



Home Office

# Nationality: diplomatic privileges

Version 8.0

His Majesty's Passport Office guidance for dealing with applications when a parent appears to have diplomatic privileges at the time of their child's birth.

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# About: Nationality: diplomatic privileges

This guidance tells His Majesty's Passport Office examination staff about diplomatic, consular and international organisation immunity. It tells them:

- when and how to check if a parent has diplomatic privileges
- how to deal with applications including when we:
  - cannot confirm if a parent had diplomatic privileges
  - confirm a parent had diplomatic privileges

The guidance refers to:

- 'parent' and when it does, it means the parent who the nationality claim is through
- 'diplomatic privileges' and when it does, it means anyone with diplomatic, consular or international organisation immunity in the United Kingdom

## 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 Guidance 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 team.

## Publication

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

- version **8.0**
- published for Home Office staff on **23 June 2025**

## Changes from last version of this guidance

This guidance has been updated to make it clear that if the Foreign, Commonwealth & Development Office (FCDO) tell examiners the parent is not recorded on the FCDO database, then they must deal with the passport application in line with [the parent no longer has diplomatic privileges](#) section of this guidance.

### Related content

[Contents](#)

# Diplomatic immunity

This section tells His Majesty's Passport Office examination staff about diplomatic, consular and international organisation immunity and how a customer's claim to British nationality is affected by their parents' diplomatic privileges.

A foreign national, with diplomatic immunity, is, with three very limited exceptions, exempt from the criminal, civil and administrative jurisdiction in the State to which they are appointed (see the [Vienna Convention on Diplomatic Relations \(VCDR\) 1961, Article 31\(1\)](#)).

The level of immunity can be different depending on the foreign national's position in their organisation, for example:

- full diplomatic immunity (immune from criminal, civil and administrative laws)
- official act immunity (immune in relation to acts performed in their official role)

All foreign diplomats and officers accredited or appointed to diplomatic missions are exempt from UK immigration control.

A foreign diplomat cannot be considered settled in the UK unless they:

- have Right of Abode (ROA) (see immigration and right of abode guidance)
- were settled in the UK, before they became entitled to diplomatic immunity

## What is consular immunity

The [Vienna Convention on Consular Relations 1963](#) explains consular staff have similar immunity to foreign diplomats. Consular staff are exempt from immigration control if they were recruited from outside the UK to the consulate.

## Consular staff recruited in the UK

Administrative, technical or service staff recruited in the UK and their families, who are already permanent residents in UK are not exempt from UK immigration control unless they were recruited before 1 August 1988.

## Staff recruited before 1 August 1988

Under section [8\(3\) of the Immigration Act 1971](#) (IA71), administrative, technical, or service staff and their families were exempt from UK immigration control. Their exemption is not affected by changes to section 8(3) of the IA71 as long as they continue to work for the embassy, mission or consulate.

## Staff recruited between 1 August 1988 and 1 March 2000

Under section [8\(3\) of the IA71](#), diplomatic missions could recruit administrative, technical and service staff when either the:

- employee's immigration status in the UK allowed them to take employment (for example, they were already settled or British)
- Protocol Department of the Foreign, Commonwealth & Development Office (FCDO) was told about the recruitment (for example, if the person being recruited is a foreign national)

Staff recruited between 1 August 1988 and 1 March 2000 are subject to immigration control.

The FCDO would allow a foreign national to be employed if they were satisfied the employment was genuine and they were entitled to privileges and immunities.

Foreign nationals recruited between 1 August 1988 and 1 March 2000 would be exempt from immigration control if they left the UK before 1 March 2000 and returned after 1 March 2000 as a returning member of a diplomatic mission.

Foreign nationals are subject to immigration control when they return to the UK on or after 1 March 2000 if both of the following apply:

- they live in the UK
- they have not acquired exempt status by travelling abroad before 1 March 2000

## Staff recruited on or after 1 March 2000

Under [section 8\(3A\) of the IA71](#), members of diplomatic missions who are not diplomats, will be exempt from immigration control if all of the following apply:

- their permanent residence is outside of the UK
- they were not in the UK when they were offered a post at the diplomatic mission
- they have not left their employment with the diplomatic mission

## What is international organisation immunity

The [International Organisations Act 1968](#) explains foreign nationals who are working in the UK as part of an international organisation the UK or UK government is also a part of, are exempt from immigration control.

A foreign national working in the UK as part of an international organisation the UK or UK government is also a part of, cannot be considered settled in the UK unless they:

- have Right of Abode (ROA) (see immigration and right of abode guidance)

- were settled in the UK, before they became entitled to international organisation immunity

## List of international organisations the UK is a part of

The following list shows organisations which the UK or the UK government is a member of:

- African Development Bank
- Asian Development Fund
- Caribbean Development Bank
- Commission of the European Communities
- Commonwealth Secretariat
- Commonwealth Telecommunications Bureaux
- Council of Europe
- Customs Co operations Council
- European Atomic Energy Community
- European Central Bank
- European Centre for Medium Range Weather Forecasts
- European Coal, Iron and Steel Community
- European Commission of Human Rights
- European Economic Community
- European Foundation
- European Investment Bank
- European Organisation for the Safety of Air Navigation
- European Parliament
- European Space Agency
- Food and Agricultural Organisation
- Inter-American Development Bank
- Inter-Governmental Maritime Consultative Organisation
- International Atomic Energy Agency
- International Bank for Reconstruction and Development
- International Civil Aviation Organisation
- International Cocoa Organisation
- International Coffee Organisation
- International Court of Justice
- International Development Association
- International Finance Corporation
- International Fund for Agricultural Development
- International Labour Organisation
- International Lead and Zinc Study Group
- International Maritime Organisation
- International Mobile Satellite Organisation
- International Monetary Fund
- International Oil Pollution Compensation Fund
- International Rubber Study Group
- International Sugar Organisation

- International Telecommunications Union
- International Tin Council
- International Whaling Commission
- International Wheat Council
- Joint European Torus
- North Atlantic Salmon Conservation Organisation
- North Atlantic Treaty Organisation
- Organisation for Economic Co-operation and Development
- Oslo and Paris Commission
- United Nations

This list is not exhaustive and other international organisations may be considered.

If a customer tells you they, or their parents were part of an organisation that is not listed above, you must raise a guidance query.

## Who can hold diplomatic privileges

Foreign nationals working in the UK may be entitled to diplomatic privileges if they are considered:

- a foreign diplomat
- a visiting head of state
- a chief representative of:
  - an independent Commonwealth country
  - Ireland
- a member of a consular post who is in full time service of the state it represents:
  - consular officers
  - consular employees
  - members of the service staff
- a member of a foreign diplomat's household, such as:
  - a spouse
  - children
  - close relation (in special circumstances)
- part of an [international organisation](#) (which the UK is also part of)
- a senior member of the Commonwealth Secretariat or members of their household (on or after 1 July 1965)

## How diplomatic privileges can affect a nationality claim

If a parent is a member of a diplomatic mission, consular post or international organisation at the time their child's birth, it may mean their child does not have a claim to British nationality. Nationality depends on:

- when and where the customer was born
- the nationality of the customer's parents

- if the parent was permanently settled in the UK before becoming entitled to diplomatic privileges

The [British Nationality Act 1948 section 4\(a\)](#) confirms:

- British nationality is not given to a child born in the UK, if their father is in foreign diplomatic service, unless the father is:
  - a British national before becoming entitled to diplomatic immunity

[The Consular Relations Act 1968](#) confirms British nationality can only be given to a child born in the UK after 10 April 1968 but before 1 January 1983 if:

- neither of their parents were a foreign national with diplomatic privileges when the child was born

The [British Nationality Act 1981 section 50\(4\)](#) confirms British nationality is not given to a child born in the UK when the claim parent is a foreign national with diplomatic privileges:

- unless either parent is also a British national or was settled in the UK before becoming entitled to diplomatic privileges

You must refer to Treaty rights passport applications, if the parent has diplomatic privileges but is also exercising treaty rights.

## **Related content**

[Contents](#)



# Diplomatic privileges: how to deal with applications

This section tells HM Passport Office staff how to deal with applications from customers born in the UK to foreign nationals when the father had diplomatic privileges (for births before 10 April 1968), either parent had diplomatic privileges (for births on or after 10 April 1968 but before 1 January 1983), the claim parent had diplomatic privileges (for births on or after 01 January 1983). It includes how to check if a parent had diplomatic privileges.

You, the examiner, may receive an application from a customer born in the UK to a foreign national and:

- the father had diplomatic privileges (for births before 10 April 1968)
- either parent had diplomatic privileges (for births on or after 10 April 1968 but before 1 January 1983)
- the claim parent had diplomatic privileges (for births on or after 01 January 1983)

You may find the claim parent (or either parent, for births between 10 April 1968 and 1 January 1983) had diplomatic privileges when the customer was born, from the:

- details in the customer's passport
- details in the parent's passports
- details in the parent's pay slips
- details in the parent's 'occupation' section of the customer's full birth certificate
- documents the customer sent you with their application, for example:
  - letters of accreditation or authorisation from the foreign government or organisation their parent was employed by
  - a certificate issued by the Foreign, Commonwealth & Development Office (FCDO) under section 4 of the Diplomatic Privileges Act 1964, to the customer's parent which confirms they are exempt from immigration control

You may also notice the customer cannot give you standard settlement evidence for births on or after 1 January 1983.

You must refer the application to your operational team leader (OTL) or appropriately trained person, if the customer's documents show their parent was a foreign national who may have had diplomatic privileges when the customer was born.

## Checking diplomatic privileges

If you believe either parent had diplomatic privileges at the time of the customer's birth, you must check [how this affects the customer's claim](#) to British nationality.

You must check if the customer was born in the UK:

- before 10 April 1968
- on or after 10 April 1968 but before 1 January 1983
- on or after 1 January 1983

## Customers born before 10 April 1968

If the customer was born in the UK before 10 April 1968 and their father had diplomatic privileges you, the OTL or appropriately trained person, must:

1. Check UK Visa and Immigration (UKVI) service's case work systems to see if, the father was British before the customer was born.
2. Ask the customer to send evidence the father was British before the customer was born.
3. Check if you have enough evidence to confirm the customer's:
  - nationality
  - identity
  - entitlement
4. Ask the customer to send you any additional evidence that confirms their British nationality or identity (if needed).
5. Refer the application to your local Counter Fraud team if you have any fraud concerns.
6. Decide if you must:
  - issue the customer with a passport (if you are able to do so)
  - withdraw the application (if the customer does not reply)
  - ask the historians at the FCDO to [check if the parent has diplomatic immunity](#)
7. Add a case note to the application that records:
  - the evidence the customer sent you
  - your actions
  - any decisions you made

If the customer's mother has diplomatic privileges, the customer will still be a British citizen by birth in the UK.

## Customers born on or after 10 April 1968 but before 1 January 1983

If the customer was born on or after 10 April 1968 but before 1 January 1983 to a foreign national and either of their parents had diplomatic privileges you, the OTL or appropriately trained person, must:

1. Check UKVI's case work systems to see if, the foreign national with diplomatic privileges was British before the customer was born.
2. Ask the customer to send evidence the foreign national with diplomatic privileges was British before the customer was born.
3. Check if you have enough evidence to confirm the customer's:
  - nationality
  - identity

- entitlement
- 4. Ask the customer to send you any additional evidence that confirms their British nationality or identity (if needed).
- 5. Refer the application to your local Counter Fraud team if you have any fraud concerns.
- 6. Decide if you must:
  - issue the customer with a passport (if you are able to do so)
  - withdraw the application (if the customer does not reply)
  - ask the historians at the FCO to [check if the parent has diplomatic privileges](#)
- 7. Add a case note to the application that records:
  - the evidence the customer sent you
  - your actions
  - any decisions you made

## Customers born on or after 1 January 1983

If the customer was born on or after 1 January 1983 and their claim parent was a foreign national with diplomatic privileges you, the OTL or appropriately trained person, must:

1. Check UKVI's case work systems to see if, the foreign national with diplomatic privileges was:
  - British before the customer was born
  - settled in the UK before the customer was born
2. Ask the customer to send evidence the claim parent with diplomatic privileges was either:
  - British before the customer was born
  - settled in the UK before the customer was born (for example, they held indefinite leave to remain (ILR) or were exercising Treaty rights)
3. Check if you have enough evidence to confirm the customer's:
  - nationality
  - identity
  - entitlement
4. Ask the customer to send you any additional evidence that confirms their British nationality or identity (if needed).
5. Refer the application to your local Counter Fraud team if you have any fraud concerns.
6. Decide if you must:
  - issue the customer with a passport (if you are able to do so)
  - withdraw the application (if the customer does not reply)
  - ask the historians at the FCDO to [check if the parent has diplomatic privileges](#)
7. Add a case note to the application that records:
  - the evidence the customer sent you
  - your actions
  - any decisions you made

## Foreign, Commonwealth & Development Office historians

To ask the historians at the FCDO to check if a parent had diplomatic privileges when the customer was born you, the OTL or appropriately trained person, must:

1. Check if the parent is a foreign national and may have diplomatic privileges.
2. Email the historians at the FCDO from your teams shared mailbox and ask them to check if the parent had diplomatic privileges at the time of the customer's birth. In your email you must:
  - include the parent's full name
  - include the country the parent represented
  - include the customer's date of birth
  - include the customer's application number
  - ask when the foreign diplomat left their employment (if the information is available)
3. Electronically store the application while you wait for the historians to respond.
4. Email the historians at the FCDO from your team's shared mailbox to ask for an update, if you do not get a response from them after 2 weeks.
5. Check the reply from the historians, to see if they:
  - confirm the parent has or [had diplomatic privileges](#)
  - confirm the parent [no longer has diplomatic privileges](#)
  - tell you the parent is not recorded on the FCDO database (when this happens, you must deal with the application inline with [the parent no longer has diplomatic privileges](#))

### Result: the parent had diplomatic privileges

If the check confirms the parent had diplomatic privileges at the time of the customer's birth, the customer will not be eligible to hold a British passport.

If the customer has no other claim to British nationality you, the OTL or appropriately trained person, must:

1. Refer to the refusing passport applications and passport facilities guidance or (to refuse the application or withdraw passport facilities).
2. Send the customer system letter 614.
3. Scan a copy of the letter you sent to the customer on to the application.

### Result: the parent no longer has diplomatic privileges

Foreign diplomats may leave their employment with the foreign government or organisation but choose to stay in the UK.

It is not a criminal offence for foreign diplomats to stay in the UK after leaving their employment, but they must contact UKVI within 121 days of the termination of their diplomatic posting to either:

- register or naturalise as a British citizen
- regularise their stay in the UK (apply for a settlement visa on or after 1 January 1983)

If the FCDO historians tell you, or the customer sends you evidence to show, the parent left employment with the foreign government or organisation before the customer was born, you must:

1. Ask the customer to send you evidence:
  - they were British by birth (for births in the UK before 1 January 1983)
  - their parent was British before the customer was born (for births on or after 1983)
  - their parent was settled in the UK before the customer was born (for births on or after 1 January 1983)
2. Decide if you must:
  - issue the customer with a passport (if you are able to do so)
  - withdraw the application (if the customer does not reply)
  - refuse the application using the withdrawing passports and passport facilities guidance (if the customer cannot provide evidence their parent was British or settled before they were born)
3. Scan the email from the FCDO onto the application.
4. Add a case note to the application that records:
  - the evidence the customer sent you
  - your actions
  - the decision you made

## **Related content**

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