right of abode before that date)	<ul style="list-style-type: none"> <li>• Applicant's marriage certificate, and</li> <li>• Evidence of applicant's husband's right of abode prior to 1 January 1983, such as passport or UK birth certificate, certificate of registration or naturalisation</li> </ul>
Applicant was born in the UK or the Falkland Islands on or after 1 January 1983, or in another qualifying British overseas territory on or after 21 May 2002	<ul style="list-style-type: none"> <li>• Applicant's full birth certificate showing parents' details,</li> <li>• Evidence of either parent's British citizenship or settled status at time of applicant's birth, such as a passport describing the relevant parent as a British citizen or indicating that they then had indefinite leave to remain, and</li> <li>• Parents' marriage certificate (if claiming through father and applicant born before 1 July 2006)</li> </ul>
Applicant was born outside the UK and the Falkland Islands on or after 1 January 1983, or outside the UK and any qualifying British overseas territory on or after 21 May 2002, to a parent born in the UK or the Falkland Islands (or, on/after 21 May 2002, any qualifying British overseas territory) or to a parent registered or naturalised in the UK prior to the applicant's birth	<ul style="list-style-type: none"> <li>• Applicant's full birth certificate showing parents' details,</li> <li>• Parent's marriage certificate (if claiming through father and applicant born before 1 July 2006), and</li> <li>• Parent's full birth certificate, registration, or naturalisation certificate</li> </ul>

Basis of application	Documents required
Applicant was born outside the UK and the Falkland Islands on or after 1 January 1983, or outside the UK and any qualifying British overseas territory on or after 21 May 2002, to a parent who, at the time of the birth, was a British citizen in service to which section 2(1)(b) of the British Nationality Act 1981 applies	<ul style="list-style-type: none"> <li>• Applicant's full birth certificate,</li> <li>• Parents' marriage certificate (if claiming through father and applicant born before 1 July 2006), and</li> <li>• Evidence of parent's relevant employment at the time of the birth, such as a letter from the employer</li> </ul>
Applicant was adopted in the UK, a qualifying British overseas territory, or otherwise on or after 1 June 2003 under the terms of The Hague Convention on Intercountry Adoption	<ul style="list-style-type: none"> <li>• Applicant's adoption certificate, and</li> <li>• Evidence of adoptive parents' citizenship and, if a Convention adoption, of their place of habitual residence at the time of the adoption (in respect of citizenship, a passport, and in respect of habitual residence at the time of the Convention adoption, the adoption certificate)</li> </ul>
Applicant was a citizen of the UK and Colonies and was ordinarily resident in the UK for a continuous period of 5 years before 1 January 1983 and was settled in the UK at the end of that period	<ul style="list-style-type: none"> <li>• Evidence of citizenship of the UK and Colonies, for example a passport or certificate of naturalisation or registration, and</li> <li>• Evidence of settlement and 5 years ordinary residence in the UK before 1983, for example a passport, P60s, details of National Insurance contributions, DSS</li> </ul>
Applicant was a citizen of the UK and Colonies and had a parent who was born, adopted, registered, or naturalised in the UK prior to the applicant's birth/adoption	<ul style="list-style-type: none"> <li>• Applicant's full birth certificate or adoption certificate,</li> <li>• Parents' marriage certificate (if claiming through father and applicant born before 1 July 2006), and</li> <li>• Parents' full birth certificate, adoption, registration, or naturalisation certificate</li> </ul>
Applicant was a citizen of the UK and Colonies and had a grandparent born, adopted, registered, or naturalised in the UK before the applicant's parent's birth/adoption	<ul style="list-style-type: none"> <li>• Parents' marriage certificate (if claiming through father),</li> <li>• Parent's full birth certificate or adoption certificate,</li> <li>• Applicant's full birth certificate or adoption certificate,</li> </ul>

Basis of application	Documents required
	<ul style="list-style-type: none"> <li>• Grandparents' marriage certificate (if claiming through grandfather), and</li> <li>• Grandparent's full birth certificate, adoption, registration, or naturalisation certificate</li> </ul>

If you are not sure whether or not you have the right of abode in the UK, you can obtain further advice by visiting [GOV.UK](https://www.gov.uk).

If you are unable to find the information you need, you can contact us at: [FurtherNationalityEnquiries@homeoffice.gov.uk](mailto:FurtherNationalityEnquiries@homeoffice.gov.uk).

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# Expiry of certificate of entitlement to the right of abode in the UK

A certificate of entitlement to the right of abode will cease to be valid on the date the passport or travel document to which it is attached expires. If you wish to have a certificate of entitlement placed in your new passport you will need to make a fresh application.

Certificates issued after 21 December 2006 may be revoked by any Home Office official (including His Majesty's Passport Office officials), an immigration officer, consular officer or entry clearance officer if it is discovered that the holder is no longer eligible to have it. A certificate of entitlement may be revoked if it is established that:

- you do not have a right of abode in the UK, or
- you hold a UK passport describing you as a British citizen or a British subject with the right of abode, or
- you have another passport with a valid certificate of entitlement; or
- your right of abode is restricted because you are polygamously married to a man with the right of abode and another wife has already been issued with a certificate of entitlement, or
- an order has been made to deprive you of your right of abode.

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# Explanation of terms

## UK means:

- England, Wales, Scotland, Northern Ireland, the Channel Islands, and the Isle of Man; and
- in relation to British nationality, at a time before 31 March 1922, the Republic of Ireland (at a time when it formed part of the UK) and
- in relation to birth in the UK, at a time before 1 January 1983, a ship or aircraft registered in the UK or an unregistered ship or aircraft of the Government of the UK.

## Parent includes:

- For children born before 1 July 2006: the mother of the child, and the father of the child if the parents were married. A child whose parents were not married at the time of the birth may be “legitimated” by the subsequent marriage of his or her parents.
- For children born after 1 July 2006: the father of a child whose parents were not married may be able to pass on his citizenship in the same way as if he had been married to the mother.
- The adoptive parents of a child who has been legally adopted.

If you were born before 1 July 2006 to a British father but did not become a British citizen because your parents were not married, you may be able to register as a British citizen – see [Guide UKF](#).

## Legal adoption:

Means an adoption as defined in the Adoption and Children Act 2002. A child of any nationality who was adopted in the UK on or after 1 January 1950, or in the Channel Islands or the Isle of Man on or after 1 April 1959, automatically became a citizen of the UK and Colonies on their adoption if the adoptive father (or adoptive mother, if she was the sole adopter) was a citizen of the UK and Colonies at the time of the adoption.

## Registration in the UK:

Includes registration at the High Commission in an independent Commonwealth country. This means that the country must have been independent at the time of the registration.

It does not include:

- Registration under section 6(2) of the British Nationality Act 1948 (registration on the grounds of marriage to a citizen of the UK and Colonies) if the marriage took place after 28 October 1971, or
- Registration under section 7 of the British Nationality Act 1948 (registration of minors) at a High Commission after 28 October 1971. A person who was registered under section 1(1) (a) of the British Nationality (No. 2) Act 1964 did not become a British citizen unless his or her mother became a British citizen on that date (or would have done so but for her death) or if the person had the right of abode on the basis of 5 years residence.

### **Settled in the UK:**

Means being ordinarily resident in the UK without being subject to any time limit under the immigration laws. A person is not settled if they are in the UK in breach of the immigration laws. A person is not settled in the UK if they are exempt from immigration control because they are a member of a diplomatic or consular mission, visiting forces or an international organisation.

An EEA national would be regarded as settled if:

- Before 2 October 2000 - they were in the UK exercising a Treaty right
- Between 2 October 2000 and 30 April 2006 - they had indefinite leave to remain in the UK. 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.
- After 30 April 2006 - they have been exercising a Treaty right for more than 5 years or have indefinite leave to remain.

### **British Overseas Territories means:**

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.

References to a “qualifying territory” are references to these territories, but not the Sovereign Base Areas of Akrotiri and Dhekelia.



**Settled in a qualifying territory:**

Means being ordinarily resident in a qualifying territory without being subject to any time limit under the immigration laws.

A person is not settled if they are in that territory in breach of the immigration laws. A person is not settled in that territory if they are exempt from immigration control because they are a member of a diplomatic or consular mission, visiting forces or an international organisation.

There may also be other categories of persons who are not regarded as settled in a British overseas territory. This will depend upon the local immigration laws

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