



Home Office

Guide EM

A guide to registration as a British citizen under the British Nationality (Hong Kong) Act 1997

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Introduction to the guide

The following guidance has been produced for those who wish to apply for British citizenship under the British Nationality (Hong Kong) Act 1997. Please read it carefully before completing the application form. The law covering registration is contained in the British Nationality (Hong Kong) Act 1997 and in regulations made under the British Nationality Act 1981. The information given here is meant only as a brief guide to the law and to the Home Secretary's policy. It is not a comprehensive statement of either the law or the policy.

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The requirements you have to meet

Ordinary residence

You must be an ordinarily resident in Hong Kong on the date of your application.

You must also have been ordinarily resident in Hong Kong immediately before 4 February 1997.

A child born on or after 4 February 1997 must have been ordinarily resident in Hong Kong at the time of his birth. In such cases account will be taken of where the parent/s were ordinarily resident at the time of the birth.

Note: British courts have ruled that ordinary residence has the following features:

- it is a regular habitual mode of life in a particular place; • its continuity has persisted despite temporary absences;
- it may be of long or short duration;
- it must be lawful;
- it must have been adopted voluntarily;
- it must be for a settled purpose.

Nationality

On the relevant date (immediately before 4 February 1997) you must have been a British national, i.e. either:

- a British Dependent Territories citizen by virtue only of a connection with Hong Kong; or
- a British National (Overseas); or
- a British Overseas citizen; or
- a British subject; or
- a British protected person.

However, if you only became a British national on or after that date (e.g. due to birth, registration or naturalisation) the date on which you became such a national is the relevant date.

You must not have held (hold) any other, non-British nationality or citizenship on the relevant date.

Notes:

- (i) You may have held (hold) one or more of the above statuses.
- (ii) It is possible to be a British Dependent Territories citizen by connection with more than one British dependent territory. For example, a person born in Hong Kong to a parent born in another dependent territory could be a British Dependent Territories citizen regardless of the fact that he had been born in Hong Kong. Only a former BDTC by virtue of a connection with Hong Kong is eligible to apply under the 1997 Act.
- (iii) It is possible to be a national or citizen of another country even if you have never held a passport issued by the authorities of that country.
- (iv) If you become a British national through your Hong Kong connections but you are ethnically Chinese, under Chinese nationality rules, you may have been regarded as a Chinese national. If so, you would not be entitled to registration under the 1997 Act. If you are in this category, we advise you to contact the Hong Kong Special Administrative Region Immigration Department for clarification before making an application.
- (v) You will not be eligible for registration as a British citizen if you renounced (or otherwise gave up) the nationality or citizenship of some other country on or after "the relevant date"

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The citizenship you will acquire if your application is successful

All successful applicants will become British citizens. Some will become British citizens otherwise than by descent, whilst some will become British citizens by descent. Your registration certificate will state whether you are a British citizen otherwise than by descent or a British citizen by descent.

British citizens otherwise than by descent

To become a British citizen otherwise than by descent you must have been a British Dependent Territories citizen otherwise than by descent before you registered as a British National (Overseas) or - because you failed to register - became a British Overseas citizen on 1 July 1997. British Dependent Territories citizens who were born, naturalised (or, in some cases, registered) or adopted in Hong Kong became British Dependent Territories citizens otherwise than by descent.

As a British citizen otherwise than by descent you will be able to pass on British citizenship to any children born to you subsequently even if they are born outside the United Kingdom.

British citizens by descent

To become a British citizen by descent you must fall into one of two categories;

- (i) you were a British Dependent Territories citizen by descent before you registered as a British National (Overseas) or - because you failed to register - became a British Overseas citizen on 1 July 1997. In general, British Dependent Territories citizens who were born outside Hong Kong became British Dependent Territories citizens by descent.
- (ii) you were (at the relevant time):
 - a British Overseas citizen (otherwise than as a former Hong Kong British Dependent Territories citizen who gained British Overseas citizenship on 1 July 1997); or
 - a British subject; or
 - a British protected person.

As a British citizen by descent you will not normally be able to pass on British citizenship to any children born outside the United Kingdom.

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Children and Grandchildren

If you are registered as a British citizen [otherwise than by descent](#), any children subsequently born to you would automatically become British citizens by descent. Any children you had before you were registered would not become British citizens automatically. They would need to apply and qualify for British citizenship in their own right.

If you are registered as a British citizen by descent neither your existing children nor any subsequent children would become British citizens automatically. They would need to seek British citizenship in their own right.

If, on 1 July 1997, you either:

- became a British Overseas citizen under article 6 of the Hong Kong (British Nationality) Order 1986, because you were a Hong Kong British Dependent Territories citizen who would otherwise have been stateless; or
- were a British National (Overseas).

Any children then born to you while you held that status would, if they would otherwise be stateless, be British Overseas citizens at birth. In certain circumstances, your grandchildren would, if they were born stateless, also have an entitlement to registration as British Overseas citizens (normally within 12 months of their birth).

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The Application Form

Important Note: Please ensure that your names and other particulars on the form are written or typed clearly in black or blue-black ink and in **BLOCK LETTERS**. Delays in processing may arise if the information you give is difficult to read.

The name that you give must be the same name that is on your current passport, travel document or national identity card. We will not normally issue a certificate of registration or naturalisation in a name that is different from a person's official documents. If you have married or entered a civil partnership and changed your name, and wish to be registered in that name, you should change your name on your other passport, travel documents and national identity card to reflect that name before sending us your application. This is to avoid a person having official documents in more than one identity.

Your name at birth must be given on the application form, for identity purposes, but may be omitted from your certificate of British citizenship if you have a special reason for requesting this – for example because you were adopted or are no longer living in the gender you were considered to have at the time of your birth.

Section A

You should complete all parts of this section.

Section B

You should complete all parts of this section.

Explanation of birth, ancestry, registration, naturalisation and adoption. Broadly speaking, for the purposes of this section of the form, you will be;

- British by birth if you hold any form of British nationality because you were born on British territory;
- you will be British by ancestry if you were born on non-British territory and you hold any form of British nationality through a parent's or grandparent's birth, adoption, naturalisation or registration;
- if you are British by registration or naturalisation, this means that you were not British when you were born but acquired this status as a result of an application for a registration or naturalisation certificate;

- if you are British by adoption (only applicable if you are a British Dependent Territories Citizen or a British National (Overseas)), this means that you automatically became British from the date of your adoption by a British parent.

Section C

You should complete all parts of this section.

Sections D and E

You should complete the first part of each section (relating to your parents' names, birth details and nationality). Only complete the second part of each section (relating to their residence) if you are under 18 years of age.

Section F – Good character

The British Nationality Act 1981 contains a statutory requirement that those seeking to register as British must be of good character. This means you must observe UK laws and show respect for the rights and freedoms of its citizens.

Before you complete this section, you are advised to refer to the good character policy guidance which caseworkers use to decide your application. This is available on the GOV.UK [website](#).

Checks will be carried out to ensure that the information you provide is correct. This may include checks with other government departments such as HM Revenue and Customs. If you are not honest about the information you provide, and you are registered on the basis of incorrect or fraudulent information you will be liable to have your British citizenship taken away (deprivation) and you may be prosecuted. It is a criminal offence to make a false declaration knowing that it is untrue.

Criminality

You must give details of all criminal convictions in the UK and overseas. This includes if you went to prison, or you received a non-custodial sentence such as a suspended sentence. You should also include any out-of-court disposal such as a fine, a caution, a warning or reprimand, a community sentence, a civil order, a civil penalty, a civil judgment, a hospital order or a restriction order. All fiscal fines must also be disclosed. If you are not sure, you should declare all penalties or orders.

Fixed penalty notices such as those issued under the coronavirus Regulations, or for traffic offences such as speeding or parking tickets must also be disclosed, although will not normally be taken into account unless you have failed to pay and there were criminal proceedings as a result, or you have received multiple fixed penalty notices in a short space of time.

Where a fixed penalty notice or fiscal fine in Scotland has been referred to a court due to non-payment, or the notice has been unsuccessfully challenged by the person in court, we will consider it as a conviction and assess it in line with the new sentence imposed.

Drink driving must also be declared. If you have any endorsements on your driving licence you must access the [DVLA website](#) to download and print a summary of your record and send it with your application, or provide the paper counterpart.

Criminal record checks will be carried out in all cases. If you have been charged with a criminal offence and are awaiting trial or sentencing, you are advised not to make any application for registration until the outcome is known.

You must give details of all civil judgments which have resulted in a court order being made against you, as well as any civil penalties under the UK Immigration Acts. For applicants from Scotland any recent civil penalties must also be declared. If you have been declared bankrupt at any time you should give details of the bankruptcy proceedings. (Your application is unlikely to succeed if you are an undischarged bankrupt).

You do not need to give details of family law proceedings such as divorce decrees, dissolved civil partnerships, guardianship orders, and parental responsibility orders.

You must also tell us if you have any children who have been convicted of an offence or who have received a court order.

You must say if your details have been recorded by the police as a result of certain sexual offences, or if you are subject to one of the following orders: notification order, sexual offences prevention order, foreign travel order, risk of sexual harm order (or equivalent order made in a British overseas territory or any other country).

You must say if there is any offence for which you may go to court, or which is awaiting hearing in court. This includes having been arrested for an offence and waiting to hear if you will be formally charged. If you have been arrested and not told that charges have been dropped, or that you will not have to appear in court, you may wish to confirm the position with the police. You must tell us if you are arrested or charged with an offence after you make your application and while the application is under consideration. You risk prosecution under section 46 of the British Nationality Act 1981 if you do not do so.

Terrorism and International Crimes

You must say whether you have had any involvement in terrorism or whether you have been involved in any crimes in the course of armed conflict, including crimes against humanity, war crimes or genocide, or if you are the subject of an international travel ban. If you are in any doubt as to whether something should be mentioned, you should mention it.

This guidance is not exhaustive. Before you answer these questions, you should consider the full definitions of war crimes, crimes against humanity and genocide which can be found in Schedule 8 of the [International Criminal Court Act 2001](#).

Alternatively, copies can be purchased from: [The Stationery Office \(TSO\)](#).

It is your responsibility to satisfy yourself that you are familiar with the definitions and can answer the questions accurately.

Genocide - acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group.

Crimes against humanity - acts committed at any time (not just during armed conflict) as part of a widespread or systematic attack, directed against any civilian population with knowledge of the attack. This would include offences such as murder, torture, rape, severe deprivation of liberty in violation of fundamental rules of international law and enforced disappearance of persons.

War Crimes - grave breaches of the Geneva Conventions committed during an armed conflict. This includes an internal armed conflict and an international armed conflict. The types of acts that may constitute a war crime include wilful killing, torture, extensive destruction of property not justified by military necessity, unlawful deportation, the intentional targeting of civilians and the taking of hostages.

Travel bans - travel bans restrict the movement of individuals associated with regimes or groups whose behaviour is considered unacceptable by the international community.

Terrorist Activities - any act committed, or the threat of action, designed to influence a government or intimidate the public and made for the purpose of advancing a political, religious or ideological cause and which involves serious violence against a person or which may endanger another person's life; creates a serious risk to the health or safety of the public; involves serious damage to property; is designed to seriously disrupt or interfere with an electronic system.

Organisations concerned with terrorism - an organisation is concerned with terrorism if it:

- commits or participates in acts of terrorism,
- prepares for terrorism,
- promotes or encourages terrorism (including the unlawful glorification of terrorism), or
- is otherwise concerned with terrorism.

Financial soundness

You must tell us if you have ever been declared bankrupt, found to have unreasonably failed to pay your council tax, engaged in fraud in relation to public funds (including claiming public funds to which you were not entitled or were prohibited from accessing, or failing to declare your full circumstances), or have an unpaid NHS debt of £500 or more.

Deception

You must tell us if you have practised deception in your dealings with the Home Office or other government departments (for example, by providing false information or fraudulent documents).

What if you haven't been convicted but your character may be in doubt?

You must say if there is any offence for which you may go to court, or which is awaiting hearing in court. This includes having been arrested for an offence and waiting to hear if you will be formally charged. If you have been arrested and not told that charges have been dropped, or that you will not have to appear in court, you may wish to confirm the position with the police. You must tell us if you are arrested or charged with an offence after you make your application and while the application is under consideration. You risk prosecution under section 46 of the British Nationality Act 1981 if you do not do so

You must say whether you have been involved in anything which might indicate that you are not of good character. You must give information about any of these activities no matter how long ago it was. Checks will be made in all cases and your application may fail and your fee will not be refunded if you make an untruthful declaration. If you are in any doubt about whether you have done something, or it has been alleged that you have done something, which might lead us to think that you are not of good character, you should say so.

What if you consider that you have mitigating factors?

You can also tell us about any genuine, meaningful attempts to change your behaviour and comply with the law. For example, any voluntary or charity work you participate in, or where you have engaged with programmes or activities aimed at addressing the cause of your offending such as treatments aimed at reduction of alcohol consumption, drug dependency or anger management courses.

You can tell us about this in the 'further information not covered in other sections' box on your application.

Section G – Biometric enrolment

You must complete the biometric enrolment section of the application form.

Once your application has been submitted and you have paid the required [application fee](#) you will be required to enrol biometric details.

You will be provided with instructions explaining where and how you need to enrol your biometric information after you have submitted your application. We may be able to re-use biometrics previously provided with earlier immigration applications. You will not be able to book a biometrics appointment, even if you know you will need one, until we have contacted you.

Children under 18 applying for registration as a British citizen must also enrol their biometric details. Children under the age of 5 do not need to provide fingerprints but must have a digital photograph taken of their face. Children under the age of 16 must be accompanied by a parent or legal guardian at their biometric enrolment appointment.

There is no upper age limit for biometric information to be taken.

Your application may be rejected as invalid if you do not enrol your biometrics when requested. There is no longer a fee for enrolling biometrics in the UK.

For more information about enrolling biometrics, please visit the following section of our website: <https://www.gov.uk/biometric-residence-permits>.

Section H – Declaration

When you have filled in the form, sign and date the declaration, **otherwise the application will not be valid.**

Documents you should send with the form

You should send:

- the fee;
- a photocopy of your Hong Kong Permanent Identity Card (if you have been issued with one);
- Documentary evidence of ordinary residence:- evidence that you are currently ordinarily resident in Hong Kong and that you (and, if you are under 18, your parents) were ordinarily resident on the other date which applies to you e.g proof of rent/mortgage payments, employer's letters or tax records for the period concerned. you should also provide your Hong Kong Travel Record for this period; and
- documentary evidence of your nationality:- a photocopy of your passport; or the original of your certificate of naturalisation, certificate of registration or other - documentary evidence that you were on 30 June 1997 a British Dependent Territories citizen, or that you are a British National (Overseas), a British Overseas citizen, British subject or British protected person; and
- documentary evidence that you have renounced or otherwise ceased to hold any non-British nationality you have held; and
- if you are under 18, your birth certificate showing details of your parents, and your parents' marriage certificate.

You should send in the originals of these documents except where it is otherwise stated. Where photocopies of documents are sent, the original documents may be requested when your application reaches its turn for consideration.

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Where to send your application form

All applications will be considered by the Home Office in the United Kingdom. If you are in the Channel Islands or the Isle of Man, you should send them to the Lieutenant Governor. If you are in a dependent territory send them to the governor. If you are elsewhere, send them to:

Department 1
UKVI
The Capital
New Hall Place
Liverpool
L3 9PP

You must make your application in this way.

By law, the date of your application will be the date on which it is received by the authority shown above, not the date on which you send it. It is not advisable to post your application to the Consulate-General as you are about to leave Hong Kong, because it may not be received before your departure. In these circumstances your application would not be valid.

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After you have sent in your application

Changes after you send in your form

The declaration at the end of the application form includes an undertaking to tell the Home Secretary if any changes occur which affect the accuracy of the information you put on the form. It is important that you do this while your application is being considered. It may remind you to do this if you take a copy of your completed application form.

Please remember to notify any changes of address or telephone number in writing, quoting your application's reference number, if known.

Waiting times

All applications will be dealt with as quickly as possible. It is possible that some applicants will need to provide more details about their applications and may be asked to attend an interview.

Certificate of Registration

If you are successful, you will normally be invited to collect your certificate of registration from the British Consulate General in Hong Kong in person, and you will need to have with you satisfactory evidence of your identity, preferably your Hong Kong Permanent Identity Card (if you have one). But a certificate may be withdrawn if it is found to have been obtained by fraud, false representation, or the concealment of any material fact.

Travelling to and from the UK after becoming a British citizen

Once you have completed the registration process, you will no longer be able to enter the UK using your BRP (if you hold one) or by presenting your citizenship certificate at the UK border.

For travel purposes, you can [apply for a British passport](#) or for a [certificate of entitlement to the right of abode](#) that can be placed in a valid foreign passport.

Citizenship-related queries

If, having read the information set out in this guidance, you have questions about applying for British citizenship, you can email the Citizenship and Nationality Enquiries team at nationalityenquiries@homeoffice.gov.uk.

You should also contact them to let them know if you have made an application and your circumstances change (for example, you move house, get married or are arrested).

If you've not had a response, we recommend checking your email's spam or junk folder before contacting UKVI again.

Alternatively, you can get in touch via telephone on 0300 790 6268. You will need to select option 2, then option 2 again. You can get in touch Monday to Thursday from 9am to 4:45pm, or Friday, 9am to 4:30pm. Information about call charges can be found [here](#).

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