



Home Office

## **Guide BIOT**

Registration as a British Overseas Territories citizen and British citizen:  
Chagossian descendant – A guide for people who are the direct descendants of Chagossians born in the British Indian Ocean Territory

October 2023

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# About this guidance

British Overseas Territories citizenship (BOTC) is a form of British nationality held through a close and continuing connection with a British Overseas Territory. The vast majority of people who hold BOTC also hold British citizenship.

Chagossians are the former residents of the British Indian Ocean Territory (BIOT) who were removed from the islands that form BIOT between the mid-1960s and early-1970s, and their descendants born outside the BIOT. The removal of Chagossians from BIOT has meant that British nationality could not be passed on to the second and subsequent generations of Chagossians born outside the UK and territories. This is because it is a long-standing principle of British nationality law that nationality can only be passed on to the first generation born outside UK territory, reflecting that British nationals should have a close and continuing connection to the UK or a British Overseas Territory.

On 21 May 2002, all those who held British nationality through a close and continuing connection to a British Overseas Territory automatically became, both British Overseas Territories citizens and British citizens as a result of the British Overseas Territories Act 2002.

This guidance describes how people who are directly descended from someone who was born on the islands that now make up the British Indian Ocean Territory, can apply to acquire British nationality. This change was introduced in the Nationality and Borders Act 2022 and applications can be made from 23 November 2022.

For an application to succeed you will need to show that you satisfy the requirements that are set out in British nationality law. This guide summarises the legal requirements to apply for registration and aims to help you to make a successful application.

## Terms used in this guidance

The name given to the nationality held by people who have a close and continuing connection to the Overseas Territories has changed over time:

- Before 1949, the term used was British subject
- From 1949 to 1982, the term used was Citizen of the United Kingdom and Colonies (CUKC)
- From 1983 to 2002, the term used was British Dependent Territory citizen (BDTC)
- Since 2002, the term used is British Overseas Territories citizen (BOTC)

For more information on BOTC see our [BOTC guidance](#).

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# Applying for BOTC and British citizenship at the same time

We recognise that people who missed out on acquiring BOTC because their families were removed from BIOT and prevented from returning there also potentially missed out on acquiring British citizenship.

The application process will allow you to register as both a BOTC and a British citizen at the same time.

You will be asked on your application form if you wish to apply for both BOTC and British citizenship or BOTC only. This means you don't have to make two separate applications.

If you would want to be able to live in the UK without restriction at some point in the future, you will need to apply for British citizenship.

If you already hold British citizenship through other means, but not BOTC, you will also be able to tell us that when you apply.

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# Becoming a citizen

Anyone becoming a BOTC is required to make an oath and pledge. This step must be completed before you can be given a registration certificate.

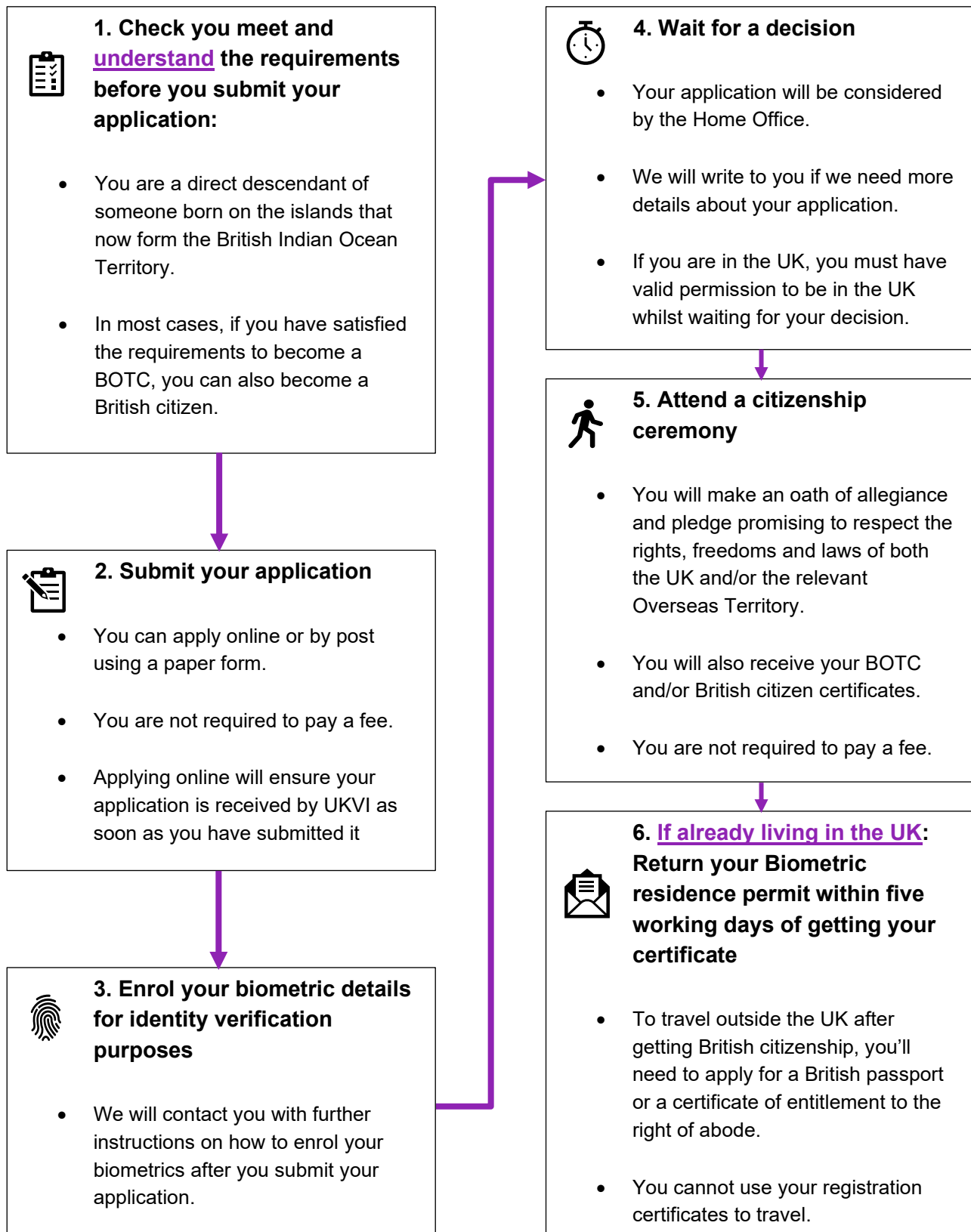
Anyone becoming a British citizen is also required to make an oath and pledge at a citizenship ceremony before they receive their registration certificate.

As with the application, we will combine together these events so that you can give both oaths and pledges on one occasion.

You will become a BOTC and/or a British citizen from the date on which you receive your certificates.

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# Applying for both British Overseas Territories Citizenship and British Citizenship





# The requirements you must meet

## Who can register?

You will be able to register under this provision if you are a direct descendant of someone who was born on the British Indian Ocean Territory.

## What is a direct descendant?

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

### Example:

Marie was born in Mauritius in 1999. Her mother was also born in Mauritius to parents who were both born in the British Indian Ocean Territory, on the Island of Peros Banhos.

Marie's mother, therefore, acquired British nationality by descent when she was born, from her parents born in BIOT - as British nationality can be passed down to one generation born outside of British territory. However, Marie had no claim to British nationality when she was born.

Marie can now apply for British nationality under section 17H and 4K of the British Nationality Act 1981 using the BIOT form – this application form allows you to apply for both BOTC and British citizenship at the same time.

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# What you will need to provide

This section tells you what documents you will need to provide so we can consider your application. We cannot consider your application unless we have supporting documents. If you submit your application without supporting documents the application will be returned to you and no further action taken.

## Evidence of identity

You should provide one of the following documents showing your identity details:

- Current passport
- National identity card
- UK photo driving licence
- Biometric Residence Permit issued by the Home Office
- Home Office travel document
- Home Office entitlement card
- Full birth certificate

If you have changed name and/or gender and do not have, or cannot obtain, any of these documents in your acquired identity you are also required to provide evidence of that change. This can include:

- a [Gender Recognition Certificate](#) / an official document confirming your acquired gender or
- a letter from your doctor or medical consultant confirming that your change of gender is likely to be permanent
- change of name deed poll
- marriage certificate
- civil partnership certificate

## Evidence that you meet the requirements

Please send the following documents as evidence to show that you are the direct descendant of someone born on the islands that now make up the BIOT:

- Your full birth certificate (one which includes the name of your parent(s). If you do not hold this certificate, then one should be requested from the relevant authorities in your country of origin.

- Evidence to show that you are a direct descendant of someone born on the British Indian Ocean Territory (BIOT). This should include a series of birth certificates showing a clear line of biological descent between you and someone born on the islands that now form BIOT.

### Example:

Your grandmother was born on Diego Garcia in 1950 and she gave birth to your mother in Seychelles in 1974. You were born in Seychelles in 1996. To provide evidence that you meet the requirements, you could provide your full birth certificate and your mother's and grandmother's full birth certificates as evidence. Your grandmother's birth certificate would show that she was born on Diego Garcia. Your mother's birth certificate would show that she was the daughter of your grandmother. Your birth certificate would show your mother's name.

We will take into account other documents that independently verify or support a claim of Chagossian descent. Documents that may assist could include for example:

- marriage certificates
- parent's or grandparent's British passports
- factual records including court proceedings
- other government records e.g. immigration records
- medical or dental records that indicate a family connection

If your family name on your birth certificate is different from the family names on the birth records you supply, you must provide evidence of why. Examples of this could be marriage certificates that show your and/or your mother/grandmother's family name has changed or a change of name deed poll.

## Under 18s

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

## Evidence of paternity

Where the mother was not married at the time of a child's birth, the "father" will be any person who is shown to be such by either:

- a birth certificate, issued within one year of the birth, naming the child's father, where the birth was registered before 10 September 2015

- any other evidence, such as DNA test reports, court orders or birth certificates, the Home Secretary considers to be relevant to the issue of paternity and to constitute sufficient proof.

This would also be applicable if no provision is made through surrogacy arrangements or the female second parent provisions of the Human Fertilisation and Embryology Act 2008 Act 2008 as to the identity of the father.

Please provide any translations if these are applicable.

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# Referees

Your application must be endorsed by 2 referees.

One referee can be of any nationality but must be a [professional person](#). A professional person could include:

- a minister of religion
- civil servant
- a member of a professional body such as an accountant or a solicitor (but not one who is representing you with this application).

The other referee must be the holder of a British citizen passport and either a [professional person](#) or over the age of 25.

Each referee must have known you for at least 3 years.

Each referee must not be:

- related to you
- related to the other referee
- your solicitor or agent representing you with this application
- employed by the Home Office

We will not usually accept a referee who has been convicted of an imprisonable offence during the last 10 years.

Checks may be carried out to ensure that the referees do not have unspent convictions and are qualified to act for you and that their signatures are genuine. It is a criminal offence to provide false information knowingly or recklessly, punishable with up to 3 months imprisonment or by a fine not exceeding £5,000 or both under section 46(1) of the British Nationality Act 1981.

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# Understanding the process

## Before you apply

Please ensure you have the correct documents before you apply. You should indicate in the space provided in the application form what documents you will supply and why. You will either need to bring your documents when you attend your biometric appointment or post them to UKVI.

## Dual nationality

Dual nationality (sometimes called [dual citizenship](#)) is when someone holds British nationality and the nationality of at least one other country at the same time.

The UK recognises dual nationality and allows British nationals who have dual nationality, to hold a British passport.

Before applying, you should be aware that not all countries allow dual citizenship and you may therefore lose, or have to give up, your existing nationality in order to become a British citizen. If you have any questions about this, you should seek advice from the country of which you are already a citizen before making your application.

## Getting help making an application

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

Immigration or nationality advisers acting in the course of business (whether paid or unpaid) are regulated by the Office of the Immigration Services Commissioner (OISC), an independent body. Nationality advice should only be provided by a person who works for an organisation registered with, or exempted by, the OISC or who is authorised to practise (like solicitors and barristers) by a designated professional body. Certain categories (for example public health bodies) are exempted from the regulatory scheme by Ministerial Order. It is a criminal offence to provide advice or services in contravention of the regulatory scheme. Further information about the regulatory scheme and a full list of OISC regulated advisers is available on its website at [www.oisc.gov.uk](http://www.oisc.gov.uk).

## When to apply

You can apply using this route from 23 November 2022. Adults will have 5 years from the commencement of the measure to make an application.

Those who are children when the route is launched or who are born within the 5-year application period after commencement (between 23/11/22 and 23/11/27), will have until they are 23 years old to make an application to claim this entitlement to British nationality.

You should plan to make your application at a time when it is convenient to send us your documents.

## How to apply

We encourage you to make your application [online](#), which will allow us to begin processing your application as soon as it has been submitted.

However, you may also apply using the paper form, copies of which can be printed from [GOV.UK](#).

Send your paper application to:

Dept 163 – BIOT – (Registration for direct descendants of Chagossians)  
4th Floor Capital Building  
New Hall Place  
Liverpool  
L3 9PP

## Fees

There is no fee for applying under this route.

## Sending and uploading documents

**If you are resident outside the UK.** Do not post your documents to the UK. You will be contacted after you have submitted your application form and asked to provide your documents for scanning at your biometric enrolment appointment.

**If you are resident in the UK and applying online.** You will be able to upload your supporting documents yourself prior to the biometric enrolment appointment. You will still need to bring your passport or identity document to the biometric enrolment appointment.

**If you are resident in the UK and applying using the paper form.** You will need to post your original documents along with your application form. We will scan all identity documents and return them to you as you will need to confirm your identity at your biometric appointment. You will receive the rest of your documents back once the application is complete.

If you do not have all the documents on the list, you may still be able to apply. We will look at all the information available and see if there is enough to show that you would have been, or been able to become, a BOTC and British citizen as a direct descendant of a Chagossian born in the BIOT.

You will need to send or provide for upload original documents. If it is not possible to provide original documents and you can only send copies you will need to explain why.

## Biometric enrolment

You will need to enrol your biometric details to verify your identity as part of the application process. You will usually need to complete this step of the application process within 45 days of submitting your application and failure to do so would invalidate your application.

You will be provided with instructions explaining where and how you need to enrol your biometric information after you have submitted your application. If you are in the UK, we may be able to re-use biometrics previously provided with earlier immigration applications.

## Application processing times

We aim to conclude applications within 6 months from the date on which we receive your application. Please do not contact us within this timeframe to request an update on your application – we will get in touch if we need any more information to help us make a decision.

## Travel after submitting an application

Before making any travel plans, it is worth bearing in my that we may need to keep your passport whilst your application is being processed.



Please be aware that you will usually be required to enrol your biometric information within 45 days of submitting your application. You will receive instructions on how to provide your biometric details once you have submitted your application.

In addition, please note that should we grant an application, there is a 90-day period where you will need to arrange attendance at a citizenship ceremony or give an oath and pledge.

Until you have completed your citizenship ceremony and received your certificate of registration as a British citizen, you are not entitled to live in the UK unless you are able to comply with the existing UK visa rules. If you travel to the UK before you have been granted British citizenship and are suspected of planning to break the existing UK visa rules, you may be turned away at the border.

You should ensure that we are able to contact you quickly if we have any queries about your application.

## **The status you will get – BOTC and British Citizen otherwise than by descent**

If you register as a British Overseas Citizen (BOTC) under this route you will be a BOTC otherwise than by descent. Any children you have who are born after you have registered as a BOTC under this route will automatically become BOTCs from birth regardless of where they are born.

If you become a BOTC otherwise than by descent and are also registered as a British citizen you will become a British citizen otherwise than by descent.

Further information about the requirements for citizenship can be obtained on [GOV.UK](https://www.gov.uk).

## **Citizenship ceremonies**

### **BOT citizenship**

If you are an adult at the time that you are registered, you will have to make a citizenship oath and pledge. Making the oath and pledge is a legal requirement, and the point at which you will become a BOTC.

If you are outside the UK, arrangements will be made for you to make the oath and pledge. This will take place at the British Embassy, High Commission, Consulate, Governor's Office or Lieutenant Governor's Office.

If you are living in the UK, you will be invited to make the oath and pledge where you are living.

## **Ceremony for applicants applying for both BOTC and British Citizenship or British Citizenship only**

If you are becoming both a BOTC and British citizen, you will be invited to make the BOTC oath and pledge at a ceremony, along with the oath and pledge for British citizenship. You will receive both certificates at the ceremony.

If your application is successful, the Home Office will contact you about how to arrange a ceremony. We expect you to arrange to attend a ceremony within 3 months of receiving your invitation otherwise it will expire, and you will have to reapply for registration and pay a further processing fee (if applicable).

If you are outside the UK, arrangements will be made for you to make the oath/affirmation and pledge at a ceremony, this will take place at the British Embassy, High Commission, Consulate, Governor's Office or Lieutenant Governor's Office.

If you are in the UK, you will be invited to attend a ceremony in the UK.

## **What happens at a ceremony?**

At ceremonies for British citizenship, you will be asked to affirm or swear an oath of allegiance to His Majesty the King and to pledge your loyalty to the UK. Following this you will be presented with your certificate of registration as a British citizen. Making the Oath (or Affirmation) and Pledge at a citizenship ceremony is a legal requirement, and the point at which you will become a British citizen.

Successful applicants are rarely exempt from ceremonies although an applicant may be exempted where he or she is physically unable to attend or if their mental state would make it inappropriate to attend. If you wish to be exempted, you should say why and provide supporting evidence.

If you have special needs or concerns about saying the Oath (or Affirmation) and Pledge in English, you should bring these to the attention of the person arranging the ceremony once you have received your invitation. Please be assured that the wording is not difficult, and you may bring the wording with you to the ceremony.

## Next steps

### **Returning your Biometric Residence Permit (BRP)**

If you have a BRP issued by the Home Office, you must send it back to the Home Office within 5 working days of getting your certificate of British citizenship.

Please cut your BRP into 4 pieces and put it in a windowless envelope.

Please enclose a note saying you are returning your permit because you have become a British citizen. Include your name, date of birth and the document number (found on the front of the card) in the note.

Naturalisation BRP Returns  
PO Box 195  
Bristol  
BS20 1BT

Please note that you may be fined up to £1,000 if you do not return your permit within 5 working days.

## Passports

If you wish to obtain a British passport, you will need to make a separate application. Information about applying for a passport is on [GOV.UK](https://www.gov.uk).

## Travelling to and from the UK after becoming a British citizen

Once you have successfully registered as a BOTC and/or a British citizen, for travel purposes, you can apply for either a BOTC or British citizen passport or both.

For those who have registered as a British citizen, 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 or BOTC passport. You will not be able to enter the UK using your BRP or digital status, or by presenting your citizenship certificate at the UK border.

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# Citizenship-related queries

If, having read the information set out in this guidance, you have questions about applying for BOT citizenship and British citizenship as a Chagossian descendant, you can email the Citizenship and Nationality Enquiries team at [ChagossianEnquiries@homeoffice.gov.uk](mailto:ChagossianEnquiries@homeoffice.gov.uk).

You should also contact them to let them know if your circumstances change.

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 +44 (0)300 790 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](#).

If you cannot contact UK 0300 numbers, use +44 (0)203 875 4669

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