



Home Office

British citizenship

Version 17.0

This guidance tells His Majesty's Passport Office staff how to deal with passport applications for customers that hold British citizenship

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About: British citizenship

This guidance tells His Majesty's Passport Office staff:

- how a customer can have a claim to British citizenship
- how to check if a customer holds British citizenship
- what documents a customer needs to send to support their passport application

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 Guidance & Quality, Operating Standards.

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 Guidance & Quality, Operating Standards.

Publication

Below is information on when this version of the guidance was published:

- version **17.0**
- published for Home Office staff on **29 June 2023**

Changes from last version of this guidance

This guidance has been updated to remove references to applications being on hold for customers born to EEA parents between 1 January 1983 and 1 October 2000.

Related content

[Contents](#)

British citizenship

This section tells His Majesty's Passport Office staff about how customers can gain British citizenship through, birth, adoption, naturalisation, registration or descent. The section also tells staff about dual nationality and citizenship, the definition of a parent enemy aliens and diplomats, losing, renouncing and assuming British citizenship and immigration observations.

The British Nationality Act 1981 was brought in on 1 January 1983 and explains how customers can:

- gain British citizenship
- pass on their citizenship to a further generation

British citizenship is gained by:

- birth
- adoption
- naturalisation
- registration
- descent

British citizens have [the right of abode \(ROA\)](#) under the Immigration Act 1971, meaning that they can enter and leave the United Kingdom without restriction.

You, the examiner, must not accept a Certificate of Entitlement to Right of Abode entered into a foreign passport as evidence the holder is a British citizen. If you can confirm the customer is a British citizen and you issue them a passport you must revoke their Certificate of Entitlement.

British citizenship by birth

Customers may be entitled to [British citizenship automatically](#), depending on if they were:

- [born in the UK or a British colony \(before 1 January 1983\)](#)
- [born in the UK \(between 1 January 1983 and 1 October 2000\)](#)
- [born in the UK \(between 2 October 2000 and 29 April 2006\)](#)
- [born in the UK \(on or after 30 April 2006\)](#)
- [born outside the UK](#)

Customers who are entitled to British citizenship automatically do not need to register or naturalise.

Full birth certificates

Customers applying from the UK for their first passport, must send their full birth certificate, although we will accept a short birth certificate from customers born in the UK before 1 January 1983 to support their application

Only full birth certificates will be accepted from customers applying from overseas regardless of their date of birth.

You can find more information in the Birth registration guidance.

Birth certificates for customers born in the UK

Full birth certificates issued in England and Wales show a person's:

- full name
- place and date of birth
 - in the case of multiple births (for example, a twin) it will also show time of birth
- parents
- parents' occupation (the mother's occupation was only added to full birth certificates in 1985)

Since 1 April 1969, full birth certificates also show the places of birth of a person's parents.

Full birth certificates issued in Scotland, show a person's:

- full name
- place, time and date of birth
- parents
- parents' date of marriage (if they were married at the time of birth)

Full birth certificates issued in Northern Ireland show a person's:

- full name
- place and date of birth
- parents

Birth certificates for customers born overseas

A customer born overseas must send a foreign birth certificate issued from the country they were born in.

See: Birth registration guidance for consular birth certificates or His Majesty's Armed Forces birth certificates.

Customers born aboard a ship or aircraft

Any customer born before 1 January 1983 aboard a British ship or aircraft registered in the UK or a dependent territory are entitled to British citizenship.

Under the British Nationality Act 1981 customers born after 1 January 1983 are not automatically entitled to British citizenship simply by birth on a UK or dependent territory registered ship or aircraft. They will be entitled to British citizenship only if either the mother or father was a British citizen at the time of the birth and the ship or aircraft were:

- registered in the UK
- an unregistered ship or aircraft belonging to the United Kingdom government

These customers would have a claim to British citizenship 'otherwise than by descent'. Customers born to a non-British citizen who has indefinite leave to remain (ILR), indefinite leave to enter (ILE), no time limit (NTL) in the UK would not be entitled to British citizenship under these circumstances.

A customer born after 1 January 1983 on a ship, aircraft or hovercraft not registered in the UK or in a remaining dependent territory would not have a claim to British citizenship unless either of the parents were British citizens 'otherwise than by descent' at the time of the birth. If this applied the customer would have a claim to British citizenship 'by descent'.

British citizenship by adoption

A customer can become a British citizen if their only entitlement to citizenship is if a British citizen or a British Subject of the UK and Colonies (BSUKC) before 1 January 1983, adopts them as a minor:

- in a UK court (on or after 1 January 1950)
- in a qualifying British overseas territory court (on or after 21 May 2002)
- overseas, under [Article 23 of the Hague Convention](#) (on or after 1 June 2003) and they are:
 - habitually resident (country where the customer spends most of their year) in the UK at the time of the adoption

A minor adopted in an overseas territory by a British dependent territories citizen (BDTC) parent before 21 May 2002, would become a British citizen from that date, as long as they were not already a BDTC or British citizen at the time of the adoption.

A minor is a child under the age of:

- 21 years old (if born before 1 January 1970)
- 18 years old (if born on or after 1 January 1970)

Adoption certificates under [Article 23 of the Hague Convention](#) are only issued if article 17 has been complied with.

You, the examiner, must check the customer's adoption certificate to make sure the adoption took place in a UK court. Customers adopted outside the UK must hold [an Article 23 Hague Convention certificate](#). This must be shown on the actual certificate.

If the adoption took place under [Article 23](#), you must also check the customer's parent was habitually resident in the UK at the time of the adoption.

The courts consider 'habitual residence' to be the country where a person spends most of their year. For most people, this is the place they call home and where they live and work. Therefore, a person living in the UK for most of the year is habitually resident in the UK.

Factors such as possession of a property, type of employment contract, financial arrangements and location of bank accounts and local connections, are just some of the many factors that may be relevant to questions relating to habitual residence.

Customers will not have an automatic claim to British citizenship, if they were adopted:

- overseas in a local court and an [Article 23 Hague Convention certificate](#) was not issued
 - unless the customer was adopted overseas before 1 January 1983, already holds British Subject and BSUKC status under the [British Nationality Act 1948](#) and at least 1 of the adoptive parents had the right of abode under [section 2\(1\)\(a\) or 2\(1\)\(b\)\(i\) of the Immigration Act 1971](#)
- in the UK by someone who is not a British citizen at the time of the adoption
- overseas, under [Article 23 of the Hague Convention](#) and their parent is not habitually resident in the UK at the time of the adoption

For more information, see: Adoption guidance.

British citizenship by naturalisation or registration

Naturalisation is a legal process where an adult (with no automatic claim to British citizenship) can:

- apply to UK Visa & Immigration (UKVI) to become a British citizen
- get the same rights and privileges as someone born a British citizen from the date of their naturalisation

Under the British Nationality Act 1981 a person can normally apply for naturalisation as a British citizen:

- 1 year after becoming settled (although it can take at least 5 years)
- If they are married or in a civil partnership to a British citizen and have lived in the UK for 3 years or more

Customers who have naturalised are issued a certificate by UKVI. For passport purposes, customers need to send their original certificate to prove their claim to British nationality.

Registration is a similar process to naturalisation but for minors you may see [registration certificates issued to someone born in the UK but aged over 18](#) at the time of the issue of the certificate. This happens when the registration application is sent when the customer is still a minor, but the application is not completed until after they have turned 18.

Registration is also for people:

- who already hold a British nationality status other than British citizenship
- who are not recognised as a citizen of any country so would [otherwise be stateless](#) depending on when and where they were born
- who were previously excluded because of legitimacy (their parents were not married at the time of birth)
- born before 1 January 1983 and were unable to claim through their mother and would have been able to if claims were allowed through the maternal line
- who have previously renounced BSUKC or BC status
- people who were born outside the UK to a British citizen who is 'by descent' and have no automatic claim
- who can (or could have) registered as a British overseas territories citizen under section 17A, 17C, 17D, 17E or 17F of the British Nationality Act 1981 (see British overseas territories citizens guidance)

British citizenship by descent

If the claim parent's status is listed as 'by descent' they will not normally be able to pass their nationality to any children born overseas.

The sections of the following Acts give details about what sections are classed as 'by descent' claims:

- sections 5, 6(2), 12, 13 and paragraph 3 of [British Nationality Act 1948](#)
- section 1 of the [British Nationality \(No2\) Act 1964](#) (stateless person)
- [sections 2 and 14 of the British Nationality Act 1981](#)
- [section 3\(3\) of the British Overseas Territories Act 2002](#)
- [section 2\(1\) of the British Nationality \(Hong Kong\) Act 1990](#)
- [section 2\(1\)\(a\) of the British Nationality \(Hong Kong\) Act 1997](#)

British citizenship otherwise than by descent

Sections of the Act that are not by descent are known as 'otherwise than by descent'. These customers can pass their nationality to their children born abroad.

Whilst these children who were born abroad would hold no different British citizenship than for someone born in the UK, they would not be able to pass on their

British citizenship unless they meet the criteria (for example, living in the UK or parent in Crown Service at the time of birth).

Case noting nationality status

We must always record the customer's nationality unless the customer was born in the UK before 1 January 1983 or from 1 January 1983 to a parent who was born before 1 January 1983 in the UK.

On the Application Management System (AMS) you must do this manually adding a case note. On the Digital Application Processing (DAP) system you need to do this where you have a Nationality Task and you must follow DAP: recording nationality status guidance.

When you case note the customer's nationality status on AMS you must record:

- the customer's full nationality status including:
 - the nationality Act
 - the section or sections of the Act which applies to their claim
- if the customer's status is 'by descent' or 'otherwise than by descent'
- if the customer was born from 1 January 1983, how and through which parent the status was decided, for example:
 - App is BC 1(1)(b) BNA'81 OTBD, mother granted ILR 23/1/2016
 - App is BC 2(1)(a) BNA'81 BD, father born UK 1979, fathers FBC seen confirms BC ppt OTBD atob

To record a nationality status on the Digital Application Processing (DAP) system, see DAP recording nationality status.

You can find specific guidance on status case noting under the relevant sections in this guidance.

Customers applying for a first time passport outside the UK

If a customer applies for a British passport from outside the UK, they need to send extra documents to support their application. The documents depend on the country where the customer is applying from. For example:

- documents needed from a Group 1 country can be found [here](#)
- documents needed from a Group 2 country can be found [here](#)
- documents needed from a Group 3 country can be found [here](#)

You can check Knowledge Base to see what group a country belongs to.

Dual nationality and dual citizenship

A person holds dual nationality if they are citizens of more than one country. A person who holds more than one British nationality is known as a dual British national.

Definition of a parent

You must determine if the claim to British nationality is through the customer's mother or father. [Section 50\(9\) of the British Nationality Act 1981](#) explains the definition of a parent. You must also check the definition of a parent guidance for more information, as it has changed over the years and may depend on the parents being married.

If you are not able to prove a claim of British citizenship through the customer's mother, you must prove a claim through their father.

Losing, renouncing and resuming British citizenship

A person can lose their British citizenship by deprivation or nullity or if they renounce their British nationality.

Deprivation

Deprivation is when a person with British citizenship status, whether through registration, naturalisation or being a citizen of a British overseas territory or otherwise, has that citizenship removed by the British government.

Nullity

Nullity of British citizenship is when registration or naturalisation is considered to never have taken place. This means the person concerned does not need to be deprived of their British citizenship because we regard them as never having had it in the first place.

UKVI's status review unit investigates deprivation and nullity of British citizenship. More information can be found on [GOV.UK](#).

Renouncing British citizenship

A person can also apply to give up (renounce) their British citizenship. For example, if they want to become a citizen of another country that does not allow dual citizenship.

British citizenship can only be renounced if either:

- the person already has another citizenship or nationality

- they are going to get another citizenship or nationality after giving up their British citizenship.

If a customer renounces their British citizenship, UKVI will tell the Public Protection and Standards (PPS) team who are responsible for recording the information and taking appropriate action. More information about renouncing British citizenship can be found on [GOV.UK](https://www.gov.uk).

In some cases, it is possible for a person to resume their British citizenship after renouncing it. More guidance on resuming British citizenship can be found on [GOV.UK](https://www.gov.uk).

Losing or renouncing British citizenship affects a person's right to live in the UK. It can also affect the status of any children born to them in the future. If a person resumes their claim to British citizenship, UKVI will issue a certificate of British citizenship the customer must send us along with any other evidence to support their passport application.

Immigration observations for British citizens

We do not add immigration observations for British citizens, unless the customer has dual nationality and asks us if they can have the observation on their passport.

Related content

[Contents](#)

Proving British citizenship if born before 1 January 1983

This section tells HM Passport Office operational staff how to check if a customer born before 1 January 1983 is a British citizen under section 11 of the British Nationality Act 1981.

Customers born before 1 January 1983 may become a British citizen under [sections 11\(1\), 11\(2\) or 11\(3\) of the British Nationality Act 1981](#). They may not have a claim if at the time of their birth their father was an enemy alien or a foreign diplomat.

Enemy aliens and diplomats before 1 January 1983

[Section 4 of the British Nationality Act 1948](#) gives details of people not eligible for British citizenship if their father was an enemy alien or a foreign diplomat.

For British citizenship purposes, a person cannot claim British citizenship by birth if they were born before 1 January 1983 in:

- the UK, if their parent was a foreign diplomat or held diplomatic immunity in the UK at the time of their birth
- an occupied British territory (for example, the Channel Islands during World War 2, occupied by Germany from 1940-1945), if their father was an enemy alien and the birth occurred in a place which was under occupation by the enemy at the time

Any person born in the UK before 1 January 1983 to a foreign diplomat parent is not entitled to British citizenship, unless the parent is (or would have been had they been alive) a British citizen.

When examining these types of applications, you must watch for:

- an address of a foreign embassy in the UK
- a parent's profession listed as diplomat on the customer's full birth certificate

Section 11(1) British Nationality Act 1981

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 met both of the following:

- they were a British Subject of the United Kingdom and Colonies (BSUKC) under any section of the British Nationality Act 1948
- they had the [Right of Abode](#) (ROA) in the UK under [section 2 of the Immigration Act 1971](#) (also see guidance on how to revoke Certificates of Entitlement to Right of Abode if the customer is a British citizen)

If you, the examiner, are not sure if a person is covered under the British Nationality Act 1948, you must refer it to a correctly trained caseworker or operational team leader (OTL)

A customer who got their British citizenship under [section 11 of British Nationality Act 1981](#) who was a British Subject and citizen of the UK and Colonies (BSUKC) before 1 January 1983 and was born, adopted, registered or naturalised in the UK will be a British citizen 'otherwise than by descent'.

A customer who got their British citizenship under [section 11 of the British Nationality Act 1981](#), who was a BSUKC before 1 January 1983 and their birth outside the UK was regarded as legitimate, will be a British citizen 'by descent', if they hold BSUKC and [ROA](#) and meet one of the following:

- they were a citizen of the UK and Colonies as set down in sections 5(1), 12(2), 12(4), 13(2) or paragraph 3 of the third schedule of [British Nationality Act 1948](#)
- they were registered as a citizen of the UK and Colonies under [section 12\(6\) of the British Nationality Act 1948](#) or under section 1(a) or 1(c) of [the British Nationality\(No2\) Act 1964](#) (stateless person)
- they had the right of abode in the UK under [section 2\(1\)\(b\)](#) only or under both [sections 2\(1\)\(b\) and 2\(1\)\(c\) of the Immigration Act 1971](#)
 - however, if a customer had the right of abode under [section 2\(1\)\(b\) and section 2\(1\)\(d\) of the Immigration Act 1971](#) and was BSUKC under [sections 4, 6, 7 or 12\(1\)](#) of the British Nationality Act 1948 they will be 'otherwise than by descent'
- they had the right of abode in the UK under [section 2\(2\) of the Immigration Act 1971](#) by being (or having been) the wife of a man covered under [section 2\(1\)\(b\)](#) only or under both [sections 2\(1\)\(b\) and 2\(1\)\(c\) of the Immigration Act 1971](#)
 - however, if a customer had the right of abode under [section 2\(1\)\(b\) and section 2\(1\)\(d\) of the Immigration Act 1971](#) and was BSUKC under [sections 4, 6, 7 or 12\(1\)](#) of the British Nationality Act 1948 they will be 'otherwise than by descent'
- they were registered as a citizen of the UK and Colonies under [section 6\(2\) of the British Nationality Act 1948](#) on the grounds of marriage to a man who became or would (but for his death or renunciation of citizenship) have become a British citizen by descent

[Section 14\(2\) of the British Nationality Act 1981](#) allows customers born outside the UK (before 1 January 1983) and who would otherwise be a British citizen 'by descent' under the above conditions, to be 'otherwise than by descent' if their legitimate father (but not their mother) was at the time of birth in one of the following:

- Crown service
- Designated Service and recruited in the UK
- service under a community institution and recruited within the European communities

First time passports from the UK: born or adopted in the UK

Customer applying for a first time passport, born in the UK before 1 January 1983, must send their birth certificate with their application. If the name on the birth certificate is different from their application, they must also send evidence of a change of name. For customers born before 1 January 1983 in the UK we will accept either a short or full birth certificate.

Customers applying for their first time passport, adopted in the UK before 1 January 1983, must send their UK adoption certificate with their application.

First time passports from the UK: born outside the UK

A customer born outside the UK and claiming British citizenship by naturalisation or registration before 1 January 1983, must send:

- their naturalisation or registration certificate
- their foreign passports (if they were born overseas and applying from the UK)
- evidence of a change of name that links any other documents to the application (if needed)

Customers must also supply official translations for any foreign documents that are not in English.

If a customer was born before 1 January 1983 in a British colony, protectorate, etc., that later became independent or a British Overseas Territory you, the examiner, must refer the application to a correctly trained caseworker or OTL.

If a customer has dual British nationality, they need to send all the following:

- their birth, naturalisation or registration certificate
- any passport they hold
- their foreign passports (if they were born overseas and applying from the UK)
- evidence of a change of name that links other documents to the application (if needed)

If a customer was born outside the UK and their father was born, registered or naturalised, they need to send their full birth certificate showing their parents' details.

They also need to send their claim parent's British passport or passport number (if they have one) or all of the following:

- their father's full birth certificate
- their father's registration or naturalisation certificate (if applicable)
- their parents' marriage certificate (if it is needed to prove legitimacy)
- their foreign passports
- evidence of a change of name that links other documents to the application (if needed)

A customer must also supply official translations for any foreign documents that are not in English.

A customer may have a reasonable explanation for why they cannot send their documents. This can include losing contact with their parent or if they entered the country illegally without a passport. You, the examiner, can:

- confirm the information on Main Index or UKVI systems
- consider using balance of probability and supporting documents not available guidance in your decision making

First time applications for customers born before 1 January 1983 and adopted will be rare. See: Adoption guidance.

A customer born overseas whose father was also born overseas may still have a claim to British citizenship if:

- the father was:
 - born in a former colony
 - in Crown Service when the customer was born
- the customer's paternal grandfather was in Crown Service when the father was born

If a customer applies for a British passport from outside the UK, they need to send extra documents to support their application.

How to case note Section 11(1) status

If you are dealing with an application for a British citizen passport under [section 11 of the British Nationality Act 1981](#), you must:

- record the customer's British nationality status
- include the sections of the Acts that apply (only if the customer was born outside the UK)

You must case note:

- the section of the [British Nationality Act 1948](#) (or the [Adoption of Children Act 1949](#) for UK adoptions before 1 January 1983)
- the section of the [Immigration Act 1971](#)
- the section of the [British Nationality Act 1981](#)
- if the customer's status is 'by descent' or 'otherwise than by descent'

To record a nationality status on the Digital Application Processing (DAP) system see DAP recording nationality status.

Section 11(2) and 11(3) British Nationality Act 1981

Under [section 11\(2\) of the British Nationality Act 1981](#), a person with BSUKC status under [British Nationality \(No2\) Act 1964](#) and [ROA](#) may not become a British citizen on 1 January 1983 if either:

- before 1 January 1983 they had [ROA](#) under [section 2\(1\)\(c\) of the Immigration Act 1971](#)
- their mother did not become a British citizen

Under [section 11\(3\) of the British Nationality Act 1981](#), a person may become a British citizen on 1 January 1983, if immediately before that date they met the following:

- they were a BSUKC under [section 12\(6\) of the British Nationality Act 1948](#)
- they had no [right of abode](#) in the UK under [section 2 of the Immigration Act 1971](#)
- their application is based on their descent through their father or grandfather who had a connection with the UK

Cases under these sections are rare. You must refer these cases to a correctly trained caseworker or operational team leader.

Irish citizens: renewal of a British citizen passport

There are some Irish citizens born in the Republic of Ireland before 1 January 1949 who have been issued with a British citizen (BC) passport in error when they renewed their previous British subject (BS) passport. If an Irish citizen born before 1 January 1949 applies to renew or replace a British citizen passport you must check their passport history and if necessary, correct the customer's British nationality status

Related content

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Customers born in the UK or qualifying dependent territory

This section tells HM Passport Office operational staff how to check if a customer born on or after 1 January 1983 in the UK (or born in a qualifying dependent territory also known as overseas territory on or after 21 May 2002) is a British citizen under section 1 of the British Nationality Act 1981.

Customers born on or after 1 January 1983 in the UK (or born in a qualifying dependent territory also known as overseas territory on or after 21 May 2002) may become a British citizen under [section 1 of the British Nationality Act 1981](#).

Any customer entitled to British citizenship under [section 1 of the British Nationality Act 1981](#) by being born in the UK on or after 1 January 1983 or in a qualifying overseas territory on or after 21 May 2002 will always be 'otherwise than by descent'.

A customer born in the UK on or after 1 January 1983 and before 21 May 2002 to a British dependent territories citizen (BDTC) parent, will be 'by descent' because of the British overseas territories Act 2002.

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

Section 1(1)(a) British Nationality Act 1981

Customers are entitled to be British citizens under [section 1\(1\)\(a\) of the British Nationality Act 1981](#), when they meet both of the following conditions:

- they were born in the UK on or after 1 January 1983 or in a qualifying overseas territory on or after 21 May 2002
- at the time of the birth, their mother or father was a British citizen
 - if a customer was born before 1 July 2006 and their claim is through their father the birth needs to be legitimate

Documents needed as evidence under section 1(1)(a)

Customers applying from the UK and born on or after 1 January 1983, must support their applications with a full birth certificate. Customers also need to send one of the following to confirm their mother or father was a British citizen at the time of their birth:

- a parent's full UK birth certificate (or short birth certificate from parents born before 1 January 1983)

- we must continue to accept short birth certificates for customers born in the UK before 1 January 1983 and accept the risk that a very small number of children of foreign diplomats (or foreign aliens) may get a passport
- a parent's adoption certificate, if it confirms their British citizenship status
- a parent's UK naturalisation or registration certificate issued before the customer's birth
- either parents' British passport or passport number if the parent was born before 1 January 1983. The passport:
 - can be issued at any time if the parent was born in the UK
 - must have been issued before the customer's birth if the parent was born overseas
- either parents' British passport or passport number if the parent was born after 1 January 1983 (in the UK or overseas), provided the passport record on Main Index shows the parent was British at the time of their child's birth. This could be shown by:
 - the date of issue of the current passport
 - previous passport records (where previous passports can be clearly linked to the current passport)
 - information in case notes for the current or any previous passports
- evidence of a change of name that links any other documents to the application (if needed)

If a customer was born before 1 July 2006 and the documents relate to the customer's father, the customer must also send their parents' marriage certificate (if it is needed to prove legitimacy).

If a customer cannot supply their parents' documents or passport number when they send their application, you must contact them to ask if they have their parent's passport and to give you the details.

If a customer's parents were born on or after 1 January 1983, the customer must also supply evidence of their grandparents' claim to British citizenship, if:

- they cannot supply their parents' British passport number
- their parent's first passport was issued after their birth unless the parent's claim is through the grandparent's birth in UK

The customer must send the following to support their parents' claim to British citizenship:

- their grandparents' full birth, registration or naturalisation certificate issued before the parent's birth
- marriage certificate (if it is needed to prove legitimacy)

If their grandparents were also born on or after 1 January 1983 you, the examiner, can also accept a British passport number, instead of the above certificates.

A customer may have a reasonable explanation for why they cannot send their documents. This can include losing contact with their parent or if they entered the

country illegally without a passport. You can confirm the information on Main Index or UKVI systems, subject to existing guidance and consider using balance of probability and supporting documents not available guidance in your decision making

If a customer applies for a British passport from outside the UK, they need to send extra documents to support their application.

Section 1(1)(b) British Nationality Act 1981

Customers are entitled to be British citizens under [section 1\(1\)\(b\) of the British Nationality Act 1981](#), if they meet both the following conditions:

- they were born in the UK on or after 1 January 1983 or in a qualifying overseas territory on or after 21 May 2002
- at the time of their birth, their mother or father was formally settled in the UK or settled in that qualifying dependent territory

A settled parent is not a British citizen. They will be one of the following:

- British national with the Right of Abode in the UK (for example, a British subject who has the right of abode under [section 2\(1\)\(d\) of the Immigration Act 1971](#) before 1 January 1983 and then [section 2\(1\)\(b\) of the Immigration Act 1971](#) from 1 January 1983)
- foreign national free from immigration control (when the customer was born)
- considered settled on arrival in the UK (for example, those who entered the UK from a Commonwealth country before 1 January 1973)
- an Irish citizen who is permanently resident in the UK
- the parent is registered under [section 7\(1\)\(a\) of the British Nationality Act 1981](#)
- free from immigration restrictions as they have indefinite leave to remain (ILR), indefinite leave to enter (ILE) or no time limit (NTL) in the UK
- has permanent residence in the UK (only applies for children born before 1 July 2021)
- has ILR under the European Union Settlement Scheme (EUSS) - a parent granted ILR under the EUSS will affect a child's passport application differently, depending on if the child was born
 - on or before 30 June 2021
 - on or after 1 July 2021 (as in some cases, a child can qualify as a British citizen when their parent was granted ILR)
- has gained a right of permanent residence by exercising Treaty rights – the evidence we need to show someone was exercising Treaty rights depends on if the child was born:
 - from 1 January 1983 up to and including 1 October 2000
 - from 30 April 2006 up to and including 30 June 2021
- a parent, of a child born before 13 January 2010, who is in the armed forces and subject to UK service law at the time of their child's birth (for children born after this date, see Section 1(1A) of British Nationality Act 1981)

Foreign diplomats

A foreign diplomat is an official who represents the interests of their country in another country, usually working as a member of an embassy or consulate.

A foreign diplomat may be resident in the UK but if they have diplomatic immunity, any children born in the UK are not entitled to British citizenship, unless the parent is a British citizen or was already formally settled in the UK before the child was born.

When examining these types of applications, you must watch for:

- an address of a foreign embassy in the UK
- a parent's profession listed as diplomat on the customer's full birth certificate

How to check for settlement

A customer's parent may show evidence they are settled in the UK at the time of their child's birth. This will usually be a Certificate of Entitlement to Right of Abode or an immigration endorsement in the parent's foreign passport, or on a biometric residence card showing a date of settlement before the birth of their child. Parents who are exercising Treaty rights as a European Union national may not have endorsements or residence cards, if so, you must request other documents.

If you are dealing with an application on DAP, you may need to ask for a review of the pages in a customer's old passport, to confirm parent's settlement. You must follow the Dealing with customer documents guidance to request a review of the old passport through the Document Management Service (DMS) or Document Handling Unit (DHU).

You must check a parent's settlement status by checking UKVI records if there is an issue with the documents the customer has provided.

When confirming a claim to British citizenship through section 1(1)(b) British Nationality Act 1983 you must confirm the parent was settled at the time of their child's birth. As settlement can be lost, any certificate or endorsement must be the one granted closest to the child's birth. You must make sure:

- Certificates of Entitlement to Right of Abode were valid at the time of the child's birth
- Indefinite Leave to Enter (ILE) vignettes have been validated by an entry stamp to the UK (the date of the entry stamp is the settlement date)
- Indefinite Leave to Remain (ILR) stamps or biometric residence cards are dated before the child was born
- No Time Limit (NTL) was granted before the child was born, otherwise you must ask for the earlier ILR or ILE confirmation

If the parent does not have an earlier passport or the passport does not have the endorsement you must check UKVI systems to confirm their settlement history. You

can also accept a status letter from UKVI confirming they were settled on a specific date before the customer's birth.

You must be aware when checking a parent's settlement status that indefinite leave can be lost or revoked if a person:

- is deported
- is liable for deportation but cannot be removed for legal reasons, such as the UK's obligations under the Refugee Convention or the European Convention on Human Rights
- obtained leave by deception
- was granted leave as a refugee and stops being a refugee
- stays outside of the UK for 2 or more years (5 or more years if the customer was granted settled status under the EU Settlement Scheme)
 - you must check the entry and exit stamps on the parent's passport to make sure they have not been out of the UK for more than 2 years (5 years for through EU Settlement Scheme)

Irish citizens

Ireland and the UK have a common travel agreement which pre-dates the entry of both countries into the EU. This means Irish citizens are not subject to restrictions when they travel to the UK. For an Irish child born in the UK to get British citizenship, they would have to live in the UK.

You may accept that an Irish parent was settled in the UK at the time of birth, for the purpose of [section 1\(1\)\(b\) of the British Nationality Act 1981](#), unless there is clear evidence to the contrary. For example, if the:

- address on the customer's birth certificate was not in the UK
- if the customer tells you their parent was only visiting for a short time
- if the parent spent long periods of residence outside the UK

Following the introduction of the full birth certificate policy, you must now be satisfied the parent of a customer is an Irish citizen. In the absence of an Irish passport dated before the customer's birth, the customer must send their:

- parent's birth certificate confirming the parent's birth in Ireland, if the parent was born before 1 Jan 2005
- their parents' marriage certificate (if the child was born before 1 July 2006 and status is obtained through the father and is needed to prove legitimacy)
- evidence of a change of name that links any other documents to the application (if needed)

Parents who were Irish citizens before their child's birth but were born outside of Ireland, must have documentation issued prior to their child's birth to prove their Irish citizenship. For example, an Irish:

- naturalisation certificate

- registration certificate
- passport
- official confirmation from the Irish authorities

Customer born on or before 30 June 2021 to EU, EEA or Swiss parent

Customers born on, or before 30 June 2021 to European Union (EU), European Economic Area (EEA) or Swiss nationals, may qualify for British citizenship under [section 1\(1\)\(b\) of the British Nationality Act 1981](#), if the parent:

- gained a right of permanent residence by exercising treaty rights:
 - at the time of the customer's birth (if they were born between 1 January 1983 and 1 October 2000 in the UK or between 1 January 1983 and 30 March 2004 if born in the Isle of Man, 8 February 2004 if born in Jersey or 30 September 2004 if born in Guernsey)
 - for a 5 year continuous period before the customer was born (if they were born between 30 April 2006 and 30 June 2021)
- was granted ILR under the EUSS before the customer's birth (see European Union Settlement Scheme)

There was no treaty rights provision in place between 2 October 2000 and 29 April 2006.

Customer born on or after 1 July 2021 to EU, EEA or Swiss parents

Under the [British Nationality Act 1981 \(Immigration Rules Appendix EU\) \(Amendment\) Regulations 2021](#), customers born on, or after 1 July 2021 to EU, EEA or Swiss nationals, may qualify for British citizenship under [section 1\(1\)\(b\) of the British Nationality Act 1981](#), if the parent:

- had been granted ILR before their child was born
- had retained a right of permanent residence because all of the following apply:
 - they were living in the UK on 31 December 2020
 - they exercised Treaty rights for 5 continuous years before 30 June 2021
 - UK Visas and Immigration received an EUSS application for them on, or before 30 June 2021 that was refused after their child was born

In some cases, a customer born on or after 1 July 2021 to EU, EEA or Swiss parents may be British if their parent was granted ILR after they were born (see guidance in Section 10A British Nationality Act 1981).

When dealing with an application for a customer born on, or after 1 July 2021 to an EU, EEA or Swiss national, you must refer to European Union Settlement Scheme guidance.

Documents we need for claims under section 1(1)(b)

Customers applying from the UK for their first British passport who were born on or after 1 January 1983 must send:

- a full birth certificate
- evidence that 1 parent was settled in the UK or settled in a qualifying dependent territory at the time of the customer's birth which must also be the same territory as the customer's birth
- evidence of a change of name that links any other documents to the application (if needed)

A customer must also supply official translations for any foreign documents that are not in English.

If the customer was born before 1 July 2006 and the documents relate to the customer's father, the customer must also send their parents' marriage certificate (if needed to legitimise their birth).

If a customer applies for a British passport from outside the UK, they need to send extra documents to support their application.

If a customer is unable to send us the settlement documents we need

If a customer has a reasonable explanation why they cannot send us the documents we need (for example, they have lost contact with their parent) you, the examiner, can confirm the information from Main Index or UKVI systems (subject to existing guidance on accessing cases on these systems).

You must refer the application to a correctly trained caseworker or operational team leader (OTL) so they can consider the application using balance of probability and supporting documents not available guidance before they make a decision.

If you have fraud concerns, refer to:

- EAC: when to refer AMS applications to Enhanced Application Checking for AMS cases
- DAP: additional checks before referring for investigation for DAP cases

HM Passport Office must support the customer, if the final decision is to refuse the application, using the information in the UK immigration permissions guidance.

If the decision is to refuse the application, you, the OTL, must ask your Quality & Examination Support team (QuEst) for advice and to liaise with the Guidance & Quality (G&Q) team. You must keep the customer informed whilst the decision is being considered.

You, the G&Q officer, must assess the application and where you agree with the decision to refuse you must refer it to the Nationality team for a final decision. Once the Nationality team has made a decision you must provide a response to the examiner through the local QuEst.

Section 10A British Nationality Act 1981

This section of the British Nationality Act was introduced on the 1 July 2021 following the [British Nationality Act 1981 \(Immigration Rules Appendix EU\)\(Amendment\) Regulations 2021](#).

This section applies to people born in the UK on, or after 1 July 2021 to EU, EEA or Swiss national parents who were granted ILR after their child's birth. These customers may qualify for British citizenship under [section 10A of the British Nationality Act 1981](#), if their parent was granted ILR under the EUSS after they were born and either of the following apply:

- their parent made the application to the EUSS on, or before 30 June 2021
- their parent made the application to the EUSS on, or after 1 July 2021 but UKVI would have granted it to them on 30 June 2021 (had the parent made their EUSS application on time)

When dealing with an application for a customer born on or after 1 July 2021 to an EU, EEA or Swiss national, you must refer to European Union Settlement Scheme guidance.

Section 1(1A) of British Nationality Act 1981

On 13 January 2010 the [Borders, Citizenship and Immigration Act 2009](#) amended the British Nationality Act 1981 to include [section 1\(1A\)](#). Customers are entitled to be British citizens under [section 1\(1A\) of the British Nationality Act 1981](#) if they meet both of the following:

- they were born in the UK (or born in a qualifying overseas territory) on or after 13 January 2010
- at the time of the birth their mother or father was a member of the armed forces and subject to UK service law

Before 13 January 2010 any legitimate child born to a member of the armed forces serving in the UK will be covered under [section 1\(1\)\(b\) of the British Nationality Act 1981](#). From 13 January 2010 this was amended and is now covered under [section 1\(1A\) of the British Nationality Act 1981](#).

Documents we need for claims under section 1(1A)

First time applications from the UK from customers born on or after 13 January 2010, must be supported by:

- a full birth certificate
- proof the parent was subject to UK service law at the time of the customer's birth (such as their passport)
- if needed, evidence of a change of name that links the full birth certificate to the application

A foreign national parent (including Gurkhas and Commonwealth citizens) serving in the armed forces is unlikely to have ILR or ILE in their passport, although their passport must contain a stamp making reference to [section 8\(4\)\(a\) of the Immigration Act 1971](#).

You, the examiner, may come across stamps that only make reference to [section 8\(4\) of the Immigration Act 1971](#). You must establish whether the passport holder specifically holds [section 8\(4\)\(a\)](#). Those under [section 8\(4\)\(b\) or 8\(4\)\(c\)](#) are exempt from immigration control during their posting for a temporary period, however it is not the same as being settled and their children will not have a claim.

To establish a claim, you can accept a letter from the Ministry of Defence (MOD), confirming the parent is a member of the armed forces and subject to UK service law from a specific date. If relevant to the claim, the MOD can also supply the date the parent left the armed forces.

You must:

- scan the supporting letter from MOD as evidence
- Case note the application, making sure you record details of:
 - the customer's parent's status
 - any supporting evidence they have sent.

If a customer applies for a British passport from outside the UK, they need to send extra documents to support their application.

If a parent is no longer in the armed forces

If the customer's parent is no longer serving in the armed forces, their leaving date must be after the customer's birth for them to qualify for British citizenship under [1\(1A\) of the British Nationality Act 1981](#).

Section 1(2) of British Nationality Act 1981

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

- 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

An abandoned infant will be a British citizen under this section, unless there was evidence, they did not meet the qualifying criteria.

The [British Overseas Territories Act 2002](#) introduced an amendment to [section 1\(2\) of the British Nationality Act 1981](#). From 21 May 2002 a new-born infant found abandoned in a qualifying overseas territory can be regarded (for the purposes of [section 1](#)), as:

- 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

Documents we need to confirm claims under section 1(2)

If a customer was found abandoned in the UK, they will be registered on the abandoned children register and be issued with a full birth certificate. The certificate will:

- not show any parents' details
- not show the details of any informant
- show the place the child was found (or abandoned) as their place of birth
- show an estimated date of birth

If a customer applies for a British passport from outside the UK, they need to send extra documents to support their application.

Section 1(5) of British Nationality Act 1981

Children who are not already a British citizen may qualify under [section 1\(5\) of the British Nationality Act 1981](#) if they have a UK adoption order or an international adoption order conducted under the Hague Convention confirming their placement with a British citizen family.

By adoption

[Section 1\(5\) of the British Nationality Act 1981](#) applies to minors (under eighteen years old) who were adopted, if the following 2 points apply:

- they were adopted:
 - in a UK court on or after 1 January 1983
 - in a qualifying British overseas territory court on or after 21 May 2002
 - on or after 1 June 2003 under [Article 23 of the Hague Convention](#)
- at least 1 of the adoptive parents was a British citizen on the date of the adoption order

If the adoption took place overseas the adoptive parent must have been habitually resident in the UK at the time of the adoption on or after 1 January 1983 or a qualifying British overseas territory on or after 21 May 2002.

Adoption certificates under [Article 23 of the Hague Convention](#) are only issued if article 17 has been complied with. This will be shown on the certificate.

See: Adoption guidance for more information.

Parental orders

From 6 April 2010 a child (subject to a parental order made in a UK court and not already a British citizen) following a surrogacy arrangement, can become a British citizen under [section 1\(5\) of the British Nationality Act 1981](#). That is, if either person making the parental order is [a British citizen permanently resident in the UK](#).

Where a child is subject to a parental order, a 13 section full birth certificate will be issued showing the details of the commissioning parents.

Documents we need to confirm claims under section 1(5)

First time applications from the UK for customers (born on or after 1 January 1983) must be supported by one of the following:

- a full UK adoption certificate
- an [Article 23 Hague Convention adoption certificate](#) (if the adoption took place in a Hague Convention country on or after 1 June 2003) with evidence that the adopted parent is habitually resident in the UK
- a parental order

Adoption certificates under [Article 23 of the Hague Convention](#) are only issued if article 17 has been complied with. This will be shown on the certificate.

Customers need to send 1 of the following to confirm their adopted mother or father is a British citizen:

- adopted mother or father's full UK birth certificate
- adopted mother or father's adoption certificate
- adopted mother or father's UK naturalisation certificate
- adopted mother or father's UK registration certificate
- British passport or passport number belonging to either adopted parent, valid at the time of adoption

Customer also need to send evidence:

- the adopted parent is habitually resident in the UK.
- of a change of name that links other documents to the application (if needed)

A customer may have a reasonable explanation for why they cannot send their documents. This can include losing contact with their parent or if they entered the country illegally without a passport. You, the examiner, can confirm the information on Main Index or UKVI systems subject to existing guidance on accessing cases on

these systems and consider using balance of probability and supporting documents not available guidance in your decision making.

If a customer applies for a British passport from outside the UK, they need to send extra documents to support their application.

How to case note claims under section 1

When case noting an application, you, the examiner, must record details of a customer's parent's settled status and the evidence they have given to prove this.

When dealing with an application for a British citizen passport under [section 1 of the British Nationality Act 1981](#) (except applications under section 1(1)(a), you must record the status in a case note, including:

- the customer's British citizen status and that it is 'otherwise than by descent'
- British citizen status of the customer's mother or father (or grandparent if needed to prove parent citizenship)
- customer's evidence to prove their status and that of their mother or father

You do not need to add a status case note for applications under section 1(1)(a) if the customer and parent (or grandparent if needed) are all born in the UK.

To record the nationality status on the Digital Application Processing (DAP) system, see DAP recording nationality status.

Related content

[Contents](#)

Born outside the UK and qualifying dependent territory

This section tells HM Passport Office operational staff how to check if a customer, born on or after 1 January 1983 outside the UK and born in a qualifying overseas territory (also known as remaining dependent territory) on or after 21 May 2002 is a British citizen under [section 2 of the British Nationality Act 1981](#). It also includes how the British overseas territories Act 2002 impacted section 2 and people born in the Falkland Islands.

Customers born from 1 January 1983 outside the UK or a qualifying overseas territory (also known as remaining dependent territory) from 21 May 2002 may be a British citizen under [section 2 of the British Nationality Act 1981](#).

Case noting the status for customers born outside the UK

When dealing with a first time application for a British citizen passport you, the examiner, must record the status in a case note and include:

- their British citizen status, including if applicable whether the status is 'by descent' or 'otherwise than by descent'
- their British overseas territories citizen status
- the British citizen status of their mother or father (or grandparent if needed to prove parent citizenship)
- evidence to prove status of themselves as well as their mother or father (or grandparent if needed)

To record the nationality status on the Digital Application Processing (DAP) system see DAP recording nationality status.

Documents needed to confirm claims if born outside the UK

Customers born outside the UK, applying from the UK for their first British passport, must send us evidence to prove their claim to British citizenship. If they have a certificate of naturalisation or registration, they must send their:

- naturalisation or registration certificate
- foreign passports

If a customer is applying in the UK and their parent is a British citizen, they need to send all the following:

- their full birth certificate (showing their parents' details)
- their mother's or father's British passport number or either of:

- their mother's or father's full birth certificate
- their mother's or father's naturalisation or registration certificate issued before the customer's birth, if this is how the claim parent got their British citizenship status
- their parents' marriage certificate (if needed to legitimise their birth)
- their foreign passports
- evidence of a change of name that links other documents to the application (if needed)

If a customer was born before 1 July 2006 and the documents relate to their father, the customer must also send their parents' marriage certificate if needed to prove legitimacy.

If a customer was born on or after 1 July 2006, they do not need their parents' marriage certificate if their full birth certificate was issued within 12 months of their birth. If not, they need to send more evidence of proof of paternity with the birth certificate (if it is issued later). If the claim is through the father, you will need to ask further questions to find out if the mother was married to someone else at the time of birth so we can be certain who the father is.

Customers must also supply official translations for any foreign documents that are not in English.

A customer may have a reasonable explanation for why they cannot send their documents. This can include losing contact with their parent or if they entered the country illegally without a passport. You, the examiner, can:

- confirm the information on Main Index or UKVI systems subject to existing guidance on accessing cases on these systems
- check the supporting documents not available guidance
- consider the application using a balance of probability.

If a customer applies for a British passport from outside the UK, they need to send extra documents to support their application.

Section 2(1)(a) by descent

Customers are entitled to be British citizens under [section 2\(1\)\(a\) of the British Nationality Act 1981](#), if they meet both of the following conditions:

- they were born outside the UK on or after 1 January 1983 or born outside a qualifying dependent territory on or after 21 May 2002
- at the time of the birth their mother or father was a British citizen 'otherwise than by descent'

Any customer who qualifies as a British citizen under [section 2\(1\)\(a\) of the British Nationality Act 1981](#) will be a British citizen 'by descent'.

Section 2(1)(b) otherwise than by descent

A customer is entitled to be a British citizen under [section 2\(1\)\(b\) of the British Nationality Act 1981](#), if they meet both of the following conditions:

- they were born outside the UK on or after 1 January 1983 or born in a qualifying overseas territory on or after 21 May 2002
- at the time of the birth their mother or father was a British citizen, serving outside the UK in Crown Service and recruited in the UK

A customer who qualifies as a British citizen under [section 2\(1\)\(b\) of the British Nationality Act 1981](#) will be a British citizen 'otherwise than by descent'.

Section 2(1)(c) otherwise than by descent

A customer is entitled to be a British citizen under [section 2\(1\)\(c\) of the British Nationality Act 1981](#), if:

- they were born outside the UK on or after 1 January 1983 or born in a qualifying overseas territory on or after 21 May 2002
- at the time of the birth, their mother or father was a British citizen, serving outside the UK in service under an EU institution and recruited in the EU

A customer who qualifies as a British citizen under [section 2\(1\)\(c\) of the British Nationality Act 1981](#) will be classed as a British citizen 'otherwise than by descent'.

The British overseas territories Act 2002

The [British Nationality Act 1981](#) came into force on 1 January 1983 and renamed the existing colonies as dependent territories. It introduced the status of British dependent territories citizen (BDTC).

The [British overseas territories Act 2002](#) came into force on 21 May 2002 and introduced the status of British overseas territories citizen (BOTC), changing the nationality status from BDTC to BOTC. It also added overseas territories to [section 1 of the British Nationality Act 1981](#).

British dependent territories citizens (BDTC) became British citizens automatically on 21 May 2002, if their citizenship was through a qualifying overseas territory under [section 3\(1\) of the British overseas territories Act 2002](#), unless their BDTC status was gained from a connection with the Sovereign Base Areas of Akrotiri and Dhekelia, Cyprus (as set down in [section 3\(2\) of the British overseas territories Act 2002](#)).

[Section 3\(3\) of the British overseas territories Act 2002](#)) also explains that where a customer was previously a BDTC 'by descent' before 21 May 2002 their British citizenship status will also be 'by descent'

[Section 6 of the British overseas territories Act 2002](#) states a person with a link to the British Indian Ocean Territory (the Chagos Islands) may become a British citizen and a BOTC, if they were:

- born on, or after, 26 April 1969 and before 1 January 1983
- born to a woman, who at the time was a citizen of the United Kingdom and Colonies because she was born in the British Indian Ocean Territory
- not already a British citizen or BOTC

A person who gets their status under section 6 would be 'by descent'.

Where a customer previously held a BDTC passport and is applying for their first British citizenship passport, they must send full documents with their application. This is because BDTC passports were not handled by British diplomatic staff but by the Territories own Governments, whose staff may not have had full training in British nationality law.

Claims from people born in the Falkland Islands

The [British Nationality \(Falkland Islands\) Act 1983](#) was introduced on 1 January 1983 and gives details on how people born in the Falkland Islands can claim British citizenship. Section 1(2) to 1(5) and section 2 was replaced by the [British overseas territories Act 2002](#).

Section 1(1) British Nationality (Falkland Islands) Act 1983

Customers are entitled to be British citizens under [section 1\(1\) of the British Nationality \(Falkland Islands\) Act 1983](#), if they were both:

- born in the Falkland Islands before 1 January 1983
- on 1 January 1983 they originally became a British Overseas Territory citizen under [section 23 of the British Nationality Act 1981](#)

Section 1(2) British Nationality (Falkland Islands) Act 1983

Customers are entitled to be British citizens under [section 1\(2\) of the British Nationality \(Falkland Islands\) Act 1983](#), if:

- they were born in the Falkland Islands on or after 1 January 1983 and before 21 May 2002
- at the time of the birth their mother or father was a British citizen or settled in the Falkland Islands

A customer who qualifies to be a British citizen under [section 1\(2\) of the British Nationality \(Falkland Islands\) Act 1983](#) will be a British citizen 'otherwise than by descent'.

Section 1(3) British Nationality (Falkland Islands) Act 1983

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, is regarded for the purposes of section 1(2), as being:

- 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

Section 1(4) British Nationality (Falkland Islands) Act 1983

Customers are entitled to be British citizens under [section 1\(4\) of the British Nationality \(Falkland Islands\) Act 1983](#), if:

- as a child they were not a British citizen but were adopted through a court in the Falkland Islands on or after 1 January 1983 and before 21 May 2002
- at the time of the adoption and at least one of the adoptive parents was a British citizen

Related content

[Contents](#)

Naturalisation as a British citizen

This section tells HM Passport Office operational staff how to check a passport application, if the customer has naturalised as a British citizen under [the British Nationality Act 1981](#).

If a person has naturalised in the UK as a British citizen, UK Visa and Immigration (UKVI) will issue a naturalisation certificate on behalf of the Home Office. The certificate will show:

- the holder's personal details (for example, name, date and place of birth)
- details of the section of the British Nationality Act 1981 they naturalised under
- a unique certificate reference number
- a Home Office reference number
- the date of issue
- place of issue

For more information about certificates, see: [Naturalisation certificate guidance](#).

How to case note naturalisation details

When dealing with a first time application for a British citizen passport by naturalisation, you, the examiner, must case note:

- the Home Office reference number
- the customer's full nationality status
- the section where they derived their status
- the nationality Act
- if their status is 'by descent' or 'otherwise than by descent'

For example, your case note must show:

App is: BC 6(1) BNA'81 OTBD
Ref no: 1234567

You must case note the certificate number, place of issue or date of issue, if the information has not been correctly recorded on the passport application.

To record the nationality status on the Digital Application Processing (DAP) system see [DAP recording nationality status](#).

Documents we need to confirm claims through naturalisation

Customers who apply from the UK for their first time British passport following naturalisation must send:

- their naturalisation certificate

- their foreign passports (if they were born overseas and applying from the UK)
- evidence of a change of name that links any other documents to the application (if needed)

If a customer applies for a British passport from outside the UK, they need to send extra documents to support their application.

Naturalisation under the British Nationality Act 1981

Section 6(1) 'otherwise than by descent'

A customer born outside the UK (or a qualifying overseas territory) who is over 18 years old, can naturalise as a British citizen under [section 6\(1\) of the British Nationality Act 1981](#).

Customers who naturalise under this section will always be 'otherwise than by descent'.

Section 6(2) 'otherwise than by descent'

[Section 6\(2\) of the British Nationality Act 1981](#) allows a spouse of a British citizen to naturalise. This includes both husband, wives and civil partners.

Customers who naturalise under this section will always be 'otherwise than by descent'.

Schedule 8 'otherwise than by descent'

Customers are entitled to naturalise as British citizens under [schedule 8 of the British Nationality Act 1981](#) where they had applied for a certificate of naturalisation as a British subject citizen of the UK and colonies (BSUKC) under the [British Nationality Act 1948](#) but a decision was not made until on or after 1 January 1983.

Related content

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Registration as a British citizen

This section tells His Majesty's Passport Office operational staff how to check a passport application, if a customer has registered as a British citizen under [the British Nationality Act 1981](#).

If a person has registered as a British citizen, UK Visa and Immigration (UKVI) will issue a registration certificate on behalf of the Home Office. The certificate will show:

- the holder's personal details (for example, name, date and place of birth)
- details of the section of the British Nationality Act 1981 they registered under
- a certificate reference number
- a Home Office reference number
- a date of issue
- place of issue

Information we need to prove a registration claim

Customers who register can be 'by descent' or 'otherwise than by descent' depending on the section of the relevant act they registered under and their personal details. For example, a customer's status may be dependent on their parents' British nationality status at the time of their birth.

You, the examiner, must check a customer's British citizenship is 'by descent' or 'otherwise than by descent'.

Documents we need to confirm claims through registration

Customers who apply for their first time British passport after registration need to send us:

- their registration certificate
- their foreign passports (if they were born overseas and applying from the UK)
- evidence of a change of name that links any other documents to the application (if needed)

How to case note registration details

When dealing with a first time application for a British citizen passport by registration, you must case note:

- the Home Office reference number on the registration certificate
- the customer's full nationality status
- the section where they have derived their status
- the nationality Act

- if their status is 'by descent' or 'otherwise than by descent' (before you issue a passport to a customer)

For example:

App is: BC 3(1) BNA'81 OTBD
Ref no: 1234567

You must case note the certificate number, place of issue or date of issue if the information has not been correctly recorded on the passport application.

As the customer's registration can be either 'by descent' or 'otherwise than by descent', you must also case note:

- how you decided the correct status
- what evidence you used
- if you asked the customer to confirm their status

Customers who register can be 'by descent' or 'otherwise than by descent' depending on their parents' British nationality status at the time of their birth. You must investigate the parents claim before you confirm the customer's full British nationality status.

A customer will be 'otherwise than by descent' if at the time of their birth neither of their parents were:

- a British citizen (for example they were British by descent and could not pass their status to a child born abroad)
- a BSUKC who automatically became a British citizen on 1 January 1983

A customer will be 'by descent' if at the time of their birth, either of their parents were:

- a British subject citizen of the UK and colonies (BSUKC) who automatically became a British citizen on 1 January 1983
- a British citizen

To record the nationality status on the Digital Application Processing (DAP) system, see DAP recording nationality status.

Registration sections under the British Nationality Act 1981

The following sections are about customers who registered to be British citizens after 1 January 1983, regardless of whether they were born before or after that date.

Section 1(3) ‘otherwise than by descent’

Children under 18 are entitled to be registered as British citizens under [section 1\(3\) of the British Nationality Act 1981](#), if they:

- [meet the Home Office criteria](#)
- were born in the UK on or after 1 January 1983

Customers who register under this section will always be ‘otherwise than by descent’.

Section 1(4) ‘otherwise than by descent’

Children who are least 10 and under 18 years old, are entitled to register as British citizens under [section 1\(4\) of the British Nationality Act 1981](#), if they:

- [meet the Home Office criteria](#)
- were born in the UK on or after 1 January 1983

Customers who register under this section will always be ‘otherwise than by descent’.

Section 3(1) ‘by descent’ or ‘otherwise by descent’

The Secretary of State, at their discretion, can grant British citizenship by registration to a child under 18, born in the UK or abroad under [section 3\(1\) of the British Nationality Act 1981](#).

Registration under section 3(1) will give British citizenship ‘by descent’ if the father or the mother was a British citizen at the time of the child’s birth.

For the purpose of whether the child is a British citizen ‘by descent’:

- the father or mother does not include an adoptive father or mother
- father includes the father of a child whose parents were not married if:
 - the child was born on or after 1 July 2006
 - the mother was not married to another man at the time of the birth
 - the natural father satisfies the prescribed requirements as to proof of paternity

In all other cases registration gives British citizenship ‘otherwise than by descent’.

Children registered under section 3(1) will therefore be British citizens ‘otherwise than by descent’ if they were adopted by British citizens.

Section 3(2) ‘by descent’

Children under 18 are entitled to register as a British citizen by descent, under [section 3\(2\) of the British Nationality Act 1981](#) if they [meet the Home Office registration criteria](#) and were born outside:

- the UK on or after 1 January 1983
- a qualifying overseas territory on or after 21 May 2002 (if a qualifying overseas territory is defined in the [British Nationality Act 1981](#) as being a British overseas territory other than the Sovereign Base Areas of Akrotiri and Dhekelia, Cyprus)

Customers who register under this section will always be ‘by descent’ because their parent was a British citizen by descent.

Section 3(5) ‘otherwise than by descent’

Children under 18 are entitled to register as a British citizen under [section 3\(5\) of the British Nationality Act 1981](#), if they:

- [meet the criteria](#)
- were born outside the UK (on or after 1 January 1983)
- were born in a qualifying overseas territory (on or after 21 May 2002)

Customers who register under this section will always be ‘otherwise than by descent’.

Section 4(2) ‘otherwise than by descent’

Customers can register as a British citizen under [section 4\(2\) of the British Nationality Act 1981](#), if they [meet the criteria](#) and are:

- British overseas territories citizens (BOTC)
- British nationals (overseas) (BNO)
- British overseas citizens (BOC)
- British subjects (BS) under the British Nationality Act 1981
- British protected persons (BPP)

Customers who register under this section will always be ‘otherwise than by descent’.

Section 4A ‘otherwise than by descent’

A customer, regardless of age, can register as a British citizen under [section 4A of the British Nationality Act 1981](#) at the Secretary of State’s discretion, if they:

- [meet the criteria](#)
- are a British overseas territories citizen (BOTC)

Customers who register under this section will always be ‘otherwise than by descent’.

Section 4B ‘by descent’

A customer, regardless of age, can register as a British citizen under [section 4B of the British Nationality Act 1981](#), if they [meet the criteria](#) and are a:

- British nationals (overseas) (BNO)
- British overseas citizens (BOC)
- British subjects (BS)
- British protected persons (BPP)

Customers who register under this section will always be ‘by descent’.

Section 4C ‘by descent’

A customer can register as a British citizen under [section 4C of the British Nationality Act 1981](#), if they [meet the criteria](#) and:

- were born before 1 January 1983
- would have become citizens of the UK and colonies (BSUKC) under one of the following:
 - under section 5 or schedule 3, paragraph 3 of [the British Nationality Act 1948](#), as long as that section allowed citizenship ‘by descent’ from a mother in the same terms allowed for citizenship ‘by descent’ from a father
 - under section 12(2), 12(3), 12(4) or 12(5) of [the British Nationality Act 1948](#), as long as that section allowed citizenship ‘by descent’ from a mother in the same terms allowed for citizenship ‘by descent’ from a father and women were able to pass on British subject (BS) status in the same way as men before 1 January 1949

For the purposes of registration under section 4C of the British Nationality Act 1981, a woman is seen as having BSUKC ‘by descent’ if the status was given under 1 of the following:

- section 12(2), (4) or (6) only of the [British Nationality Act 1948](#)
- section 13(2) of the [British Nationality Act 1948](#)
- paragraph 3 of schedule 3 of the [British Nationality Act 1948](#)
- section 1(1)(a) or (c) of the [British Nationality \(No 2\) Act 1964](#)

Customers who register under this section will always be [‘by descent’](#).

Section 4D ‘otherwise than by descent’

A customer can register as a British citizen under [section 4D of the British Nationality Act 1981](#), if they [meet the criteria](#) and:

- were born outside the UK and overseas territories (on or after 13th January 2010)
- when they were born, their mother or father was a member of the armed forces, serving outside the UK and qualifying territories

Customers who register under this section will always be 'otherwise than by descent'.

Section 4F 'by descent' or 'otherwise by descent'

A customer can register to be a British citizen under [section 4F of the British Nationality Act 1981](#), if they [meet the criteria](#) and have never been a British citizen

A customer will be 'by descent', if:

- they are eligible to register under section 3(2), as their mother had been married to their natural father at the time of birth
- their natural father was a British citizen

If a customer was eligible to register (under section 1(3), 3(5), paragraph 4 of schedule 2 or paragraph 5 of schedule 23) because the mother was married to the natural father at the time of birth, the customer will be 'otherwise than by descent'.

Section 4G 'by descent' or 'otherwise than by descent'

A customer can register to be a British citizen under [section 4G of the British Nationality Act 1981](#), if they [meet the criteria](#) and have never been a British citizen.

If the customer would have had an automatic claim to British citizenship 'by descent' had the natural father been married to the customer's mother at the time of the birth, the customer will be 'by descent'

If the customer would have had an automatic claim to British citizenship 'otherwise than by descent' had the natural father been married to the customer's mother at the time of the birth, the customer will be 'otherwise than by descent'.

You, the examiner, must refer any registrations (under section 4G) to a correctly trained caseworker or operational team leader (OTL), if the customer was born in a colony, protectorate or protected state prior to independence or in a remaining dependent territory.

Section 4H 'by descent' or 'otherwise than by descent'

A customer can register to be a British citizen under [section 4H of the British Nationality Act 1981](#) if they [meet the criteria](#), were previously a BSUKC and would have automatically become a British citizen if the mother was married to the natural father at the time of the birth.

If the customer would have had an automatic claim to British citizenship ‘by descent’ had the natural father been married to the customer’s mother at the time of the birth, the customer will be ‘by descent’

If the customer would have had an automatic claim to British citizenship ‘otherwise than by descent’ had the natural father been married to the customer’s mother at the time of the birth, the customer will be ‘otherwise than by descent’.

You must refer any registrations (under section 4H) to a correctly trained caseworker or OTL, if the customer was born in a colony, protectorate or protected state prior to independence or in a remaining dependent territory.

Section 4I ‘by descent’ or ‘otherwise than by descent’

A customer can register to be a British citizen under [section 4I of the British Nationality Act 1981](#), if they [meet the criteria](#) and would have automatically become (or kept BSUKC) if their mother had been married to their natural father at the time of the birth.

If the customer would have had an automatic claim to British citizenship ‘by descent’ had the natural father been married to the customer’s mother at the time of the birth, the customer will be ‘by descent’

If the customer would have had an automatic claim to British citizenship ‘otherwise than by descent’ had the natural father been married to the customer’s mother at the time of the birth, the customer will be ‘otherwise than by descent’.

If a customer got (or kept BS or BSUKC) if their natural father had been married to their mother at the time of the birth, the customer will be ‘otherwise than by descent’.

You must refer any registrations (under section 4I) to a correctly trained caseworker or OTL.

Section 4K ‘by descent’ or ‘otherwise than by descent’

The [Nationality and Borders Act 2022](#) created a new British citizenship registration route under [section 4K of the British Nationality Act 1981](#).

This registration route is available for people who are (or would have been) entitled to register as a British overseas territories citizen (BOTC) under section 17A, 17C, 17D, 17E, 17F, or 17H of the British Nationality Act 1981.

A person registered as a British citizen under section 4K will be by descent (BD) or other than by descent (OTBD) depending on the BOTC registration section they could register under. You must check the customer’s BD or OTBD status using Atlas and add a case note to show:

- ‘BC 4K BNA’81 OTBD’ - if Atlas shows the status is other than by descent
- ‘BC 4K BNA’81 BD’ - if Atlas shows the status is by descent

Section 4L ‘by descent’ or ‘otherwise than by descent’

The [Nationality and Borders Act 2022](#) created a new discretionary registration route.

A customer can register as a British citizen under section 4L of the British Nationality Act 1981 if both of the following apply:

- the customer is an adult
- in the Secretary of State’s opinion, the customer would have been (or been able to become) a British citizen but for any one or more of the following:
 - historical legislative unfairness
 - an act or omission of a public authority
 - exceptional circumstances relating the customer

A person registered under section 4L could be a British citizen by descent or other than by descent and Atlas will show which one it is. You must check the customer’s BD or OTBD status using Atlas and add a case note to show:

- ‘BC 4L BNA’81 OTBD’ - if Atlas shows the status is other than by descent
- ‘BC 4L BNA’81 BD’ - if Atlas shows the status is by descent

Section 5 ‘by descent’

A customer can register to be a British citizen under [section 5 of the British Nationality Act 1981](#), if they:

- [meet the criteria](#)
- were a British overseas territories citizen (BOTC) who got their status through a connection with Gibraltar

Customers who register under this section will always be ‘by descent’.

You must refer any registrations (under section 5) to a correctly trained caseworker or OTL, as a person who was a BOTC before 21 May 2002 may also have a ‘otherwise than by descent’ claim through the British Overseas Territories Act 2002.

Section 7 ‘otherwise than by descent’

Customers can register as British citizens under [section 7 of the British Nationality Act 1981](#), if they registered as British citizens (within 5 years of 1 January 1983).

Customers who register under this section will always be ‘otherwise than by descent’.

If a customer’s parent was registered under [section 7\(1\)\(a\) of the British Nationality Act 1981](#), the parent can be classed as settled in the UK from 1 January 1973. If their child was born in the UK after 1 January 1983 and before or after the date of

the registration certificate, they will still have a claim through settlement under section 1(1)(b) of the British Nationality Act 1981 and be 'otherwise than by descent'.

Section 8 'by descent' or 'otherwise than by descent'

Customers are entitled to register as British citizens under [section 8 of the British Nationality Act 1981](#), if:

- before 1 January 1983 they [met the criteria](#) for British Citizenship under [section 6\(2\) of the British Nationality Act 1948](#)
- they registered as British citizens (within 5 years of 1 January 1983)

If a customer's husband is a British citizen 'by descent', the customer will be 'by descent'.

If a customer's husband is a British citizen 'otherwise than by descent', the customer will be 'otherwise than by descent'.

Section 9 'by descent'

Customers are entitled to register as British citizens under [section 9 of the British Nationality Act 1981](#), if they were:

- born outside the UK or a qualifying overseas territory (within 5 years of 1 January 1983)
- registered within twelve months of their date of birth

The customer's father must be born before 1 January 1983 and meet the criteria for British Citizenship under [section 5 of the British Nationality Act 1948](#)

Customers who register under this section will always be 'by descent'.

Section 10 'by descent' or 'otherwise than by descent'

Customers can register as British citizens under [section 10 of the British Nationality Act 1981](#), if they:

- [meet the criteria](#)
- have renounced their BSUKC status

If a customer would have become, but for their renunciation, a British citizen 'by descent', they will become, on registration, a British citizen 'by descent'.

If a customer would have become, but for their renunciation, a British citizen 'otherwise than by descent', they will become, on registration, a British citizen 'otherwise than by descent'.

Section 13 ‘by descent’ or ‘otherwise than by descent’

Customers are entitled to register as British citizens under [section 13 of the British Nationality Act 1981](#) if they [meet the criteria](#) and:

- have stopped being a British citizen because of renunciation which was necessary to allow them to keep or get some other citizenship or nationality
- have not already claimed British citizen status under section 13 of the British Nationality Act 1981

If the customer would have become (but for their renunciation) a British citizen ‘by descent’, they will become (on registration) a British citizen ‘by descent’.

If a customer would have become (but for their renunciation) a British citizen ‘otherwise than by descent’, they will become (on registration) a British citizen ‘otherwise than by descent’.

Schedule 2 ‘otherwise than by descent’

Customers are entitled to register as British citizens under the paragraphs 1, 2, 3 4 or 5 [schedule 2 of the British Nationality Act 1981](#), if they are considered stateless (for example, they do not qualify for British or foreign nationality).

However, changes made as a result of the [Nationality and Borders Act 2022](#) mean a customer under the age of 18 will only qualify for registration under paragraph 3 if they cannot reasonably gain another nationality.

While [schedule 2 of the British Nationality Act 1981](#) is ‘otherwise by descent’, it allows for registration as a:

- British citizen
- British overseas citizen
- British subject
- British overseas territories citizen

Schedule 8 ‘otherwise than by descent’

Customers are entitled to register as British citizens under [schedule 8 of the British Nationality Act 1981](#) where they had applied to register as a British citizen under the British Nationality Acts 1948-1965 but a decision was not made until on or after 1 January 1983.

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Registrations under British Nationality (Hong Kong) Acts

This section tells His Majesty's Passport Office operational staff how to check a passport application if a customer has registered as a British citizen under the British Nationality (Hong Kong) Acts 1990 and 1997.

Some customers may have registered as British citizens under the [British Nationality \(Hong Kong\) Act 1990](#) or the [British Nationality \(Hong Kong\) Act 1997](#). You, the examiner, must check which section of the relevant Act the customer registered under to determine whether their British citizenship is by descent (BD) or otherwise than by descent (OTBD). You must case note the customer's British status in full as this will affect any future claims to British citizenship for their children.

British Nationality (Hong Kong) Act 1990

Specially chosen people from Hong Kong were invited by the governor of Hong Kong to register as British citizens under the [British Nationality \(Hong Kong\) Act 1990](#) between 1990 and 1997.

Section 1(1) 'otherwise than by descent'

A person registered in their own right, under section 1(1) of the Act, who held 'otherwise than by descent' status, can pass their British citizenship to any child born to them after they have registered.

Section 1(4) 'by descent'

The Act allowed the spouse and existing children of a selected person to register as British citizens under section 1(4). This gave them 'by descent' status, which cannot be passed down to future generations.

British Nationality (Hong Kong) Act 1997

The [British Nationality \(Hong Kong\) Act 1997](#), allowed people who were British only because of their [connection to Hong Kong](#) to register as British citizens.

Section 1(1) 'by descent' or 'otherwise than by descent'

If a customer registers for British citizenship under [section 1\(1\) of the British Nationality \(Hong Kong\) Act 1997](#), their 'by descent' or 'otherwise than by descent' status depends on their previous British nationality status.

For example, a person born outside Hong Kong, who held British dependent territories citizenship by descent through a parent born in Hong Kong, would be registered under this act as a British citizen by descent.

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British citizens: renewal or replacement passports

This section tells HM Passport Office operational staff how to renew or replace a lost or stolen passport from a British citizen on either the Application Management System (AMS) or Digital Application Processing system (DAP).

When a customer reports their passport lost or stolen you, the examiner, must take action on either the Application Management System (AMS) or Digital Application Processing system (DAP) to renew or replace their passport.

How to renew a British citizen passport on AMS

To renew a customer's British citizen passport, you, the examiner, must:

1. Make sure the person still holds British citizenship status by checking
 - the previous passport shows nationality as British citizen
 - if there is a watchlist entry indicating a problem with British citizenship
 - if the customer has given any evidence that the status has been lost
2. Be satisfied the customer has given us enough evidence to confirm their nationality and identity.
3. Make sure there are no entitlement reasons (as outlined in the Royal prerogative guidance) why we cannot process a customer's passport application, for example:
 - fraud or safeguarding concerns
 - risk indicators
 - court orders
 - if so, you must refer the case to your local Counter Fraud team
4. Check the documents and evidence to make sure you have no concerns with the decision to issue the customer a British citizen passport.
5. Compare their photo and personal details on Main Index, G-search or X drive, against the current application and other supporting documents. If there is no record or the details do not match, you must confirm the customer's identity and ask them to resolve the differences.
6. Check the nationality status says 'British Citizen' on the '**Prepare passport**' tab on the system.
7. Case note the application stating the checks you have done.
8. Issue a British citizen passport to the customer.

How to renew a British citizen passport on DAP

If a customer renews their British citizen passport on the Digital Application Processing system (DAP), it will automatically check and confirm the customer's status. You do not need to take any action on these cases.

How to replace a lost or stolen British citizen passport

If a customer wants to replace a lost or stolen British citizen passport, you must deal with the application, using:

- lost, stolen and recovered guidance
- guidance for renewing a British citizen passport

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