



Home Office

Registration as a British Overseas Territories Citizen: children

Version 5.0

Contents

Contents.....	2
About this guidance.....	5
Contacts	5
Publication	5
Changes from last version of this guidance	5
How to consider applications for children	7
Checking for possible entitlement to registration	7
Evidence to be supplied.....	8
Safeguarding	8
Children born in an overseas territory	9
Requirements for registration under section 15(3).....	9
Evidence required for section 15(3)	9
Requirements for registration under section 15(4).....	10
Evidence required for section 15(4).....	10
Parental consent for applications under 15(3) and 15(4)	11
Discretion to allow excess absences in the first 10 years of a child's life.....	11
Children born outside a British overseas territory.....	12
The law in relation to section 17(5)	12
Evidence required for section 17(5)	13
Parental consent for applications under 17(5).....	13
The law in relation to section 17(2)	14
Checking for entitlement under section 17(5).....	14
Documentary evidence required for section 17(2).....	15
Consent to the application	15
Stateless children - checking for entitlement under paragraph 4 schedule 2.....	15
Discretionary applications under section 17(1).....	17
The law in relation to section 17(1)	17
Scenarios where we would normally expect to register a child under section 17(1)	18
Children applying in line with their parents.....	18
Children with settlement and residence	19
Children who have lived in a territory for more than 10 years.....	19
Expectations for a child who has lived in a territory for 10 years.....	20
Compliance with immigration law	20

Parents' status.....	21
Children born to a parent who has renounced and subsequently resumed BOTC status	21
Documentary evidence to be supplied	21
Children born before their parent registered under section 17A, 17C, 17D, 17E, 17F or 17I of the British Nationality Act 1981	22
Documentary evidence to be supplied	22
Children adopted by British overseas territories citizens	22
Adoption in a territory	22
Overseas adoptions recognised by UK law	23
Evidence to be supplied in adoption cases	24
Children of unmarried BOTC fathers or settled fathers.....	24
How to decide the paternity of the child	25
Evidence to be supplied	26
Children born to surrogate mothers	26
Where a man is the biological father of the child.....	27
Where a man is not the biological father of the child and cannot meet the definition of 'father' in the BNA 1981	27
Where a woman (whether the child's biological mother or not) falls outside the definition of 'mother' in the BNA 1981	28
Children born to a woman who is the civil partner of a British overseas territories citizen	28
Children previously recognised as a British overseas territories citizen in error ...	29
Registering exceptionally under section 17(1)	29
Child's future intentions	29
Child's parents' circumstances.....	30
If neither parent is a BOTC	30
Where one parent is a BOTC but the other parent is not settled	31
Where the parents do not have immigration status in the territory.....	31
Children not living with their parents.....	31
Residence in a territory	31
Child's immigration status	32
Compelling or compassionate circumstances	33
Examples – Section 17(1)	33
Example A	34
Example B	34
Example C	34
Example D	34

Evidence to be supplied for section 17(1) cases	35
Section 55 and Article 8 considerations	35
Section 55	35
Article 8	36
Character	36
Parental arrangements	37
Parental consent	37
Applications made by people other than parents	37
Guardianship	37
Registration of children by those sharing parental responsibility with the parents	38
Looked after children	38
Application made by the parents	38
Applications made by the department responsible for the child's care	39
Applications made by children themselves	39
The child's views	39
The parents' consent	39
Steps to be taken to obtain the other parent's views	40
Dispensing with the other parent's views	41
What to do if the other parent objects to registration	41
Minors who are married or in a civil partnership	42

About this guidance

This guidance tells nationality caseworkers about the registration of minors as a British overseas territories citizen by “entitlement” and “discretion”.

The [British Nationality Act 1981](#) contains provisions for children to be registered as a British overseas territories citizen. This guidance covers the following sections of the act:

- [section 15\(3\)](#) provides for registration by entitlement of minors born in a British overseas territory on grounds of parent’s status
- [section 15\(4\)](#) provides for an entitlement provision for either a child or an adult born in a territory after 1 January 1983 who lived in the territory for the first 10 years of their life
- [section 17\(2\)](#) provides for registration by entitlement of minors born outside a British overseas territory to British overseas territories citizens by descent
- [section 17\(5\)](#) provides for registration by entitlement of minors born outside the British overseas territories to British overseas territories citizens by descent on grounds of residence
- [section 17\(1\)](#) which is a discretionary provision for registration as a minor

Children or their parents will not necessarily know which section of the Act they are applying under. You must therefore consider under which section a child has an entitlement to register. This guidance is structured in order to assist in the process of considering a child under the relevant provisions.

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email the Nationality policy team.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email the Guidance Review, Atlas and Forms team.

Publication

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

- version **5.0**
- published for Home Office staff on **04 April 2025**

Changes from last version of this guidance

Changes have been made following a guidance review, in particular to make this guidance consistent with parallel guidance on registering children as British citizens.

New sections on section 17(1) set out the scenarios where a child should normally be registered.

Related content

[Contents](#)

How to consider applications for children

This section tells you how to consider an application made by, or on behalf of, a child for registration as a British overseas territories citizen (BOTC). Within the British Nationality Act 1981 a ‘minor’ is defined as a person under the age of 18.

Please note that this guidance refers to registration of children, but a person over the age of 18 can apply under section 15(4).

Applications for registration of a child as a BOTC are considered in the overseas territories. Section 43 of the British Nationality Act 1981 allows the Home Secretary to ask Governors to exercise nationality functions on their behalf, which includes registration as a BOTC. (The definition of a “Governor” within the Act includes the officer for the time being administering the government of that territory.)

Before considering registration you must:

- check whether the child is already a British overseas territories citizen (BOTC). The child may already be a BOTC without the parents realising it, in which case there is no need to register

If a person has an automatic claim to BOTC you must write to the person who submitted the application and explain that registration is not necessary. See automatic acquisition as a BOTC for the appropriate procedure, and refund any fee in full.

If the child is not already a BOTC, you must consider the following:

- whether the child has an entitlement to registration. This guidance tells you how to consider an application under section [15\(3\)](#), [15\(4\)](#), [17\(5\)](#) or [17\(2\)](#).
- if not, whether the child meets the normal criteria for registration at the Governor's discretion under [section 17\(1\)](#)
- if the child does not meet the normal expectations for registration, consider whether there are any compelling or compassionate reasons why the application should be granted [exceptionally under section 17\(1\)](#)

Checking for possible entitlement to registration

Some provisions within the British Nationality Act 1981 are “entitlement” provisions. This means that if the person meets all the requirements they are entitled to be registered. Other provisions are “discretionary”, which means that the Governor, acting on the Home Secretary’s behalf, may decide to grant citizenship if a person meets the statutory requirements, but is not bound to.

The British Nationality Act 1981 contains a number of provisions which give minors in certain circumstances an entitlement to registration as a BOTC:

- [section 15\(3\)](#) - British overseas territory born minors whose parent became a British overseas territories citizen or settled in a British overseas territory after the birth
- [section 15\(4\)](#) - British overseas territory born minors who have lived in a British overseas territory for the first 10 years of their life
- [section 17\(2\)](#) - born outside a British overseas territory to BOTCs by descent
- [section 17\(5\)](#) - born outside a British overseas territory to BOTCs by descent on grounds of residence
- [schedule 2 paragraphs 3 and 4](#) - stateless minors (see registration as a BOTC: otherwise stateless)

Once you have established that a child is not already a BOTC, you must consider whether an entitlement to registration exists under any of the above provisions.

It is important to make sure that a child is registered under the appropriate provision. A child with an entitlement should be registered under that entitlement, and not by use of discretion under [section 17\(1\)](#). This can also affect future generations because in some cases registration under section 17(1) would give British citizenship by descent, whereas registration under an entitlement provision could give British overseas territories citizenship otherwise than by descent. See: BOTC 'by descent' and 'otherwise than by descent'

Evidence to be supplied

To guard against the possibility of fraud, you should expect to see evidence of identity over and above that required to establish an entitlement to registration. Evidence of identity should be a passport, or a birth certificate showing the parents' names. An older child may also be able to provide a driving licence, or a bank, building society or credit card statement issued to them in the last 6 months.

You must take into account any evidence already on the file or departmental records. If documents have been seen and noted in the past there is no need to ask to see them again. If the parents' marriage or a parent and child relationship has been accepted as valid by an immigration official or any tribunal or court, there is no need to ask for further evidence unless there is reason to doubt the previous decision. In some situations a subsisting relationship is accepted for immigration purposes, but for nationality purposes a valid marriage is needed.

Safeguarding

If you have any safeguarding concerns about a child you must speak to a senior caseworker, who will decide if referral to the child services department or the police is appropriate.

Related content

[Contents](#)

Children born in an overseas territory

Requirements for registration under section 15(3)

A child is entitled to registration under [section 15\(3\) of the British Nationality Act 1981](#) if:

- they were born in a British overseas territory on or after 1 January 1983
- they are not a British overseas territories citizen (BOTC) at birth, because at the time, neither parent was a BOTC or settled in a British overseas territory
- while they are a minor, either of the parents becomes a BOTC or becomes settled in a British overseas territory
- they are under the age of 18 on the date the application is received
- they are of good character if aged 10 or over

Registration under [section 15\(3\)](#) gives British overseas territories citizenship otherwise than by descent.

If the parent no longer has settled status, for example if it has been revoked or lost following absence from the territory, the application should be refused. This is because the wording of section 15(3) requires the parent to be a British citizen or settled in the territory when the registration application is made, reflecting an expectation that the child's parent has an ongoing connection with the territory. If the child does not qualify for registration under section 15(3) on that basis, you must consider whether they meet the usual expectations for registration under section 17(1).

Evidence required for section 15(3)

Applications under section 15(3) must be supported by the following evidence, if relevant:

- child's full birth certificate showing birth in the territory and the parents' details
- evidence of the parent's British overseas territories citizenship since the child's birth:
 - a BOTC passport
 - certificate of registration or naturalisation describing the holder as a British dependent territories citizen or a BOTC
 - certificate of registration or naturalisation issued in a British overseas territory describing the holder as a citizen of the UK and Colonies
- evidence of parent's settled status since the child's birth. Information about what constitutes evidence of a parent's settled status in a British overseas territory should be available from the authorities of the territory concerned - the legislation defines "settled" as ordinarily resident in the territory and not subject to immigration time restrictions
- if the child is born before 1 July 2006 and the application is based upon the father having become a BOTC, or settled in a British overseas territory, the

parents' marriage certificate is required - (this may not be needed if the parents were not married but the child was treated as "legitimate" in local law)

- if the child is born on or after 1 July 2006 and the application is based on the father having become a BOTC or settled in a British overseas territory evidence that the father comes within the definition of parent (as per [section 50\(9\) of the British Nationality Act 1981](#))

Requirements for registration under section 15(4)

Adults or children are entitled to register under [section 15\(4\) of the British Nationality Act 1981](#) if they:

- were born in a British overseas territory on or after 1 January 1983
- were not BOTCs at birth, because at the time neither parent was a BOTC or settled in a British overseas territory
- are aged 10 years or over on the date of application
- have lived in the territory of their birth for the first 10 years of their life
- during that 10 year period, have not been out of that territory for more than 90 days in any one of those years
- the Secretary of State is satisfied they are of good character if aged 10 or over

There is discretion under [section 15\(7\)](#) to allow absences from the British overseas territory of more than 90 days in any of the first 10 years of the person's life.

Registration under [section 15\(4\)](#) gives British overseas territories citizenship otherwise than by descent.

Evidence required for section 15(4)

Applications should be supported by the following evidence:

- the person's full birth certificate to confirm that they were born in a territory and that they are 10 years or over on the date of application
- evidence of residence to cover the first 10 years of the person's life

The evidence of residence will differ for the different periods of a child's life.

Documents from the following list can establish residence:

- aged up to 5 years:
 - passport or travel document
 - medical records
 - vaccination records
 - doctors' letters
 - letters from child's nursery
- aged 5 to 10 years:
 - letters from the child's school confirming attendance
 - passport or travel document for the full 10 year period to confirm absences for the period

Information may also be obtained from internal travel records to show that the child has been resident in the territory.

Parental consent for applications under 15(3) and 15(4)

As the person has an entitlement to be registered as a British overseas territories citizen if the requirements in sections 15(3) or 15(4) are met, the absence of parental consent (in cases where the person is a minor) is not a reason for refusal. It is good practice to gain consent of all those with parental responsibility for the child and it should normally be requested, but this is not mandatory.

Discretion to allow excess absences in the first 10 years of a child's life

[Section 15\(7\) of the British Nationality Act 1981](#) gives discretion to allow absences of more than 90 days in any one or more of the first 10 years of the person's life.

You should normally waive excess absences if:

- the number of days absent from the territory in any one of the years does not exceed 180 days and the total number of days over the 10 year period does not exceed 990 days
- the number of days absent exceeds 180 or 990 respectively but was due to circumstances beyond the family's control, such as a serious illness

You must not waive excess absences over 180 days in a single year or 990 days in the 10 year period where:

- the only reason was that the person or their parents were unaware of the requirements, without there being any special circumstances
- the parents' absences with the child were entirely voluntary

Related content

[Contents](#)

Children born outside a British overseas territory

For children born outside a territory, you must first consider whether the person has an entitlement under [section 17\(5\) of the British Nationality Act 1981](#), which gives British overseas territories citizenship otherwise than by descent. You must then consider whether there is an entitlement under [section 17\(2\)](#). If no entitlement exists, you must consider the application under [section 17\(1\)](#).

The law in relation to section 17(5)

Children are entitled to registration as British overseas territories citizens (BOTCs) under [section 17\(5\) of the British Nationality Act](#) 1981 if:

- they were born outside the British overseas territories
- at the time of their birth, they had a parent who was a BOTC by descent
- the application is made while they are minors
- if aged 10 years or over on the date of the application, the child is of good character, see good character requirements
- the minor, and both parents were in the same British overseas territory at the beginning of the 3 year period ending with the date of the application
- neither the minor nor their parents were absent from the territory for more than 270 days in that 3 year period
- the consent of both parents is given to the application

There is no discretion to accept a longer period of absence than 270 days in the 3 years before the date of the application.

If the child was born before 1 July 2006 to unmarried parents, all references above are references to the mother only. If the child was born to unmarried parents on or after 1 July 2006, all references to a parent or parents are references to a mother or father, if he satisfies the definition of 'father'. Further information about who is a child's "father" can be found in the general information guidance.

The residence requirements only need to be met by the child and one of their parents if:

- the child's father or mother died on or before the date of application
- the parents' marriage or civil partnership had ended in divorce or annulment on or before the date of the application
- the parents were legally separated on the date of the application

If either of the child's parents died on or before the date of application, only the consent of the surviving parent is required.

Registration under [section 17\(5\)](#) gives British overseas territories citizenship otherwise than by descent. It is important to ensure that a child with this entitlement

is registered under this section. Registration under [sections 17\(1\) \(in this scenario, although not generally\) and 17\(2\)](#) would, instead, give British overseas territories citizenship by descent. See: BOTC by descent and otherwise than by descent.

Evidence required for section 17(5)

Applications should be supported by the following evidence:

- the child's birth certificate showing parents' details
- the relevant birth, marriage, death, adoption, registration or naturalisation certificates to establish that:
 - the relevant parent was a British overseas territories citizen by descent at the time of the child's birth
 - at the time of the relevant parents birth the child's grandparent was a British overseas territories citizen otherwise than by descent
 - would but for their death have become such a citizen on 1 January 1983
- if the parent is the father, and the child is born before 1 July 2006, evidence that he is married to the child's mother (marriage certificate)
- if the parent is the father, and the child is born on or after 1 July 2006, evidence that he comes within the definition of 'parent'
- if the parents have divorced, separated, or one of the parents had died, either:
 - the father's or mother's death certificate
 - the parent's divorce certificate, decree of nullity, evidence of dissolution of a civil partnership or decree of judicial separation

Passports or other documents to establish:

- that the child has been resident in the relevant territory for 3 years immediately before the date of the application
- that the parents were resident
- that the child and both of the parents were not absent from the relevant territory for more than 270 days in that 3 year period

Parental consent for applications under 17(5)

[Section 17\(5\) of the British Nationality Act 1981](#) is the only provision relating to British overseas territories citizenship in which parental consent is a statutory requirement.

There is no discretion to waive this requirement. This means that you cannot register a child under [section 17\(5\)](#) unless both parents, or one parent as set out in the previous examples, have given their consent to the child's registration, even if all other requirements are met. There is no exception to this.

The consent of the parents has to be given in writing and signed. If only one parent has given consent you must request the consent of the other parent.

The law in relation to section 17(2)

Children are entitled to registration as BOTCs under [section 17\(2\) of the British Nationality Act 1981](#) if:

- they were born outside the British overseas territories on or after 1 January 1983
- either their mother or father was a British overseas territories citizen by descent at the time of the child's birth
- the mother or father of the parent in question (the child's grandparent) became or but for their death would have become a British overseas territories citizen otherwise than by descent on 1 January 1983
- the parent in question:
 - had, at any time before the child's birth, lived in a British overseas territory for a continuous period of 3 years
 - was in the territory at the beginning of that 3 year period
 - was not absent from that territory for more than 270 days in that 3 year period

The residence requirements for the parent in question do not apply in the case of a child born stateless.

The permitted absence of 270 days can be taken at any time during the 3 year period before the child's birth. This means that the parent in question may leave the relevant territory up to 270 days before the end of the 3 year period, and still meet the requirement, if they have no other absences during that period.

There is no discretion to accept a period of absence longer than 270 days.

Registration under [section 17\(2\)](#) gives British overseas territories citizenship by descent. See: British overseas territories citizenship 'by descent' and 'otherwise than by descent'.

Checking for entitlement under section 17(5)

Where the family is in a British overseas territory, the application should be considered depending on the circumstances of the family. If it is clear from the evidence supplied that the child and parents (or relevant parent) have been living there for at least 3 years immediately before the date of application, the application should be considered under [section 17\(5\)](#). If all requirements are met the application should be granted under that provision.

If at the date of consideration the family has not completed 3 years residence, the parents should be advised of the advantages of [section 17\(5\)](#) and asked to confirm whether they wish either to proceed under [section 17\(2\)](#) or withdraw the application in favour of a future application under section 17(5).

Documentary evidence required for section 17(2)

Applications must be supported by the following evidence:

- the child's birth certificate showing parents' details
- the relevant birth, marriage, adoption, registration or naturalisation certificates to establish that:
 - the relevant parent was a British overseas territories citizen by descent at the time of the child's birth
 - at the time of the relevant parent's birth, the child's grandparent was a British overseas territories citizen by descent
 - would but for their death have become a British overseas territories citizen on 1 January 1983
- if the parent in question is the father and the child is born before 1 July 2006 evidence that he is married to the child's mother
- if the parent in question is the father and the child is born on or after 1 July 2006, evidence that he comes within the definition of 'parent'
- if the child was not born stateless passports and other documents to establish:
 - the parent in question's 3 year residence in a British overseas territory prior to the child's birth
 - the parent in question was not absent from that territory for more than 270 days in the 3 year period
- if the child was born stateless and the parent did not meet the residence requirements:
 - a letter from the authorities of the country of the child's birth confirming they did not acquire that country's nationality at birth
 - if the other parent is neither a BOTC or a national of the child's country of birth, a letter from the authorities of the country of which the other parent is a citizen confirming that the child did not acquire that country's nationality at birth

If the child does not have an immediate entitlement under [sections 17\(2\), 17\(5\)](#) or [paragraph 4 of schedule 2 of the British Nationality Act 1981](#), and does not want to wait for a possible entitlement under [section 17\(5\)](#) the application should be considered under the discretionary provision of [section 17\(1\)](#).

Consent to the application

As the child has an entitlement to be registered as a BOTC under section 17(2) if the requirements are met the absence of parental consent is not a reason for refusal. There is no legal requirement for the parent to consent to the application. However, you must note any information provided about consent.

Stateless children - checking for entitlement under paragraph 4 schedule 2

If a child born overseas to a BOTC parent is stateless you must check for an entitlement to register on that basis. If the child, but not the parents has lived in a British overseas territory for 3 years immediately before the application, the child

may be entitled to registration under [paragraph 4 of schedule 2 of the British Nationality Act 1981](#) which gives British overseas territories citizenship otherwise than by descent.

Related content

[Contents](#)

Discretionary applications under section 17(1)

This section explains the circumstances in which it will normally be appropriate to exercise discretion. There are certain scenarios where you would normally be expected to register a child as a British overseas territories citizen (BOTC). In all other cases you must consider whether there are grounds to register exceptionally.

The law in relation to section 17(1)

This is a discretionary provision for the registration of a child. The Governor may exercise their discretion, on behalf of the Home Secretary, to register people under [section 17\(1\) of the British Nationality Act 1981](#) if:

- the person is under 18 years at the date of the application
- aged 10 years or over on the date of application the child meets the good character requirements
- they think fit to register them

These are the only statutory requirements. Guidance sets out how you must usually use discretion under the law.

It is important to remember that the guidance does not amount to definitive rules. It will enable you to consider the majority of cases but because the law gives complete discretion, you must consider each case on its merits. All the relevant factors must be taken into account, together with any representations made. If you do not the governor's office will be open to criticism and possible legal challenge for failing to consider exercising the Home Secretary's discretion reasonably.

It is possible to register a child under circumstances that would normally lead to the refusal of an application if this is justified in the particular circumstances of any case.

Equally if there is good reason to do so, it is possible to refuse to register a child under circumstances that would normally lead to the grant of an application, in particular, the governor or Home Secretary may refuse to grant a certificate where it would not be in the public interest to grant citizenship. This could be for reasons relating to their actions, behaviour, personal circumstances or associations (including family relationships).

For example citizenship may be refused where:

- granting the application could have an adverse impact on international relations
- a decision to grant would be so perverse as to undermine confidence in the immigration and nationality system

In particular, the child's associations, including family relationships, with those who have been or who are engaged in terrorism, or extremist behaviour or who have

raised security concerns, may warrant a refusal of citizenship. You must give due regard to whether an association is current and the nature of that association, or whether family ties have been severed.

Registration under [section 17\(1\)](#) will give British overseas territories citizenship by descent if:

- the father or mother was a BOTC at the time of the child's birth

In all other cases registration gives British overseas territories citizenship otherwise than by descent. See: British overseas territories citizenship by descent or otherwise than by descent.

For the purposes of whether the child is a BOTC by descent:

- the father or mother does not include the adoptive father or mother
- father includes the father of the 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](#)

Children registered under [section 17\(1\)](#) will therefore be British overseas territories citizens otherwise than by descent if they were adopted by British overseas territories citizens.

Where the unique circumstances of a territory suggest it might be appropriate to register at the governor's discretion outside of this guidance, you can contact Nationality Policy Team for advice. The normal expectation is that applications will be decided consistently in all territories and the UK to use the Home Secretary's discretion fairly.

Scenarios where we would normally expect to register a child under section 17(1)

Children applying in line with their parents

We recognise that a number of children apply for registration under section 17(1) at the same time as their parents apply for naturalisation. Such children have usually been living in the territory with the parents and have completed a period of lawful residence.

You must normally register where:

- one parent is a BOTC or about to become one through registration or naturalisation
- the other parent (if involved in the child's life) is a BOTC or settled in the territory

- the child has been resident in the territory for the last 2 years - (if the child is under the age of 2 you can accept a shorter residence period, taking into account the age of the child)
- the child is settled in the territory
- where necessary both parents consent to the registration or any objections by the non-applying parent are ill founded
- there is no reason to refuse on character grounds

If a child does not meet all of the above criteria, you must consider whether the child meets any of the other scenarios where we would normally register. If not, you must consider in line with the guidance on [registering exceptionally](#) below.

Children with settlement and residence

We recognise that some parents may be settled and established in a territory but choose not to become BOTCs for valid reasons, such as their own country's attitude to dual nationality, or to avoid losing rights in their own country. We recognise that their child living in the territory may have nevertheless built up their own connections and still feel a sense of belonging and strong connection with the territory. We therefore do not think it will always be appropriate to expect such a child to have to wait until the age of 18 to apply to naturalise, if the child is an older minor and established in the territory.

You must normally register where:

- the child has completed a period of lawful residence in the territory of more than 5 years
- the child has been granted settled status in the territory, and held that status for at least 12 months (if an earlier application is made you must consider whether there are compelling grounds to overlook this expectation, taking into account the reasons for exercising discretion over time spent in the territory when subject to immigration time restrictions in the naturalisation guidance)
- the child's parents (if involved in the child's life) have completed a period of 5 years residence and are settled in the territory
- the child is of good character
- where necessary both parents consent to the registration or any objections by the non-applying parent are ill founded
- there is no reason to refuse on character grounds

If a child does not meet all of the above criteria, you must consider whether the child meets any of the other scenarios where we would normally register. If not, you must consider in line with the guidance on [registering exceptionally](#) below.

Children who have lived in a territory for more than 10 years

If a child has lived in a territory for more than 10 years you must normally register the child if the [expectations](#) below about lawful residence and parents' status are met, in addition to the good character requirement. 10 years is the length of time required for

a child born in a territory to have an entitlement to register under section 15(4) of the British Nationality Act 1981. As such, 10 years constitutes a significant period of residence for a child to demonstrate a strong connection with the territory. If a child has fewer than 10 years residence in the territory, it may nevertheless still be appropriate to register – see the section on [registering exceptionally](#) below.

You must normally register if a child has lived in the territory for more than 10 years and:

- the child is in the territory lawfully
- the parents have regularised their own status
- where necessary both parents consent to the registration or any objections by the non-applying parent are ill founded
- there is no reason to refuse on character grounds

However, each case must be considered on its own merits, weighing up arguments made about the individual child's best interests, and taking into account the normal expectations below.

Where a child has been in the territory for fewer than 10 years, it may nevertheless still be appropriate to register – see the section on [registering exceptionally](#) below.

Expectations for a child who has lived in a territory for 10 years

Compliance with immigration law

We would normally expect the child to be lawfully in the territory. To grant citizenship to a child who is there unlawfully could potentially undermine the immigration system, as it could be viewed as rewarding or incentivising non-compliance. However, we recognise that there may be cases where the unlawfulness was beyond the child's control.

If the child is not lawfully in the territory you must consider whether there are exceptional reasons to grant, in which the reasons put forward for granting citizenship outweigh the need to promote compliance with the immigration law. In considering this, you must take into account the age of the child, the connections they have established with the territory, their length of residence, and their particular circumstances. (For example, it may be appropriate to register an older minor who has lived in the territory since they were a baby, has completed all of their schooling in the territory, and has demonstrated very strong personal connections with the territory through relationships and involvement in community groups.)

For younger children (who are not in local authority care) who are in the territory unlawfully, you must not normally grant the application, unless there are exceptionally compelling grounds that justify moving the child from being there unlawfully to becoming a BOTC. Such younger children are not usually at a critical point in their lives where they might lose out on opportunities.

Parents' status

We would normally expect the child's parents to be in the territory lawfully, as this means that the family's future is likely to be in the territory.

It may be argued that for a child who has lived most of their life in the territory and formed connections there, it is in their best interests to secure their status. However, this is more apparent for older minors who have formed their own independent connections (which they would expect to continue were the parents to leave the territory). A younger child's future, however, will normally follow that of the parents, and so their future intentions may not clearly lie in the territory. The best interests of a younger child could be to follow their parents' residence and status.

In the case of an older teenager, you must therefore consider whether the arguments put forward about the child's interests and strength of connection outweigh the fact that their parents are not lawfully in the territory. If so, and the other expectations are met, you may grant the application.

For younger children, if the parent's status in the territory is precarious (for example, if they are there unlawfully, or are subject to removal action), the child's future may not lie in the territory. You must weigh up whether the child's circumstances are such that there are significant grounds to register, which outweigh the fact that their future may not be in the territory.

Children born to a parent who has renounced and subsequently resumed BOTC status

You must normally register a child if:

- the mother or father has renounced and subsequently resumed BOTC status
- the child was born before the date of resumption
- that parent either:
 - became a BOTC otherwise than by descent on resumption
 - was a BOTC by descent and the child would have an entitlement to registration under section 17(1) or (2) of the British Nationality Act 1981 had the parent not renounced
- where necessary both parents consent to the registration or any objections by the non-applying parent are ill founded
- there is no reason to refuse on character grounds

Documentary evidence to be supplied

The evidence will vary according to the circumstances of the parents. In every case you must expect to see:

- the child's birth certificate showing parents' details
- the relevant parent's birth certificate showing his or her parents' details
- the parents' marriage certificate if appropriate
- the grandparent's birth and marriage certificates if appropriate

- evidence of renunciation and resumption

Children born before their parent registered under section 17A, 17C, 17D, 17E, 17F or 17I of the British Nationality Act 1981

Section 17A of the British Nationality Act 1981 allows those born abroad before 1 January 1983 to BOTC mothers to be registered as a BOTC citizens. Sections 17B to 17F are registration provisions for those who would have become a BOTC automatically if their parents had been married. Section 17I allows for a person to be registered if they would have been, or been able to become, a BOTC, but for historical legislative unfairness, an act or omission of a public authority, or exceptional circumstances relating to that person.

Any child born in the territory after the parent is registered will be a BOTC, and a child born outside the territory may be a BOTC automatically or be able to register under section 17(1), 17(2) or 17(5). Children born before the parent's registration can apply for registration.

You must normally register a child if:

- the child was born before the parent registered under one of the above sections
- if the parent had registered before the child's birth, the child would be a BOTC or have an entitlement to be registered under 17(1), (2) or (5)
- where necessary both parents consent to the registration or any objections by the non-parent are ill founded
- there is no reason to refuse on character grounds

Documentary evidence to be supplied

Applications where the parent registered under sections 17A, 17C, 17D, 17E, 17F or 17I must be supported by the following evidence:

- the child's birth certificate showing parents' details
- the relevant parent's birth certificate showing their parent's details
- the parents' marriage certificate if appropriate
- the grandparents' birth and marriage certificates if appropriate
- evidence of the parent's registration

Children adopted by British overseas territories citizens

Adoption in a territory

By virtue of section 15(5) of the British Nationality Act 1981 a child will become a BOTC on the date of adoption, where they are:

- not a BOTC at birth
- adopted by order of a court in a British overseas territory:

- provided the adopter or, in the case of joint adoption, one of the adopters is a BOTC

If an adoption order has been refused and an application for registration is made under section 17(1) you must examine the reasons for refusal to see if they are relevant to the application. You must confirm whether the person making the application on behalf of the child has any parental responsibility or authority to act on the child's behalf.

When someone other than the parent has parental responsibility, you would normally expect the usual criteria to be met, including that relating to the citizenship and immigration status of the parents.

Overseas adoptions recognised by UK law

Legislation passed in the UK lists countries whose adoptions are "recognised". These are territories whose adoption processes are regarded as robust and with satisfactory safeguards. You must normally only register children adopted overseas by a British overseas territories citizen in countries or territories whose adoption procedures are recognised, and subject to the additional criteria below.

Countries and territories whose adoption procedures are recognised by the UK include those listed in:

- [The Adoption \(Recognition of Overseas Adoptions\) Order 2013](#)
- [The Adoption \(Recognition of Overseas Adoptions\) \(Scotland\) Regulations 2013](#)
- [the Hague Convention on inter country adoption](#) (this refers to domestic adoptions in those countries)

The additional criteria are that:

- the adoption is not informal or temporary
- under the law of the country where the adoption took place the child is the child of the adoptive parents alone and the legal relationship with the birth family has been completely terminated
- at least one of the adoptive parents is a BOTC otherwise than by descent
- the adoptive parent or parents have consented
- there is no reason to refuse on character grounds
- you are satisfied that all relevant adoption laws have been adhered to, this includes the laws of the country in which the adoption has taken place, the country of origin of the child and the country in which the adoptive parents are habitually resident
- you are satisfied the adoption is not one of convenience arranged to facilitate the child's admission to the territory

If some or all of the criteria set out above are not met, you must consider the application on its merits and only register the child if there are exceptionally compassionate or compelling circumstances.

Even where the above criteria are met, there may be reasons why the child should not be registered. This could be where there are serious doubts about an adoptive parent's character or suitability to adopt a child, or irregularities in the adoption procedure. To register a child in these circumstances could circumvent measures intended to safeguard children.

You must normally refuse applications for registration under 17(1) made solely on the grounds that the child had been adopted by a BOTC in a country or territory whose procedures are not recognised by UK law. However, you must consider all applications on their merits, and you may register the child as a BOTC if there are exceptional, compelling or compassionate circumstances justifying a grant of BOTC status.

Evidence to be supplied in adoption cases

In all adoption cases the following evidence is required:

- the child's birth certificate, or where the child has been abandoned, a certificate of abandonment from the authorities previously responsible for the child
- evidence of the relevant adoptive parent's claim to BOTC status otherwise than by descent
- the consent of the adoptive parents to the registration
- the adoption order
- a contemporary report from the overseas equivalent of the child services department which details:
 - the child's parentage and history
 - the degree of contact with the original parents
 - the reason for adoption
 - the date, reason and arrangements for the child's entry into an institution or foster placement
 - when, how and why the child came to be offered to the adoptive parents
- evidence of the parents' country of usual residence
- where the parents are usually resident in a territory, confirmation that they have been assessed and approved as eligible to become an adoptive parent in accordance with local procedures
- where the parents are not usually resident in a territory, evidence from the equivalent of the child services department in their country of residence that all relevant adoption laws have been complied with

Children of unmarried BOTC fathers or settled fathers

Fathers could not transmit British overseas territories citizenship or the benefits of their settled status to their children born before 1 July 2006, unless they were married to the child's mother at the time of the birth ([section 50\(9\) of the British Nationality Act 1981](#) (BNA 1981)). However, a child's birth could be legitimated, if the parents later married and the marriage served to legitimate the child in the law of the place where the father was domiciled at the time of the marriage.

Section 9 of the [Nationality, Immigration and Asylum Act 2002](#) amended the British Nationality Act 1981 to allow unmarried fathers to transmit citizenship to their children born on or after 1 July 2006, provided there is satisfactory evidence of paternity. The changes do not apply to anyone born before that date.

The Nationality and Borders Act 2022 inserted sections 17C – 17F into the British Nationality Act 1981. These provide a number of registration routes for those who would have automatically become BOTCs or would be entitled to registration under other provisions of the British Nationality Act 1981, had their parents been married at the time of their birth.

If a child has an entitlement to register under [sections 17C to 17F](#), they must be registered under that relevant section. However, where a child does not qualify under any of those provisions, you must normally register the child under [section 17\(1\)](#) if they were born to a BOTC or settled father, and the criteria below are all met:

- you are satisfied about the paternity of the child
- you have the consent of all of those with parental responsibility
- had the child's parents been married they would normally have registered under section 17(1)
- if the child is 10 years or older there is no reason to refuse on character grounds

How to decide the paternity of the child

[The British Nationality \(Proof of Paternity\) Regulations 2006](#) (2006 regulations) came into effect on 1 July 2006 and were amended on 10 September 2015. These regulations set out the requirements to be met to prove paternity in cases where:

- the mother was not married at the time of the child's birth
- no provision is made by section 28 of the Human Fertilisation and [Embryology Act 1990](#), or sections 35, 36, 42 and 43 of the Human Fertilisation and Embryology Act 2008 as to the identity of the father, see Surrogacy guidance

In such cases the 'father' will be any person who is shown to be such by either:

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

You must not mandate DNA evidence as this is not a requirement. Customers can choose to volunteer DNA evidence, either proactively or in response to an invitation to submit further evidence. Where a family choose not to volunteer DNA evidence, no negative inferences can be drawn from this. See DNA policy guidance for full instructions on the use and consideration of DNA evidence to prove a biological relationship.

You must recognise a man as the child's father if all of the following are met, unless there is conclusive evidence that the paternity claim was made fraudulently:

- he is named on the child's birth certificate
- the birth certificate was issued within 12 months of the birth
- the birth certificate was issued before 10 September 2015

Where the child's birth was registered on or after 10 September 2015 you must take into account the fact that a man is named as the father on a birth certificate along with any other evidence that is available. In most circumstances the fact that a father is named on the birth certificate will be sufficient evidence of paternity, unless there is any information to suggest that the details on the birth certificate are not true. This might be where the parents were not in the same country at the time of conception, or another man claims to be the father, or there is DNA evidence to suggest that the child is not related as claimed to the man named on the birth certificate. In such cases the birth certificate can be discounted if there is conclusive evidence to show that another man is in fact the child's natural father.

Although the 2006 regulations only apply to children born on or after 1 July 2006, you should expect to see the same evidence in support of an application for registration under section 17(1).

The 2006 regulations do not specify which forms of evidence apart from those specifically mentioned might be acceptable. However, you may normally accept that a man is the father of a child if paternity has been acknowledged in some other official context, for example for immigration purposes.

Evidence to be supplied

Applications should be supported by the following evidence:

- father's birth certificate
- child's birth certificate showing parents' details
- evidence of [paternity](#)
- if necessary, the consent of the non-applicant parent
- if the child was born abroad and the father is a British citizen by descent, that the child would meet the criteria for registration under section 17(2), 17(5) or 17(1) set out in this guidance, had the parents been married

Children born to surrogate mothers

General guidance on surrogacy and how to identify the legal parents in such cases may be found in the surrogacy guidance. In most cases the commissioning couple will have no legal relationship to the child and will therefore be unable to pass on the benefits of British overseas citizenship citizenship or settled status automatically.

Where a man is the biological father of the child

In some cases, a commissioning father who is biologically related to the child will be able to pass on citizenship automatically to a surrogate child, where the mother is not married and proof of paternity can be produced. However, where the surrogate mother was married to someone else at the time of the birth, her husband is the 'father' for nationality purposes.

You must normally register the child where:

- you are satisfied about the [paternity of the child](#)
- you have the consent of all those with [parental responsibility](#)
- had the child's parents been married the child would have qualified for one of the following:
 - an automatic claim to BOTC under either [section 15\(1\) or 16\(1\) of the British Nationality Act 1981](#)
 - an entitlement to registration under either [section 15\(3\)](#), [section 17\(2\)](#) or [section 17\(5\)](#)
 - registration under [section 17\(1\)](#)
- there is no reason to refuse on good character grounds if the child is aged 10 years or over

Where a man is not the biological father of the child and cannot meet the definition of 'father' in the BNA 1981

You must normally register the child if:

- you have the consent of all those with [parental responsibility](#) including a notarised statement of consent from the surrogate mother
- you are satisfied that had the child's parents been married:
 - the child would have had an automatic claim to British citizenship under either [section 15\(1\)](#) or [section 16\(1\) of the British Nationality Act 1981](#)
 - the child would have had an entitlement to registration under either [section 15\(3\)](#), [section 17\(2\)](#) or [section 17\(5\)](#)
 - we would normally have registered under [section 17\(1\)](#)
- there is no reason to refuse on good character grounds if the child is aged 10 years or over
- the man has either:
 - an order under section 30 of the Human Fertilisation and Embryology Act 1990 or section 54 of the Human Fertilisation and Embryology Act 2008, directing that he be treated as the child's father, or an equivalent order confirming formal recognition of the relationship in an overseas territory
 - a legal document confirming that he has been recognised as the child's father within the jurisdiction of the child's birth, such as a court order or being named on the birth certificate and evidence that the surrogate mother consented to the arrangement after the birth (this is not needed if a post-birth order has been obtained) - this should be dated at least 6 weeks after the birth

Where a woman (whether the child's biological mother or not) falls outside the definition of 'mother' in the BNA 1981

You must normally register the child if:

- you have the consent of all those with [parental responsibility](#) including a notarised statement of consent from the surrogate mother
- you are satisfied that had the woman been the child's mother for BNA 1981 purposes:
 - the child would have an automatic claim to BOTC under either [section 15\(1\)](#) or [section 16\(1\) of the BNA 81](#)
 - the child would have had an entitlement to registration under either [section 15\(3\)](#), [section 17\(2\)](#) or [section 17\(5\)](#)
 - we would normally have registered under [section 17\(1\)](#)
- there is no reason to refuse on character grounds
- the woman has either:
 - an order under section 30 of the Human Fertilisation and Embryology Act 1990 or section 54 of the Human Fertilisation and Embryology Act 2008, directing that she be treated as the child's mother, or an equivalent order confirming formal recognition of the relationship in an overseas territory
 - a legal document confirming that she has been recognised as the child's mother within the jurisdiction of the child's birth, such as a court order or being named on the birth certificate
 - evidence that the surrogate mother consented to the arrangement after the birth (this is not needed if a post-birth order has been obtained) - this should be dated at least 6 weeks after the birth

Children born to a woman who is the civil partner of a British overseas territories citizen

The mother of a child for British nationality purposes is the woman who gives birth to that child. From 6 April 2009, the [Human Fertilisation and Embryology Act 2008](#) provides for the mother's female partner to be treated as the parent of the child. If a child was conceived before the act came into force, and the mother's civil partner is a British citizen, irrespective of whether or not she is biologically related to the child, you must consider registering if:

- you have the consent of all those with [parental responsibility](#)
- you are satisfied that had the woman been the child's mother for British Nationality Act 1981 purposes:
 - the child would have an automatic claim to BOTC under either [section 15\(1\)](#) or [section 16\(1\) of the BNA 81](#)
 - the child would have had an entitlement to registration under either [section 15\(3\)](#), [section 17\(2\)](#) or [section 17\(5\)](#)
 - we would normally have registered under [section 17\(1\)](#)
- there is no reason to refuse on character grounds

Children previously recognised as a British overseas territories citizen in error

Cases occasionally come to light where a child was issued a BOTC passport, but is not in fact a BOTC. Had the parents known the child was not a BOTC they might have made a registration application.

You must consider whether the child currently has an entitlement to registration, or meets the normal expectations for registration at the Governor's discretion under section 17(1). If so, you must decide the application in the normal way.

If the child would not qualify now, you must consider whether they would have done so at the time the original application was made for a passport, or at some point since. If the child would have met the requirements or normal expectations at that time, you may grant the application now, providing the child is of good character.

If the child does not meet the normal requirements now, and would not have done so at any point since the passport or certificate of entitlement was issued incorrectly, the application should normally be refused.

Registering exceptionally under section 17(1)

This section deals with applications under [section 17\(1\) of the British Nationality Act 1981](#) which do not fit within the criteria above. In all cases, the application must be considered on its individual merits taking into account the following considerations when deciding whether or not to exercise discretion.

The expectation is that registration should normally only take place where a child satisfies the criteria set out elsewhere in this guidance. However, under section 17(1) of the BNA 1981 the Governor has discretion to register a person under the age of 18 at the date of application where they see fit to do so.

In considering whether it is appropriate to register a child on this basis, you must take all of the following factors into account:

- [the child's future intentions](#)
- the child's parents' circumstances
- residence in the territory
- the [child's immigration status](#)
- any compelling compassionate circumstances raised as part of the application

Child's future intentions

You must be satisfied that a child's future is clearly seen to lie in the territory before you register them under this provision.

You should normally accept that a child's future lies in the territory where this is stated in their application unless there is information to cast doubt on this, such as:

- the child, or one or both of their parents, has recently left the territory for a period of more than 6 months
- the child is about to leave the territory
- one or both parents are resident abroad

Where you have reason to doubt a child's future lies in the territory you must seek further clarification. If you are still not satisfied that the child's future is in the territory, you should refuse the application.

Where the child is in the territory at the time of application you should normally accept that they meet this expectation if:

- their future intentions are confirmed on the application form
- they meet the [residence criteria](#)
- they have an established home in the territory

Where the child is outside the territory at the time of their application an application for registration should normally be refused unless it meets the criteria set out in this guidance or if either:

- the child is abroad with a parent in Crown service such as the armed forces
- the child had an established home in the territory before going abroad and:
 - they meet the [residence criteria](#)
 - their absence was, or will not be, more than 6 months
 - you are satisfied that the child intends to return to live in the territory no later than 6 months after the date of their departure

Child's parents' circumstances

We would normally expect at least one of the child's parents to be a BOTC, and for the other parent (if involved in the child's life) to be settled in the territory. This suggests that the family's future is likely to be in the territory.

If neither parent is a BOTC

If neither of the child's parents is a BOTC, you should consider whether there are exceptional grounds to register, taking into account all the circumstances of the case, including whether the parents are settled in the territory and any compelling circumstances.

It will rarely be right to register a child neither of whose parents is, or is about to become, a BOTC. However, each case must be considered on its individual merits and there may be exceptional circumstances to justify registration in a particular case such as:

- older children (16 and above) who have spent most of their life in the territory or children who require citizenship to follow a particular career such as in the Armed Forces

- the person making the application has day-to-day responsibility for the child's upbringing and is, or is about to become, a BOTC

Where one parent is a BOTC but the other parent is not settled

If a parent is on a route to settlement, there may be options elsewhere in this guidance for a child:

- if the child is settled, but not the parent, the child could apply on the basis of [settlement and residence](#)
- if the parent is on a route to settlement, the child could apply once the parent becomes settled under the criteria for granting [in line with the parents](#) - this includes children of parents with refugee status or humanitarian protection

If the other parent is not settled in the territory, you should consider whether there are any compelling or compassionate circumstances, taking into account any exceptional reason why the child needs to be a BOTC now, rather than waiting until the parent becomes settled.

Where the parents do not have immigration status in the territory

If the child has lived in the territory for 10 years, you should consider if the criteria are met for [children who have been resident in the territory for 10 years](#). If those criteria are not met, and the child's parents do not have immigration status in the territory, you must consider both:

- whether the arguments advanced in favour of the child being granted citizenship and their strength of connection to the territory outweigh the fact that their parents are not here lawfully
- if there are compelling circumstances that mean that it is appropriate to grant citizenship exceptionally, despite the fact that the family are here unlawfully and, as a result, that their family's future may not be in the territory

Children not living with their parents

In cases where there is no parent, the parents are overseas, or the child is in care you should focus on where the child's future is likely to be – either in the territory or not.

If the child's parents have divorced or separated and the child does not have ongoing contact with the other parent, you should be satisfied that the parent who has day-to-day responsibility for the child meets the normal criteria relating to parent's status.

Residence in a territory

A child seeking registration as a BOTC under [section 17\(1\) of the British Nationality Act 1981](#) should normally have completed a period of residence in the territory because:

- it is consistent with the majority of other provisions under which a child can be registered
- it enables a child to establish personal connections with this country
- it helps confirm that a child's future clearly lies here

Within this guidance there are sections specifically for children who have completed a period of residence in a territory. If the child has been in the territory for more than 10 years, you must consider the application in accordance with the [section](#) above. If the child does not meet the normal expectations set out above, you must consider whether there are exceptional grounds to register a child with less residence.

If there are exceptional circumstances, you must balance the length of residence against the extent and significance of those circumstances. The older a child is, the more emphasis we would put on them having spent time in the territory, so they can build up connections there.

Where a child was aged 16 or over when they arrived in the territory, you should normally refuse an application to register them as they will have had too short a period to establish personal connections with the territory at a time when their future plans are unclear. However, each case must be considered on its individual merits and a child in these circumstances may be registered if there are grounds for doing so.

Other children should normally have completed at least 2 years' residence in the territory before being registered exceptionally. However, it may be appropriate to register a child with less residence where the importance of the child becoming a BOTC now significantly outweighs the fact that they do not meet the normal expectations. For example, it may be appropriate to register a child with less residence if:

- there are compelling compassionate reasons for accepting a shorter period of residence or a refusal would cause the child considerable hardship
- the child would be the only member of the family who would not become a citizen
- applications have been made on behalf of more than one child and at least one is under 13 - there may be a case for registering the older ones despite less than 2 years' residence in the territory
- the child's residence is broken but aggregated periods exceed the 2 years

It will not necessarily be appropriate to register everyone who falls into one of the above scenarios, even where they meet the other expectations.

Child's immigration status

If the child has been in the territory for more than 10 years, you must consider the application in accordance with the [section](#) above. In other cases, we would normally expect the child to have become settled in the territory before applying for BOTC. This is because a child's future can clearly be seen to lie in the territory if they are

not subject to immigration time restrictions. It is also consistent with other routes based on residence in a territory, in which a person is expected to follow a path through settlement to citizenship.

This will normally mean that the child has permanent permission to remain under the immigration rules.

If the child is not settled in the territory, you must consider whether there is compelling evidence to show that:

- the child's future clearly lies in the territory
- the benefit to the child of becoming a BOTC at the current time outweighs the normal expectation that a person becoming a BOTC should be settled here

Being free from immigration restrictions will be less important where one or both parents are BOTCs who have come to the territory to live permanently and:

- the child satisfies the other expectations for registration
- the [parents meet the expectations with regard to their circumstances](#)

If the child is subject to immigration restrictions but otherwise meets the other expectations for registration on the basis of settlement and residence, you must refer the application to a senior caseworker to make a decision on whether the circumstances outweigh the expectation that the child be free of restrictions. This might be where there are compelling reasons why the child needs to be a BOTC now, or if refusal would cause the child considerable hardship.

Compelling or compassionate circumstances

There may be circumstances where the normal expectations for registration are not met but there are exceptional circumstances which mean that it is appropriate to register a child. You must be satisfied that there are compelling circumstances which mean that registration is in the best interests of a child before you register a child under [section 17\(1\) of the British Nationality Act 1981](#).

You must therefore consider any representations made as part of an application and consider whether these are sufficient to mean that discretion should be exercised in their favour.

Examples – Section 17(1)

The following are examples where a child does not meet the normal expectations for registration under section 17(1). In these, the fact that a child narrowly misses the normal expectations would not normally be grounds to register: there should also be compelling or compassionate circumstances.

Example A

A is aged 17 and has been living in the territory for 4 years and 10 months at the time of consideration. A has permanent permission to stay in the territory, in line with the rest of her family. Her parents meet the requirements for naturalisation, and her 2 siblings meet the normal criteria for registration under section 17(1) on the basis of settlement and residence. A has an offer of a place in the police force, subject to her being a BOTC. The fact that A needs to be a BOTC now, to take up a firm offer of employment, and that she is within a couple of months of completing five years' residence, means that it may be appropriate to register her now, despite her not meeting the normal expectations.

Example B

B is aged 16 and has been in the territory for 4 years and 6 months at the time of consideration. The rest of B's family have completed 6 years in the territory and all of the family (including B) have permanent permission to stay. The family have explained that B did not enter the territory when the rest of the family did as he was recovering from an operation and was cared for by his grandmother whilst the rest of the family moved there. B's recovery took longer than was expected, as there were complications, and he was unable to travel. The family have provided medical evidence of this. The seriousness of B's medical condition, and the fact that he would otherwise have met the requirements, combined with the length of residence, mean that it may be appropriate to register him now, despite him not meeting the normal expectations.

Example C

C is aged 12 and has been in the territory for 5 years and 6 months. C's parents are in the territory on a work route and have applied for settlement. They did not include C in the settlement application and have applied directly for citizenship because they say the cost of applying for both settlement and citizenship is prohibitive. C does not therefore meet the normal expectations for registration on the basis of settlement and residence. His parents have asked if he can be granted BOTC now so he can take part in a school trip. C does not meet the normal expectations and there are no grounds to grant exceptionally.

Example D

D is 16 years old and has been resident in the territory for 9 years. He has been granted temporary permission to stay along with his mother. D claims that he feels British and wants to travel abroad with friends to celebrate the end of exams. He has not applied for a passport from the country of his birth, as he says he has no links with that country and the territory is the only home he knows. D does not meet the criteria for registration on the basis of 10 years residence and there are no compelling reasons to register him exceptionally.

Evidence to be supplied for section 17(1) cases

The evidence to be supplied will depend on the circumstances of the case. Applications should therefore be supported by as much of the following documentary evidence as may be necessary in each case:

- child's birth certificate
- birth certificates of parents or those with [parental responsibility](#)
- marriage certificates of parents or those with parental responsibility
- child's passports or travel documents
- passports or travel documents for parents or those with parental responsibility
- school letters / reports and employment letters (providing evidence of residence and future intentions where necessary)
- divorce documents
- court orders concerning:
 - wardship
 - guardianship
 - adoption
 - custodianship
 - parental responsibility
- citizenship of parents
- parents' immigration status
- child's immigration status
- child's spouse / civil partner's citizenship or immigration status
- any other evidence, such as medical reports relied on to establish the exceptionally compelling or compassionate nature of the application

Section 55 and Article 8 considerations

This section tells you about section 55, [Borders, Citizenship and Immigration Act 2009](#) and Article 8 of the [European Convention on Human Rights](#). The obligations imposed on the UK under section 55 and Article 8 do not necessarily extend to the British overseas territories, but decisions made there should be consistent with decisions made for British citizenship in the UK.

Section 55

[Section 55 of the Borders, Citizenship and Immigration Act 2009](#) places an obligation on the Secretary of State to take account of the need to safeguard and promote the welfare of children when carrying out immigration, asylum and nationality functions.

To be consistent, you must take into consideration the best interests of a child in casework decisions, including those covered by this guidance, that have an impact on that child. All decisions must demonstrate that children's best interests have been considered as a primary, but not necessarily the only consideration. Whilst in the majority of cases it might be argued that it is in an individual child's best interests to become a BOTC, British nationality law is based on the acquisition of citizenship through a close connection with a territory, including residence, lawful presence and family ties. It is therefore consistent that you adopt similar expectations in applying

the Governor's discretion to register a child. If it is claimed that a child requires British overseas territories citizenship at the current time, this needs to be weighed against the wider requirements to ensure a fair, consistent and coherent immigration and citizenship policy.

In some cases, it may become clear that the child does not wish to be registered as a BOTC. Your consideration should take account of any views expressed by the child and whether, in the light of those views, it would be right to refuse the application. You must make a judgement on whether the child is of sufficient intelligence and understanding to make an informed decision on this. The older the child is, the more appropriate a refusal is likely to be.

[Section 55](#) does not have to be taken into account once a child has turned 18. This means that where the person turns 18 on or before the date of decision you do not need to make a best interests consideration. This may be particularly relevant where an application is made shortly before the 18th birthday.

Article 8

The European Court of Human rights held in [Genovese v Malta](#) that the arbitrary denial of citizenship may in certain cases raise an issue under article 8 because of its impact on the private life of an individual. You must ensure that any decision to refuse citizenship is made in accordance with this guidance, and not on arbitrary or discriminatory grounds.

It would be unlikely for any decision to refuse to grant citizenship to engage an Article 8 right, unless there were clear reasons why an individual's family and / or private life was being unjustifiably impacted because of the inability to acquire citizenship. If a child has permanent permission to remain in a territory, refusal of citizenship would not normally affect their ability to remain there and so maintain any existing family relationships or a private life.

Character

Children and young people aged 10 and over at the date of application are required to be of good character to be registered under [section 17\(1\) of the British Nationality Act 1981](#).

In considering applications you must take into account the standards of character required for the grant of citizenship to an adult at the Secretary of State's discretion.

Related content

[Contents](#)

Parental arrangements

Parental consent

You must normally expect the consent of both parents to a child's registration irrespective of where the child or the parents are living, or whether the child is natural or adopted. Further information can be found in the [consent section](#).

Applications made by people other than parents

We normally expect applications to be made by one or both parents, or by someone with parental responsibility for the child. You must normally refuse an application made by others on behalf of the child, unless there are special circumstances, which could include:

- the child's parents are deceased and the child is living permanently with the person making the application
- the child's parents have gone abroad long term and the child has been left in permanent care of the person making the application

We would normally expect the person making the application to provide evidence of their appointment as guardian by the parents, or by a court, such as a will or residence order and a statutory declaration confirming:

- why they assumed parental responsibility for the child
- when they assumed that parental responsibility
- whether there are any others who have parental responsibility for the child, if so, are they aware of and do they consent to the application

If you have evidence that the application was made in order to avoid refusal because, for example, the parents or, where appropriate, the person or people making the application were not British overseas territories citizens (BOTCs), then you must normally refuse it.

Guardianship

A guardian is a person appointed to take over the responsibility for a child's upbringing where nobody has parental responsibility for the child. A guardian may make an application for the registration of a child as a BOTC.

It is important to remember that, in guardianship cases, we should normally expect the normal criteria to be met, including, where appropriate, those relating to the citizenship and immigration status of the parents and their consent to the registration.

A guardian must supply evidence of his or her right to act as such by, for example, producing a deed, will or court order. You will normally also need the consent of any other guardians or the surviving parent.

Where 2 or more people act as joint guardians and cannot agree on any question affecting the welfare of the child (such as registration as a BOTC), any of them may apply to a court for an order resolving the matter.

You must carefully examine applications made by a guardian to ensure that the guardianship is not simply a means to avoid refusal because, for example, the parents are not BOTC, or are resident abroad, or to get around immigration control. If there is evidence that this is the case, you must normally refuse the application.

However, you must normally exercise discretion in the child's favour and register them where:

- the child's parents have died
- at least one of the child's parents was a BOTC
- the guardians are BOTCs
- the child meets the residence and other normal expectations

This is to fulfil an undertaking by ministers to Parliament that we would do all we could to relieve hardship in such cases.

Registration of children by those sharing parental responsibility with the parents

An application for the registration of a child as a BOTC may be made by anyone sharing parental responsibility for a child with the parents. You must seek the consent of all those with parental responsibility, as defined in local law.

Those sharing parental responsibility with the natural parents do not take the parents' place for the purposes of registration of the child as a BOTC under [section 17\(1\) of the British Nationality Act 1981](#). You must normally therefore expect the normal criteria to be met including, where appropriate, those relating to the citizenship and immigration status of the parents and the parents' consent to registration.

Looked after children

An application may be made on behalf of a child who is being looked after by the local child services department, child services or welfare department. The following paragraphs apply whenever the local child services or welfare department shares parental responsibility with the child's parents.

Application made by the parents

If the normal criteria for registration appear to be met, you must ask the department responsible for the child's care for a report on the background to the case and for its

views on the application. If that department supports the application, you may normally register the child provided that the normal criteria are met. If the department does not recommend registration, you must not register the child while the care arrangements remain in force.

Applications made by the department responsible for the child's care

You must ask the department for a background report, including details of the parents. If the normal criteria for registration appear to be met, and both parents' consent, you must normally register.

If the normal criteria are not met, but the parents' consent, you should consider, in the light of the department's report, whether there are exceptionally compelling and compassionate circumstances to justify an exception to our normal practice.

If one or both parents object, you must only register the child if the department is satisfied that it is necessary to safeguard or promote the child's welfare.

Applications made by children themselves

There is nothing in law to prevent children making their own applications. However, in practice, you should normally refuse such an application if you do not have the consent of the parents or the person with legal responsibility for the child. However, if children are 17 or over and have good reason for making the application themselves, you can consider it in the normal way. This may be appropriate, for example, where children have no contact with their natural parents and have been in the care of the local child services or welfare department, but the care has now ended.

If the child is married or in a civil partnership, and the relationship is recognised as valid in local law, less weight should be attached to the parental views than would otherwise be the case.

The child's views

If it becomes apparent during the consideration of the application that the child does not wish to become a BOTC, you should consider whether it would be right to refuse the application. It is a matter of judgement whether a child is of sufficient intelligence and understanding to make an informed decision on this. The older the child is, the more appropriate a refusal is likely to be.

The parents' consent

While it is not a legal requirement for applications under [section 17\(1\) of the British Nationality Act 1981](#), it is reasonable that the view of both parents should be considered. Where there is a conflict between the parents, the courts will put the welfare of the child first. This may be relevant in cases where a parent objects to registration.

On marriage / civil partnership, children are assumed to have family status on their own account and to have become less a part of their parents' family. In these cases, you must give less weight to the parents' circumstances or their views of the child's registration, provided the marriage or civil partnership is valid in local law.

It is usually a straightforward matter to secure the consent of both parents where the parents were married or the child was legally adopted and living with the parents. Difficulties may arise when the marriage has temporarily or permanently broken down, or the child's parents were never married.

Where the parents are legally separated or divorced, it will have been decided who the child should live with. If the parents could not agree on this, a court may have determined who the child should live with, and specified the periods the child will spend with each parent. If both parents have parental responsibility for the child, both should be consulted regarding any major changes in the child's life. You therefore need to take reasonable steps to obtain and consider the views of both parents.

The way in which consent is given may vary according to the circumstances in which the application is made either:

- both parents should have signed the relevant section of the application form
- there should be an accompanying letter of consent from the non-applicant parent

You may also judge that consent has been given if the other parent has good reason for not putting it in writing. For example, if by formally giving consent, the child would lose their existing nationality, but we are nevertheless satisfied from the circumstantial evidence that the other parent is willing for the child to be registered.

Where a court has decided that the child should be looked after by one parent (or other individual), you must request the consent of the other parent (or parents) retaining or having parental responsibility.

Where separation has not been formalised by a court, you must request the consent of both parents, or any other person having parental responsibility.

Steps to be taken to obtain the other parent's views

We should invite the applicant parent to obtain the consent of the other parent to the child's registration, unless it is clear that the circumstances as set out in the section on [dispensing with other parent's view](#).

If the applicant parent refuses, we should seek agreement to our approaching the other parent, as set out below, asking for that parent's address if we do not have it. You must abide by data protection principles. You must not give third parties (other than those we have authority) any information held on our files or computer systems without the permission of the applicant. This means that in cases covered by this section you cannot write to the other parent or to their solicitor without the express permission of the applicant parent.

You must not draw adverse conclusions from the applicant parent's reluctance to contact the other parent. This could arise from many personal factors unknown to us, including fear.

Dispensing with the other parent's views

You can normally dispense with the other parent's consent or views where:

- the applicant parent has been given sole custody by a court
- the child's parents were not married, the applicant parent is the mother and we have no reason to believe that the father has parental responsibility (or overseas equivalent)
- the applicant parent or solicitor states that the other parent has abandoned the child (for example there has been no contact for many years)
- the applicant parent or solicitor states that the other parent's whereabouts are not known and he or she cannot reasonably be traced
- despite our efforts the other parent does not respond to our or the applicant parent's letter seeking his or her views

If you decide you do not need to seek the other parent's views this does not mean that you can ignore them if they are given. You must always consider any views offered by the other parent, whatever the circumstances and take full account of them before deciding the application.

If the parent with sole custody of the child is making the application and has re-married, we do not need to obtain the step-parent's consent.

What to do if the other parent objects to registration

You must consider any objections raised by the other parent on their merits. You must normally refuse registration where the other parent objects and one or more of the following circumstances exist:

- the child's home is in the country of existing nationality which would be lost by registration as a BOTC
- there is evidence that the child has been or is likely to be brought to the territory in contravention of a court order
- there are outstanding court proceedings (whether in the territory or abroad) over custody of the child
- there is reason to believe that registration would not be in the child's best interests

It may, however, be reasonable to override the other parent's views if:

- the child is living in the territory with the applicant parent
- registration would normally be considered appropriate

Other reasons for overriding a parent's objections would be:

- they were not well-founded
- they appeared to be motivated by bad feeling between the parents
- the objecting parent appeared not to be acting in the child's best interests

You must take particular care to be satisfied that the evidence supports the genuineness of the relationship between the child and the parents. This is because an application for registration could be made by someone who is not the parent.

Where the relationship is not clearly established you must take careful account of the information on local records or those of parents and other close relatives and must follow up any discrepancy. This may require requesting information from other government departments. You must not make a decision until completely satisfied the relationship is genuine.

Minors who are married or in a civil partnership

Where a person under the age of 18 is married or in a civil partnership, parental consent is not as important. Applications from married minors or those in a civil partnership must normally be supported by the following evidence:

- child's birth certificate
- spouse's or civil partner's birth certificate
- child's marriage or civil partnership certificate
- that the child is settled in the territory (and has been living there for at least 2 years
- if not married or in a civil partnership to a BOTC, that their future lies here

Related content

[Contents](#)