



Home Office

## **Guide NS**

# **Confirmation of British nationality status**

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# Introduction

This guide is intended to assist those who believe they have a claim to British nationality and want confirmation of that status for a reason other than applying for a passport. If you want to obtain a British passport you must make a passport application and His Majesty's Passport Office will consider whether you have a claim to British nationality.

Information about applying for a British passport can be found on His Majesty's Passport Office [website](#) or by calling 0300 222 0000.

If you want to establish your status for a purpose other than applying for a British passport, you can apply for a nationality status letter. A decision will be made by UK Visas and Immigration as to whether, on the balance of probabilities, the person making the claim holds British nationality. The decision will be in the form of a written opinion. Whether you have British nationality is a matter that can only be determined conclusively by the courts. The law on British nationality is complex and it is not possible, in this short guide, to list all the circumstances where a person may have British nationality, or to cover all of the exceptions to the general principles we describe. This guide focuses on British citizenship. Similar rules apply to the acquisition of the other forms of British nationality that can be acquired automatically without the need for an application. If your circumstances do not exactly match the guidance and examples given here, you may wish to consult an immigration lawyer or agent. If you use an immigration advisor, you should ensure that they are registered with the Immigration Advice Authority (IAA).

Other information about citizenship and immigration, including information about becoming a British citizen through naturalisation or registration, is available on our [website](#).

You should read the guidance on how to determine whether you are a British citizen and consider what supporting evidence you have, and whether this is sufficient to support your claim and to allow a decision to be made in your favour. If your claim is not accepted you will be told why, and the fee will be retained. If you make a further request for confirmation of nationality status, you will need to pay a new [fee](#).

## The Windrush Scheme

The [Windrush Scheme](#) is for people who arrived in the UK many years ago and do not have documentation confirming their immigration status.

If you consider that you are eligible under the Windrush Scheme you should use the [Windrush Scheme application form](#) available on GOV.UK.

There is no charge for applications made under the Windrush Scheme.

## IAA and immigration advice

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

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

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# How to determine whether you are British

There are currently six different forms of British nationality. These are:

- British citizen
- British Overseas citizen
- British overseas territories citizen
- British National (Overseas)
- British subject
- British protected person

Other forms of British nationality have existed, but they are not current, for example **citizenship of the UK and Colonies (CUKC)**, or **British dependent territories citizenship**. Information on all forms of British nationality is available on [GOV.UK](https://www.gov.uk).

The only British nationals who have the right to live and work in the UK are:

- **British citizens**
- certain **British subjects** who hold right of abode in the UK

People holding one of the other forms of British nationality may only live and work in the UK if their immigration status allows it.

British nationality is defined in law. Whether a person has a claim to British nationality can be determined by applying the definitions and requirements of the British Nationality Act 1981, and related legislation, to the facts of their date and place of birth and descent. This section provides brief guidance on how to work out whether you already hold British citizenship. Separate advice and guidance for those who are not currently British citizens, but who wish to acquire British citizenship through naturalisation or registration, is available on [GOV.UK](https://www.gov.uk).

## Automatic claims to British nationality

Prior to 1949, birth anywhere within the Crown's dominions normally conveyed British subject status automatically. The British Nationality Act 1948, which came into force from 1 January 1949, was enacted to create a new nationality status, citizenship of the UK & Colonies (CUKCs), for people from the UK and its remaining colonies.

From 1949 onwards, a number of former colonies became independent states. CUKCs who became citizens of those countries on independence, automatically lost their citizenship of the UK and colonies unless they benefited from a specified exception.

Exceptions included being born, or having a father or paternal grandfather born, in a country that remained a British territory. A woman could also keep citizenship of the UK and Colonies if her husband did.

Those who were British subjects before 1949 generally became:

- CUKCs (if from the UK or a remaining UK colony)
- citizens of an independent country (such as Canada)

This continued as more countries became independent.

In 1971, those who had the status of **citizen of the UK & Colonies** and a close connection with the UK through birth, adoption, registration or naturalisation acquired the **right of abode** in the UK. Guidance on right of abode can be found [here](#).

In 1983, the British Nationality Act 1981, introduced three new statuses which replaced the earlier nationality status of **citizenship of the UK and Colonies**:

- **British citizenship** was automatically acquired from that date, by citizens of the UK and Colonies who had a right of abode in the United Kingdom
- **British dependent territories citizenship** was acquired by people with a connection with a British overseas territory
- **British Overseas citizenship** was acquired by those who did not have a right of abode in the UK or a connection with an overseas territory.

**British dependent territories citizenship** was renamed as **British overseas territories citizenship** from 21 May 2002. Most people who were **British overseas territories citizens** became **British citizens** on 21 May 2002 under the [British Overseas Territories Act 2002](#).

Tracing citizenship through successive generations requires knowledge of the citizenship legislation in force at the time and in other countries and can be complex, and this is a very short summary. 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 – see [IAA and immigration advice](#).

For more information on British citizenship, you should visit this page on [GOV.UK](#).

Historical background information on nationality can be found [here](#).

Guidance on right of abode can be found [here](#).

Information for those who wish to acquire British citizenship through naturalisation or registration is available [here](#).

## Automatic claims to British citizenship by descent and otherwise than by descent

The law sets out that people are either British citizens “by descent” or British citizens “otherwise than by descent”.

Generally, British citizens by descent cannot pass on their citizenship to any of their children born outside of the United Kingdom and British Overseas Territories, whereas British citizens otherwise than by descent are able to. This is only relevant if they have children born outside of the United Kingdom or British Overseas Territories. An exception exists for those in Government service outside the United Kingdom who can pass on their British nationality to their overseas-born children, irrespective of whether they hold citizenship by descent or otherwise than by descent.

It is not possible for people holding British citizenship by descent to “upgrade” their status to British citizenship otherwise than by descent.

British citizens otherwise than by descent include people who are:

- Naturalised
- Registered as a British citizen
- Born or adopted in the United Kingdom before 1 January 1983
- Born in the United Kingdom between 1 January 1983 and 1 July 2006 whose mother or (if their parents were married) father was a British citizen or settled in the United Kingdom. (“Settled” means not subject to immigration time restrictions.)
- Born in the United Kingdom on or after 1 July 2006 with a parent who is a British citizen or settled (which means not subject to immigration time restrictions) in the United Kingdom

## When a parent could pass on citizenship

- Before 1 January 1983 citizenship of the UK & Colonies could only be passed on by a British citizen otherwise than by descent father (and if he was married to the child’s mother).
- From 1 January 1983 British citizenship could be passed on by men (if married to the child’s mother) and women.
- From 1 July 2006 British citizenship could be passed to a child by an unmarried British father.

If you missed out on citizenship because the laws in force at the time meant that citizenship could only be transmitted by a father, or where your parents were not married at your birth, it may be possible for you to apply for registration as a citizen under [special circumstances](#). Further information is available in the [published guidance](#) on [GOV.UK](#).

# Before you apply

Citizenship may only be claimed through a qualifying connection with the UK, which is set out in legislation.

You must ensure that you have a clear idea of why, as a matter of law, you believe that you are a British citizen, and provide sufficient evidence in support of your claim.

You must only apply if you want to find out about your status for a purpose other than applying for a British passport. If you wish to obtain a British passport you must apply to His Majesty's Passport office.

Information about applying for a British passport can be found on His Majesty's Passport Office [website](#) or by calling 0300 222 0000.

Although a decision will be made on the basis of the information you supply and the supporting documents, we may wish to contact you on individual points of your claim. You should provide a daytime telephone number or e-mail address where we can contact you easily.

If you are applying on behalf of someone other than yourself (for example, someone who is unable to apply themselves due to medical incapacity), or if you want to find out about the status of someone who is deceased, you should say who you are and why you are making this application and also provide:

- evidence of death or medical incapacity (if relevant)
- evidence of how the requestor is linked to the deceased or medically incapacitated applicant (if relevant)

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# Documents you need to supply

You must supply documents relating to the people (ancestors) you use to support your claim to British citizenship, including evidence of marriage and registration as citizens of the UK and Colonies or British citizenship, including immigration status, where this is relevant.

The evidence must date from around the time that the events to which it relates took place. For example, birth many years ago should be evidenced using documents that existed around that time.

We will not usually accept as supporting evidence a certificate of birth for an adult whose birth has only recently been registered. We will only accept statutory declarations in support of a customary wedding taking place from a credible witness who attended the wedding, subject to all the information available. Credible witnesses would include the minister who officiated at the marriage or someone who can be proven to have been there at the time.

If a customer is unable to provide the standard documents that we need to deal with their application, we will make a decision on the balance of probabilities. A balance of probabilities decision is one based on the evidence provided. A positive decision for the customer would mean we were more satisfied than not, that their information and documents show the event occurred (for example, their birth or the marriage of their parents).

You do not need to send your documents anywhere if you apply online. You can either upload copies into the online service or have them scanned at your UKVCAS appointment.

If you apply on a paper form, original documents must only be posted using secure mail. We cannot accept responsibility for valuable documents lost in post.

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# What happens after you apply?

Once we have received your application for confirmation of British nationality status, we will contact you to advise that it has been received and acknowledge receipt of your fee.

Your application will be logged onto a computer database which will allow us to track it and any future correspondence we may have with you.

The application will be considered by a trained nationality caseworker. While we try to deal with cases quickly, this cannot be guaranteed and we cannot confirm your status unless we are satisfied that, on the balance of probabilities, you have a legitimate claim to British citizenship.

If we recognise that you have a claim to British citizenship, we will write and tell you. If we do not agree with your claim, we will write and tell you why. This will include, if appropriate, how to reapply with more convincing supporting documents. Further applications will require you to pay a [fee](#).

There is no right of appeal or review of our decision.

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# Citizenship-related queries

If, having read the information set out in this guidance, you have questions about your application, you can email the Citizenship and Nationality Enquiries team at [nationalityenquiries@homeoffice.gov.uk](mailto:nationalityenquiries@homeoffice.gov.uk).

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

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

If you require anything else, please [contact UK Visas and Immigration for help](#).

Information about applying for a British passport can be found on His Majesty's Passport Office [website](#) or by calling 0300 222 0000.

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