



Home Office

# UK Border Agency

## GUIDE B(OTA)

Registration as a British citizen - A guide for:

- British overseas territories citizens
- British Overseas citizens
- British protected persons
- British subjects (under the British Nationality Act 1981)
- British Nationals (Overseas)

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# 1

## Introduction to the guide

Becoming a British citizen is a significant life event. Apart from allowing you to apply for a British citizen passport, British citizenship gives you the opportunity to participate more fully in the life of your local community.

For your application to succeed you will need to show that you satisfy a number of requirements that are set out in British nationality law. This guide aims to help you to make a successful application. It will also help you to prepare for British citizenship. It tells you what information to put into each section of the application form and which documents you need to supply.

The first chapter of this guide summarises the legal requirements for applying for registration.

It is important that you take care in completing the form and in making sure that you satisfy the requirements for registration. You also need to make sure that you have paid the correct fee (see the fees leaflet supplied separately). If you pay by cheque you should ensure that you have sufficient funds available. If you are applying in the UK, we will also accept credit/debit card payment. Cash, transcash and postal orders can not be accepted. **If you do not pay the correct fee your application will be returned to you unprocessed.**

Before continuing with your application, you should be aware that under the nationality laws of some countries a person will automatically lose their nationality if they become a citizen of another country. If you have any questions about this, you should ask the authorities of the country of which you are a citizen through their embassy or high commission before making your application. If the country of which you are currently a citizen continues to recognise you as one of its citizens you may continue to be subject to the duties of citizens of that country when you are in its territory. This may include obligations to undergo military service.

The law covering registration is contained in the British Nationality Act 1981, the British Overseas Territories Act 2002 and the regulations made under them. This guide is intended to help you to apply. It is not a complete statement of the law or policy. Other information about citizenship and immigration is available on the UK Border Agency website at [www.ukba.homeoffice.gov.uk](http://www.ukba.homeoffice.gov.uk)

# 2

## How do you qualify for registration?

- You must be
  - \* a British overseas territories citizen,
  - \* a British Overseas citizen,
  - \* a British protected person,
  - \* a British subject (under the 1981 Act), or
  - \* a British National (Overseas)and
  - \* of good character
- *EITHER* meet the requirements explained in Section A  
*OR* have at any time been in *Crown or similar service* as explained in Section B. (In this case you will only be registered if the Home Secretary thinks fit).  
*OR* meet the alternative requirements for British overseas territories citizens explained in Section C.

### Notes

- If you are a British overseas territories citizen, British Overseas citizen, a British subject under section 31 of the British Nationality Act 1981 or a British National (Overseas), registration as a British citizen *will not cause you to lose that status*. (However, British overseas territories citizens may find their immigration status could be affected in the territory concerned and they should address any questions about this to the Governor.) If you are a British protected person or a British subject other than under section 31 of the 1981 Act you *will automatically lose* that status on being registered as a British citizen. British subjects under section 31 of the Act are people who before 1949 were both citizens of Eire (as Ireland was then called) and British subjects. Very nearly all British subjects other than under section 31 are either people who derived British subject status from their own or their father's birth in former British India, or women who were registered as British subjects (under the British Nationality Act 1965) by virtue of marriage to a British subject.

## **A** The '5 years residence' requirements

The *5 year period* is the period ending with the date your application is received in the Home Office.

*Example:* If your application is received in the Home Office on 30 December 2007, the 5 year period will be from 31 December 2002 to 30 December 2007.

*You will meet the '5 years residence' requirements if:*

- you were in the United Kingdom at the beginning of the 5 year period (BUT see fourth note on page 5) and
- in the 5 year period you were not outside the United Kingdom for more than 450 days, (see page 6) and
- in the last 12 months of the 5 year period you were not outside the United Kingdom for more than 90 days, and
- in the last 12 months of the 5 year period your stay in the United Kingdom was not subject to any time limit under the immigration laws, and
- you were not at any time in the 5 year period in the United Kingdom in breach of the immigration laws (see page 6).

## **B** Registration on grounds of Crown or similar service

British overseas territories citizens, British Overseas citizens, British protected persons, British subjects (under the British Nationality Act 1981) and British Nationals (Overseas) who do not meet the '5 years residence' requirements may be registered as British citizens if:

- they are or have been in Crown service under the government of a British overseas territory
- *or* they are or have been in service as a member of a body established by law in a British overseas territory, the members of which are appointed by or on behalf of the Crown.

Registration will be quite exceptional. You should show that you:

- have been the holder of a responsible post, and
- have given outstanding service, and
- have some close connection with the United Kingdom.
- You should also explain the special circumstances you feel the Home Secretary should take into account when considering your application.

If you think you might qualify, you should write in the first instance, stating your case, to the Governor of the British overseas territory concerned.

## C Additional provision for British overseas territories citizens

If you are a British overseas territories citizen who has not become a British citizen under the British Overseas Territories Act 2002, or otherwise, you may also be registered as a British citizen unless:

- your British overseas territories citizenship is by connection **only** with the Sovereign Base Areas of Akrotiri and Dhekelia; or
- you have previously ceased to be a British citizen as a result of a declaration of renunciation.

Registration is at the discretion of the Home Secretary. He will not normally register an applicant who is not of good character.

You should explain any special circumstances that you feel the Home Secretary should take into account when considering your application.

### Notes

1. Applications can be made by adults or minors (children under 18).
2. If you are not sure of your citizenship or status under the 1981 Act, you may write for advice (giving full details) to the appropriate office mentioned on page 23.
3. The United Kingdom means England, Scotland, Wales, Northern Ireland, the Channel Islands and the Isle of Man.
4. All applicants who are applying on the grounds of 5 years residence - Section A - must be free from any restriction under the immigration laws on the date of application and have been in the United Kingdom at the beginning of the 5 year period unless they were settled in the United Kingdom immediately before 1 January 1983. ("Settled" means ordinarily resident in the United Kingdom without being subject under the immigration laws to any restriction on the period for which you may remain. No one can be regarded as ordinarily resident if in breach of the immigration laws. Nor are certain people regarded as settled even though they are exempt from immigration control: these are certain members of diplomatic or consular missions, or members of visiting forces or of international organisations).
5. The Home Secretary may make an exception to the *other residence requirements* in Section A if he thinks there are *special circumstances* in your case. If you believe there are special circumstances in your case you should explain what the special circumstances are when you apply.
6. The British overseas territories are currently:  
Anguilla; Bermuda; British Antarctic Territory; British Indian Ocean Territory; Cayman Islands; Falkland Islands; Gibraltar; Montserrat; Pitcairn, Henderson, Ducie and Oeno Islands; St. Helena, Ascension and Tristan da Cunha; South Georgia and the South Sandwich Islands; the Sovereign Base Areas of Akrotiri and Dhekelia; Turks and Caicos Islands; Virgin Islands.

## **Breach of Immigration Law/Immigration Time Restrictions**

You should not have been in breach of immigration law during the residential qualifying period. You should have been here legally. In other words you must have had the necessary permission under the immigration laws to be in the UK. You may be refused if you have been in breach of immigration laws during the residential qualifying period. You should have been free from immigration time restrictions during the last 12 months of this period. Usually there is a stamp or sticker in your passport saying that you have indefinite leave to enter or remain or no time limit on your stay. But you may have a letter from the Home Office saying that you are free from immigration conditions. If you do not have a passport or letter which says this and you have lived here many years you may still be free from an immigration time restriction.

## **Absences from the UK**

During the 5 year period you should not have been absent from the UK for more than 450 days of which no more than 90 days should have been taken in the last 12 months. There is discretion to allow absences above these normal limits - see pages 11-12 for details.

Most applications that fail do so because applicants have applied even though they cannot satisfy the residence requirement to be present in the UK at the beginning of the residential qualifying period. Some discretion may be exercised over the other residence requirements if there are special circumstances. If you do not meet the residence requirements but believe that there are special circumstances in your case, you should explain them when you apply.

# 3

## How to fill in the application form

You must ensure that your name, date of birth, and the place and country where you were born are clearly written in BLOCK LETTERS, in black or blue black ink. These details will be shown on your certificate. Any mistake you make is likely to end up on your certificate and may cause difficulties and delay in you becoming a British citizen or in obtaining a British passport.

Make sure that all the information is correct before you submit your application. It is a criminal offence to give false information knowingly or recklessly.

You may, if you wish, receive help completing your application form. You may use the services of an agent such as a solicitor or other competent adviser. For more information about competent advisers, see the box headed “OISC and Immigration Advice” on page 9.

You may also apply via the Nationality Checking Service. This is a partnership with local authorities, which has been introduced by a number of local authorities in the UK. The Nationality Checking Service enables people wanting to apply for registration to make their application in person at their local Register Office. In return for a small fee, local authority officers will help applicants to complete their application forms and check that the correct fee has been paid. They will also copy valuable documents and certify them as true copies, before returning the originals to you in person.

Local authorities provide the Nationality Checking Service at the point of application only, and will not act as your agent while your application is being considered. Local authorities are, like other competent advisers, registered with the Office of the Immigration Services Commissioner.

To check whether the Nationality Checking Service is available near you refer to the UK Border Agency website at [www.ukba.homeoffice.gov.uk](http://www.ukba.homeoffice.gov.uk), or call the Liverpool Contact Centre on 0845 010 5200. Please note that you may use any local authority offering Nationality Checking Service not just the one where you live. The service is being expanded over time to cover more local authorities.

However, applying for registration is a straightforward process which does not require the use of specialist agencies. You should be capable of applying successfully by following the guidance provided in this guide and ensuring that you are able to satisfy the requirements. First hand advice is available from the Liverpool Contact Centre on 0845 010 5200. Opening times are published on our website at [www.ukba.homeoffice.gov.uk](http://www.ukba.homeoffice.gov.uk).

Guides and application forms are issued free of charge.

Information you give will be treated in confidence, but may be disclosed to Government Departments, the Security Service and other agencies, local authorities and the police, where it is necessary for immigration or nationality purposes or to enable these bodies to carry out their own functions.

Now turn to Section 1 of the application form.

## Section 1: Personal Information

- 1.1 Enter your Home Office reference numbers, if you have any.
- 1.2 Tick the box appropriate to your title or write in your title if it is different. Please note that royal titles should not be used.
- 1.3 Enter your surname or family name as you want it to appear on your certificate.
- 1.4 Enter your other names as you want them to appear on your certificate.

For example if your name is Taher Mohamed Hashim Al Hassan, and you are known as Mr. Al Hassan then put Al Hassan in section 1.3 and Taher Mohamed Hashim in section 1.4.

- 1.5 If the names shown in section 1.3 and 1.4 are different from the names shown in your passport or they are spelt differently then please explain why on a separate sheet of paper.
- 1.6 If you are or have been known by any other names apart from the names you have given in sections 1.3, 1.4 and 1.5, say what the other names are/were, when you were known by or started to be known by these other names, and why.

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

**PLEASE NOTE THAT THE NAME, PLACE AND DATE OF BIRTH ENTERED ON THE APPLICATION FORM WILL APPEAR ON YOUR CERTIFICATE OF REGISTRATION AND CAN BE CHANGED ONLY IN THE MOST EXCEPTIONAL CIRCUMSTANCES.**

- 1.7 Enter your National Insurance number if you have one.
- 1.8 - Enter your date of birth, the village, town or city where you were born, and the country where you were born. Please take care over these entries as they will appear on your certificate of registration. If they are different from the details shown in your passport/birth certificate you should explain why on a separate piece of paper. NB - Place and country of birth names shown on the certificate will be names in current acceptable use (and will be in English where an English version exists).
- 1.10
- 1.11 Indicate your sex by ticking the appropriate box.
- 1.12 Indicate your marital/civil partnership status by ticking the appropriate box.
- 1.13 Enter your present address and ensure that you give your postcode. We need this to arrange a citizenship ceremony. **If you do not give your postcode your application will be delayed.**
- 1.14 It would be helpful if you would provide your telephone and email contact details to enable us to contact you quickly.
- 1.15 Indicate whether you are a British overseas territories citizen, a British Overseas citizen, a British protected person, a British subject (under the BNA 1981) or a British National (Overseas).

- 1.16 - If someone is acting on your behalf such as a solicitor or you are making the  
1.19 application through a consulate, you should provide their details so that we can contact them. Unless you are being represented by a private individual, it is the agent's business name, telephone number etc which should be put here.

#### OISC and Immigration Advice

Immigration or nationality advisers acting in the course of business (whether paid or unpaid) are regulated by the Office of the Immigration Services Commissioner (OISC), an independent body. The provision of such advice is prohibited unless a person works for an organisation registered with, or exempted by, the OISC or is authorised to practice (like solicitors and barristers) by a designated professional body.

Certain categories (e.g. 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 can be obtained from:

Office of the Immigration Services Commissioner  
5th Floor  
Counting House  
Tooley Street  
LONDON SE1 2QN  
Tel: 020 7211 1500  
Fax: 020 7211 1553

A full list of OISC regulated advisers is available on its website at [www.oisc.gov.uk](http://www.oisc.gov.uk)

- 1.20 If your application is approved, you will need to take part in a citizenship ceremony. The venue will normally be within a local authority area near where you live. If you want the ceremony in another area you should enter the name and address of that local authority office including the postcode.

You will be expected to attend a ceremony to become a British citizen. Successful applicants are exempted from ceremonies rarely and then only if they are physically unable to attend or if their mental state would make it inappropriate to attend. If you wish to be exempted you should say why on a separate sheet of paper and provide supporting evidence.

- 1.21 - If you are a British overseas territories citizen you must complete these  
1.23 sections.

Go to Section 2.

## Section 2: Residence Requirements

- 2.1 Enter the day you first arrived with a view to staying in the UK on a long-term basis, and the airport or seaport through which you then entered. If this is less than 5 years before the date on which we receive the application you might not meet the residence requirement (page 4) and your application may be unsuccessful.
- 2.2 Tick this box if you were ordinarily resident in the United Kingdom without being subject under the immigration laws to any restriction on the period for which you may remain on 31 December 1982.
- 2.3 Fill in this table showing the periods you have been away from the UK during the last 5 years. Insert the number of days you were away from the UK in the last column **ignoring the day you left and the day you arrived back in the UK**. If there is not enough room for all your absences then continue on a separate sheet of paper. Add up the total and write it in the space indicated.

**NB.** You should also check that you were physically present in the UK 5 years before the date that the application will be received by the UK Border Agency or other receiving authority (see page 23 “Where to send your application form”). If you do not meet this requirement your application is unlikely to be successful, unless you were settled in the UK before 1 January 1983 (see the Notes on page 5).

To satisfy the residence requirement you should not have been absent for more than 90 days in the last 12 months. And the **total** number of days absence for the whole 5 year period should not exceed 450.

There is discretion to disregard absences in excess of the limits.

- We normally disregard absences up to 480 days.
- We will disregard absences of up to 900 days **only** if you meet all the other requirements and you have established your home, family and a substantial part of your estate here. We would also expect that:
  - If the absences are up to 730 days we would expect you to have been resident in the UK for the last 7 years.
  - If the period of absence is greater than 730 days then we expect you to have lived in the UK for the last 8 years. **Or**
- for the absences to be due **either** to posting abroad in Crown service for example as a member of HM Forces. **Or**
- the excess absences are an unavoidable consequence of the nature of your work. For example if you are a merchant seaman or someone working for a UK based business which requires frequent travel abroad. **Or**
- there are exceptional or compelling reasons of an occupational or compassionate nature such as having a firm job offer for which British citizenship is a genuine requirement.

Only very rarely would we disregard absences in excess of 900 days. If your absences are more than this limit, your application is likely to fail and your fee will not be fully reimbursed. If you wish to continue you are advised first to telephone or email the Liverpool Contact Centre (see page 23) setting out the dates and reasons for your absences and providing evidence of your connections with the UK.

Absences in the final year are considered in the following way

- Total not exceeding 100 days - we normally disregard.
- Total absences of more than 100 days but less than 180 days, where the residence requirements over the full 5 year qualifying period are met - we normally consider disregarding if applicants have demonstrated links with the UK through presence of family, and established home and a substantial part of their estate.
- Total absences of more than 100 days but less than 180 days, where the residence requirements over the full 5 year qualifying period are **not** met - we normally consider disregarding only if applicants have demonstrated links with the UK through presence of family, and established home and a substantial part of their estate **and** the absence is justified by Crown service or by compelling occupational or compassionate reasons taking account of the criteria shown above for disregarding total absences over the 5 year residential qualifying period.
- Total absences exceeding 180 days where the residence requirements over the full 5 year residential qualifying period are met-we would consider disregarding only if applicants have demonstrated links with the UK through presence of family, and established home and a substantial part of their estate **and** the absence is justified by Crown service or by compelling occupational or compassionate reasons, taking account of the criteria shown above for disregarding total absences over the 5 year residential qualifying period.
- Total absences exceeding 180 days where the residence requirements over the full 5 year residential qualifying period are **not** met, we would consider disregarding only in the most exceptional circumstances.

Failure to complete Section 2.3 will result in delays to your application.

2.4 Provide all your home addresses for the past five years.

Go to Section 3 to confirm that you meet the requirement to be of good character.

## Section 3: Good Character

To be of good character you should have shown respect for the rights and freedoms of the United Kingdom, observed its laws and fulfilled your duties and obligations as a resident of the United Kingdom. Checks will be carried out to ensure that the information you give is correct.

If you are not honest about the information you provide and you are registered on the basis of incorrect or fraudulent information you will be liable to have British citizenship taken away (deprivation) and be prosecuted. It is a criminal offence to make a false declaration knowing that it is untrue.

Among the duties and obligations, which you are expected to fulfil, is payment of income tax and National Insurance contributions. We may ask H.M. Revenue & Customs for confirmation that your tax and National Insurance affairs are in order. When you sign the application form you will be giving your consent for us to approach them.

- 3.1 - If you do not pay income tax through PAYE you must demonstrate that you
- 3.5 have discharged your obligations towards the H.M. Revenue & Customs, by attaching a Self Assessment Statement of Account (see page 21).
- 3.6 You must give details of all civil proceedings which have resulted in a court order being made against you. If you have been declared bankrupt at any time you should give details of the bankruptcy proceedings. Your application is unlikely to succeed if your bankruptcy was due to you being reckless or irresponsible in your financial affairs.

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

You must give details of all criminal convictions both within or outside the United Kingdom. These include road traffic offences. We would not normally take fixed penalty notices into account, unless you have had more than one fixed penalty notice in the last 12 months. In that case, you may wish to wait to make your application until you have no more than one fixed penalty notice in the 12 month period before applying.

You do not have to give details of any offences which are “spent” under the Rehabilitation of Offenders Act 1974. Under that Act certain convictions may be regarded as “spent” in the United Kingdom after certain periods of time from the date of conviction if you have not been convicted of other offences during that time. “Spent” means that it will be ignored. A leaflet about this called “Wiping the Slate Clean” is available from the Home Office, Direct Communications Unit, 2 Marsham Street, LONDON SW1P 4DF.

Criminal record checks will be carried out in all cases. If you have a conviction which is not yet “spent” under the Rehabilitation of Offenders Act 1974, an application for citizenship made now is unlikely to be successful. We would therefore advise you to wait until the end of the rehabilitation period before making an application. We will normally disregard a single conviction for a minor offence resulting in a bind over, conditional discharge or relatively small fine or compensation order, if a person is suitable for citizenship in all other respects. By “minor offences” we mean low-level speeding or other “regulatory” offences. Offences involving dishonesty (e.g. theft), violence or sexual offences are not classed as minor offences. Drink-driving offences, driving while uninsured or disqualified are not minor offences either.

The following table gives examples of sentences and rehabilitation periods. In calculating the spent period it is the prison sentence that counts, not the time served, and a suspended sentence counts as if it were a prison sentence.

If you have a conviction which is not spent you are unlikely to be registered, as the Home Secretary would not be satisfied that you are of good character. An application would fail and the fee would not be fully refunded. Similarly if you have been charged with a criminal offence and are awaiting trial or sentencing, you are advised not to make any application for registration until the outcome is known. If you are convicted, you should then consult the table of sentences and rehabilitation periods on the following page.

- 3.7 You must say if your details have been recorded by the police as a result of certain sexual offences, or if you are subject to one of the following orders: notification order, sexual offences prevention order, foreign travel order, risk of sexual harm order (or any equivalent order issued in a British overseas territory or any other country). If your details are recorded on the “sex offenders” register, even if any conviction is spent, the Home Secretary is unlikely to be satisfied that you meet the good character requirement and so an application for citizenship is unlikely to be successful.

## How will a conviction affect your application

| Sentence   | Rehabilitation Period   |
|--|---|
| A sentence of imprisonment or corrective training for a term exceeding 30 months <u>or</u> preventive detention <u>or</u> detention during Her Majesty's pleasure <u>or</u> imprisonment or detention for public protection. | This will not become "spent"  |
| Imprisonment or youth custody for 6 months to 30 months  | 10 years*   |
| Imprisonment or youth custody for 6 months   | 7 years*  |
| Fine†, community order   | 5 years*  |
| Bind over, conditional discharge   | One year, or when the order ceases to have effect, whichever is the later |
| Absolute discharge   | 6 months  |
| Driving disqualification   | Once the disqualification has ceased                                      |

\* all halved if the person is under 18 when convicted.

† a fine includes a fixed penalty notice/Scottish fiscal fine which has been registered with a court due to non-payment or upheld by a court on appeal.

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

- 3.8 You must say if there is any offence for which you may go to court or which is awaiting hearing in court. This includes having been arrested for an offence and waiting to hear if you will be formally charged. If you have been arrested and not told that charges have been dropped, or that you will not have to appear in court, you may wish to confirm the position with the police. For applicants from Scotland any recent civil penalties must also be declared. You must tell us if you are arrested or charged with an offence after you make your application and while the application is under consideration. You risk prosecution under section 46 of the British Nationality Act 1981 if you do not do so.
- 3.9 - You must also say here whether you have had any involvement in terrorism. If you do not regard something as an act of terrorism but you know that others do or might, you should mention it. You must also say whether you have been involved in any crimes in the course of armed conflict, including crimes against humanity, war crimes or genocide. If you are in any doubt as to whether something should be mentioned, you should mention it.
- 3.11

For the purpose of answering questions 3.9 to 3.11 the following information provides guidance on actions which may constitute genocide, crimes against humanity and war crimes.

This guidance is not exhaustive. Before you answer these questions you should consider the full definitions of war crimes, crimes against humanity and genocide which can be found in Schedule 8 of the International Criminal Court Act 2001 at the following web-site: <http://www.hmsso.gov.uk/acts/acts2001/20010017.htm>. Alternatively, copies can be purchased from The Stationery Office, telephone 0870 600 5522.

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

### **War crimes**

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

### **Crimes against humanity**

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

## **Genocide**

Acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group.

## **Terrorist Activities**

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

## **Organisations concerned in terrorism**

An organisation is concerned in terrorism if it:

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

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

You must tell us if you have ever practised deception in your dealings with the Home Office or other Government Departments (e.g. by providing false information or fraudulent documents). This will be taken into account in considering whether you meet the good character requirement. If your application is refused, and there is clear evidence of the deception, any future application made within 10 years is unlikely to be successful.

You must also tell us if you have any children who have been convicted of an offence or who have received a court order (e.g. an ASBO). We will then consider if there are indications that you may have been complicit in their activities or particularly negligent in ensuring their good behaviour, and whether this reflects on your own ability to meet the good character requirement.

## **Section 4: Crown service**

Complete this section only if you are applying on grounds of Crown service. Read the information on page 4 of the guide.

Registration is not a reward for long service under the British Crown, and is rarely granted on this basis. You may wish to contact the British Consul about your prospects of successfully applying before you commit yourself to an application.

Now go to Section 5.

## Section 5: Referees and Identity

Your application must be endorsed by two referees and a recent passport size photograph stapled or clipped into the space provided. The photograph must show the whole of the front of your face in reasonable light. It should not show your face wholly or partly concealed by your hair (beards, sideburns and moustaches excepted) or by a scarf or traditional dress. It should not show you wearing dark glasses or a hat, hood, cap or scarf.

Each referee should have known you personally for at least 3 years.

One referee should be a person of any nationality who has professional standing, such as a minister of religion, civil servant or a member of a professional body, e.g. accountant or solicitor (but not representing you with this application). A list of acceptable professional persons can be found on our website.

The other referee must normally be the holder of a British citizen passport and either a professional person or over the age of 25.

Each referee should be:

- not related to you
- not related to the other referee
- not your solicitor or agent representing you with this application
- not employed by the Home Office

We will not accept a referee who has been convicted of an imprisonable offence during the last 10 years and the sentence has not become spent under the Rehabilitation of Offenders Act 1974 - see page 14.

If you are living abroad and do not know a British citizen who is qualified to act as one of your referees, a Commonwealth citizen or citizen of the country in which you are residing may complete and sign the form, provided he/she has professional standing in that country, has known you for three years and the Consul considers his/her signature to be acceptable.

Checks may be carried out to ensure that the referees do not have unspent convictions (see page 14) and are qualified to act for you and that their signatures are genuine. It is a criminal offence to provide false information knowingly or recklessly punishable with up to 3 months imprisonment or by a fine not exceeding £5,000 or both under section 46(1) of the British Nationality Act 1981.

Once you have two referees and they have completed Section 5 you should recheck the information you have provided and go to Section 6.

## Section 6: Declaration by Applicant

Read this section carefully before inserting your name clearly in box 6.1 and ticking each box at 6.2 - 6.6 to confirm the points raised.

If you meet the requirements described in this guide sign and date the form in box 6.8. You are advised to read this guide carefully to ensure that you do satisfy all the requirements.

If you do not meet the requirements but think the Home Secretary should exercise discretion in your favour you should provide in section 6.7 the special circumstances in your case. If your special circumstances are not accepted your application will be refused and your fee will not be fully refunded.

Applications that fail generally do so because

- applicants do not tell us about offences and convictions, or
- the residence requirements have not been satisfied

If you are applying on the grounds of five years residence and spent more than 450 days outside the UK in the five year period prior to your application being received or you have not had indefinite leave to remain in the UK for twelve months you should give the reasons at section 6.7 of the application form as to why you feel discretion should be exercised in your favour to waive these requirements. This does not guarantee a successful application. Your application will be refused if we do not accept that your reasons justify disregarding this requirement.

You must sign the form yourself. If you cannot sign the form you must make a mark or a fingerprint and ask one of your referees to sign saying that it is your mark or fingerprint. If the applicant is not of sound mind and you are acting on his or her behalf, you should sign to indicate your responsibility for the accuracy and completeness of the information provided. You must support this by explaining, in a covering letter, who you are and why the applicant cannot act on their own behalf. Confirmation from the applicant's medical practitioner or consultant should also be provided.

**If the declaration in section 6 of the form is not completed, the application will be invalid.**

# 4

## What you will need to send with the form

**PLEASE NOTE:** If you require your valuable documents to be returned by secure post you should enclose a pre-paid self-addressed Royal Mail Special Delivery (or Recorded Signed For delivery) envelope with your application. The pre-paid self-addressed envelope should be sufficient to accommodate the size and weight of your documents and be insured to the appropriate level for the value of your documents. If this is not enclosed your documents will be returned to you using Royal Mail 2nd class post. Please consult Royal Mail's web site at [www.royalmail.com](http://www.royalmail.com) for further information.

This section tells you the sort of documents you will need to send for us to consider your application. We cannot consider your application unless we have supporting documents. If you do not submit your application with supporting documents and the correct fee then the application will be returned to you unprocessed. You should indicate in the space provided on the back of the application form what documents you have supplied and why.

### The Fee

The fee must be sent with the application form. Details of the current fee are available on our website at [www.ukba.homeoffice.gov.uk](http://www.ukba.homeoffice.gov.uk) or by calling the Liverpool Contact Centre on 0845 010 5200. **NB. If you do not send the correct fee, the application will be invalid.**

**Documents.** Please send evidence:

- *that you are a British overseas territories citizen, a British National (Overseas), a British Overseas citizen, a British subject (under the 1981 Act) or a British protected person (this is needed whether you are applying under Section A, B or C).*
- Please send your passport or your naturalisation or registration certificate. If you cannot provide these, and your claim is through your birth and/or your parents' birth, send your birth certificate and, if possible, your parents' birth and marriage certificates.

### Applications made on the basis of residence in the United Kingdom

Evidence of lawful residence during the 5 years before the date of the application

- Your passports

If you are unable to provide a passport say why you are unable to provide one on a separate sheet of paper and supply

- Letters from employers, educational establishments or other Government Departments showing your residence in the United Kingdom during the relevant period OR

If your passport is not stamped when you came into the United Kingdom, e.g. because you have the right of abode in the United Kingdom, you should send your passport and also provide alternative evidence of residence as above.

## **Evidence of freedom from immigration time restrictions**

- Your passport showing permission to remain permanently in the UK, or
- The Home Office letter by which you were given permission to remain permanently in the UK
- If you came to the UK as an asylum seeker you should have evidence that you were not in the UK without permission between exhausting your appeal rights and being granted indefinite leave to remain
- Evidence of being freely landed, if you did not receive specific permission because you were freely landed as a Commonwealth citizen before 1971 or arrived as a child on your parent's passport.

## **Self-employed applicants**

If you do not pay tax through Pay As You Earn (PAYE) arrangements, we require

- The most recent HM Revenue & Customs Self Assessment Statement of Account.

## **Applications made on the basis of your Crown service**

A letter from the relevant employer confirming date and place of recruitment, position held, and the extent to which it would be in the employer's interests for the application to be granted.

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## Where to send your application form

Once you have completed and signed the application form and enclosed the documents, you must arrange to pay the correct fee. If you are paying by debit/credit card you should complete the payment slip attached to the fee leaflet. If you are paying by cheque you should ensure that funds are available in your account. **Cash, transcash and postal orders can not be accepted.**

If your fee is paid through an account which belongs to someone else, please give their details in the space provided on the payment slip attached to the fee leaflet in case it is necessary to refund all or part of the fee.

If you are in England, Wales, Scotland or Northern Ireland send the form with the fee and supporting documents to

**UK Border Agency  
PO Box 306  
LIVERPOOL  
L2 0QN**

If you are in the Channel Islands or the Isle of Man, you should send them to the Lieutenant-Governor.

If you are in a British overseas territory, you should send them to the Governor.

If you are elsewhere, you should send them to the nearest British Consulate, Embassy or High Commission.

Applications on grounds of Crown service should normally be made to the relevant office mentioned above through the Government Department concerned.

You **must** submit your application as explained above. You should not send an application direct to the Home Office from outside the UK even if you normally live there. The date of application will be the date it is **received** by the Home Office or the local British government representative as shown above. It is not the date on which you send it. Therefore, it is **not** advisable to send in your application if you are about to leave the country as it might not be received until after your departure and it will be invalid.

# 6

## What happens next?

It is important that you take care in completing the form and in making sure that you satisfy the requirements for registration. You also need to make sure that you have paid the correct fee (see the fees leaflet). If you pay by cheque you should ensure that you have sufficient funds available. We will also accept credit/debit card payment. Cash, transcash and postal orders can not be accepted. **If you do not pay the correct fee your application will be returned to you unprocessed.**

### What you can expect from us

Once we have received your application form we will create a computer file to track and process your application. Your application will be acknowledged. During busy times this may take up to 2-4 weeks.

The Liverpool Contact Centre will deal with any enquiries about your application once it has been made.

**Email:** [ukbanationalityenquiries@ukba.gsi.gov.uk](mailto:ukbanationalityenquiries@ukba.gsi.gov.uk)

**Telephone:** 0845 010 5200

Opening times are published on our website at [www.ukba.homeoffice.gov.uk](http://www.ukba.homeoffice.gov.uk)

We will check your application against the documents you have sent in and make a number of enquiries. The documents may be checked to ensure their authenticity. If you provide forged or fraudulently obtained documents you may be investigated under section 46 of the British Nationality Act 1981. We will press for prosecution which may include up to 3 months imprisonment or a fine not exceeding £5,000 or both.

If we need more documents we will write and ask you for them. We will give you three weeks to respond. If you do not respond within the time we allow you, then we will decide your application on the information we already have, but there is a risk that your application will not succeed. We will try to complete our enquiries quickly, usually within six months, but sometimes it takes longer.

We undertake to process your application quickly and in accordance with the law and agreed policy and procedures. We will deal with any enquiries courteously and promptly. **You must keep us informed of any changing circumstances including change of address or agent.**

If your application is unsuccessful we will write and tell you why. Although there is no legal right of appeal or review we will consider representations if you consider that a decision to refuse your application was not soundly based on nationality law or prevailing policy and procedure as described in this guide or in any other communication you have received from us or on our website at [www.ukba.homeoffice.gov.uk](http://www.ukba.homeoffice.gov.uk). Representations must explain why you think we have not correctly applied the law and policy in your case. We will respond either by confirming that law and policy had been correctly applied or by answering particular points you raise concerning the way that law and policy were applied.

We strive to provide a first rate service, but occasionally difficulties arise that prevent us from dealing with applications to our usual high standards. In the unlikely event that you wish to complain, details of how to make a complaint are given on page 27.

## **Waiting Times**

While we try to deal with cases quickly this cannot be guaranteed and we cannot register you until we are satisfied that all the requirements have been met.

Information on average waiting times can be found on the website at

**[www.ukba.homeoffice.gov.uk](http://www.ukba.homeoffice.gov.uk)** or by telephoning 0845 010 5200

Opening times are published on our website at **[www.ukba.homeoffice.gov.uk](http://www.ukba.homeoffice.gov.uk)**

Applicants outside England, Wales, Scotland and Northern Ireland should contact the office where they made their applications or telephone 44 151 672 5626

The length of time you will have to wait for your application to be decided will not affect your existing rights in the UK.

## **Deprivation of Citizenship**

You may be deprived of British citizenship if it is found to have been obtained by fraud, false representation or the concealment of any material fact. The Home Secretary may also deprive you of British citizenship if, in his opinion, it would be in the public interest for him to do so and you would not thereby be made stateless.

Ministers suggested during the passage of the Immigration, Asylum and Nationality Act 2006 that deprivation may be appropriate where the person-

- has encouraged or assisted others to commit acts of terrorism;
- has committed war crimes, public order offences or other serious crime; or
- has carried out acts seriously prejudicial to vital national interests, including espionage and acts of terrorism directed at the United Kingdom or an allied power.

A certificate of registration will, as a matter of law, be ineffective from the outset if it is obtained by means of impersonation.

## **What we expect from you**

Applications are considered quickly - usually within six months of receipt. We expect you to make appropriate arrangements to ensure that you can respond to our enquiries or requests for documents within the period we allow.

While the application is under consideration we expect you to tell us about anything which alters the information you have given us. This will include changes of marital or civil partnership status or home address or agents acting on your behalf. It also includes police investigation or anything that may result in charges or indictment.

We also expect to be treated politely and with respect by you and any agent acting on your behalf. Good character includes your attitude to officials.

If your application is successful and you are living in the UK, you will be invited to attend a citizenship ceremony. You will receive an invitation letter from the Home Office and this will confirm the local authority you should contact to arrange your ceremony. We expect you to arrange to attend a ceremony within 3 months of receiving your invitation otherwise it will expire and you will have to re-apply for registration and pay a further processing fee.

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## Citizenship Ceremonies

At the ceremony you will be asked to affirm or swear an oath of allegiance to Her Majesty the Queen and to pledge your loyalty to the UK. Following this you will be presented with your certificate of registration as a British citizen.

You must make immediate contact with the local authority, as you only have 90 days in which to attend the ceremony. The date by which you must attend your ceremony will be given in your Home Office citizenship ceremony invitation letter. If you do not attend the ceremony within 90 days without good reason, your application for citizenship will be refused and you will need to re-apply.

Making the Oath (or Affirmation) and Pledge at a citizenship ceremony is a legal requirement, and the point at which you will become a British citizen. You are therefore expected to attend a ceremony. If you have special needs or concerns about saying the Oath (or Affirmation) and Pledge in English, you should bring these to the attention of the local authority once you have your invitation letter.

When you make contact with the local authority you will be asked a number of questions to establish your identity. Checks may be made to confirm your identity.

Ceremonies are arranged locally and reflect the particular community to which you now belong. You will meet a local dignitary or celebrity and be told something about the area and what can be expected of you as a British citizen.

Provision has been made by order under the Welsh Language Act 1993 for prospective British citizens making the citizenship Oath (or Affirmation) and pledge in Wales to do so in the Welsh language. The Citizenship Oath and Pledge (Welsh Language) Order 2007, contains the approved translations, and came into force on 1 June 2007.

# 8

## And Finally

We hope that this guide has helped you to prepare and successfully apply for British citizenship. If you have found it useful and our staff helpful, or if you had an enjoyable citizenship ceremony, or if you have found our service unsatisfactory or do not understand the outcome, why not tell us? You should email us in the first instance to: [ukbanationalityenquiries@ukba.gsi.gov.uk](mailto:ukbanationalityenquiries@ukba.gsi.gov.uk)

If you remain unhappy with the service provided by Nationality Group, you may wish to complain by writing to:

**UK Border Agency  
North West Customer Services Unit  
PO Box 99  
Manchester Airport  
M90 3WW**