



Identifying British citizens and others exempt from deportation

This guidance is based on the Immigration Acts

Identifying British citizens and others exempt from deportation

About this guidance

Determining British nationality General guidance on British citizenship Paternity Evidence of British citizenship on file Checking British citizenship by passport checks Evidence required to establish British citizenship Proving the right of abode Glossary of terms and other information	<p>This guidance tells you how to identify British citizens and other people exempt from control when dealing with criminal casework directorate (CCD) cases.</p> <p>The purpose of this instruction is to give basic guidance to CCD staff on how to deal with claims of British citizenship from foreign national offenders (FNOs). The documents required as evidence of British nationality will depend on the nature of the claim.</p> <p>This guidance covers the scenarios that may be frequently encountered but, with a topic as complex as British citizenship, it is not possible to cover all possible situations in a single process instruction. You must consult the nationality directorate or a senior caseworker in cases where this guidance does not assist in resolving a British citizenship claim.</p> <p>For more information on British citizenship, see related links.</p> <p>Changes to this guidance – This page tells you what has changed since the previous version of this guidance.</p> <p>Contact - This page tells you who to contact for help if your senior caseworker or line manager can't answer your question.</p> <p>Information owner – This page tells you about this version of the guidance and who owns it..</p> <p>Safeguard and promote child welfare – This page explains your duty to safeguard and promote the welfare of children and tells you where to find more information.</p>	<p>In this section Changes to this guidance</p> <p>Contact</p> <p>Information owner</p> <p>Related links Links to staff intranet removed</p> <p>External links What is British citizenship? Section 3(8) of the Immigration Act 1971</p>
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Changes to this guidance

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This page lists changes to the identifying British citizens and others exempt from deportation guidance, with the most recent at the top.

Date of the change	Details of the change
05 February 2013	<p>Change request:</p> <ul style="list-style-type: none">• CCD workflow - checking British citizenship, new page• CCD workflow – completing the DVLA contact form, new page• Omnibase:<ul style="list-style-type: none">○ new sub-heading ‘Users from other directorates needing access to Omnibase’ and new content which tells staff from other directorates how to get access to the system.
15 October 2012	<p>Six month review by the modernised guidance team:</p> <ul style="list-style-type: none">• Minor housekeeping changes.
16 April 2012	<p>Revised by the criminal casework directorate process team and the modernised guidance team.</p>

Related links

[CCD workflow – checking British citizenship](#)

[CCD workflow – completing the DVLA contact form](#)

[Omnibase](#)

See also
[Contact](#)

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Determining British nationality

Determining British nationality General guidance on British citizenship Paternity Evidence of British citizenship on file Checking British citizenship by passport checks Evidence required to establish British citizenship Proving the right of abode Glossary of terms and other information	<p>This page tells you how British nationality may be determined in criminal casework directorate (CCD) cases.</p> <p>British nationality may only be determined by the courts.</p> <p>A birth certificate is not conclusive proof of identity and you will, in most cases, need to request additional evidence to establish identity and British nationality.</p> <p>Please note, the CCD workflow team will try to resolve the British citizen claim, but if the release date is imminent and the case has not been resolved the case must be sent as quickly as practically possible, in order to minimise the delay to the appropriate case owning team. They must then carry out further enquiries in order to either confirm or refute the claim to British citizenship.</p> <p>Under Section 3 (8) of the Immigration Act 1971, the onus is on the claimant to produce evidence of a British citizenship claim and, if such information is not provided, the assumption is that they are a foreign national.</p>	<p>Related links</p> <p>External links</p> <p>What is British citizenship?</p> <p>Section 3(8) of the Immigration Act 1971</p>
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General guidance on British citizenship

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Paternity

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	<p>official context, for example:</p> <ul style="list-style-type: none">• if the child was born abroad and the relationship has been accepted for UK immigration purposes, or• he (the father) has stated that he is the father and we have confirmation of that from the mother, providing there is no evidence to suggest that their evidence is false. <p>You must also note that a child born in the UK before 2 October 2000 to a European Economic Area (EEA) national parent will be a British citizen if the parent was exercising a treaty right at the time of the birth. After, 2 October 2000, the parent would need to be settled at the time of birth either through the grant of indefinite leave to remain (ILR) or having attained permanent residence, having exercised treaty rights for a continuous period of at least five years.</p>	
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Evidence of British citizenship on file

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Checking British citizenship by passport checks

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CCD workflow - checking British citizenship

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- Under the 1971 Immigration Act, where an individual claims British citizenship the onus of proof lies with the individual making the claim.
 - Contact other government agencies:
 - For example, the Driver and Vehicle Licensing Agency (DVLA) to find out whether they hold any photographic records that may be useful.
 - You must use the DVLA contact form to check with the DVLA. For more information on completing the DVLA form, see related link.
 - Send for Home Office case files:
 - Files that relate to one or both of the FNO's parents in case it may provide evidence to prove or refute the FNO's claim to British citizenship.
 - Other files for the individual.
 - You still need to confirm the link between the paper records and the actual subject in prison.
 - Refer a case for interview if time allows and you have significant doubts about nationality which you have not resolved by the other checks available.
 - Check naturalisation records either:
 - If held on CID where an image is present.
 - Through the individual's file.
 - You still need to confirm the link between the paper records and the actual subject in prison.
 - Check if CID indicates that nationality has already been established through the photographic matching process and it is clear that the subject in prison is the same person:
 - This may be indicated, on CID, by evidence of a licence recall or a further offence under the same Police National Computer (PNC) reference number.
 - If it is established you do not need to repeat the entire checking process again
- If the claim to British citizenship needs a more in-depth investigation:
- You must allocate the case to a CCD case owning team for further investigation.
 - Time constraints due to imminent release dates may mean that it is impractical for you to complete all actions before you refer to CCD case owners.

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CCD workflow – completing the DVLA contact form

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	<ul style="list-style-type: none">• Complete this section as much as possible with the information that you have. <p>What information is needed?:</p> <ul style="list-style-type: none">• In this section, you must:<ul style="list-style-type: none">○ Tell the DVLA you need any official information or documentation (for example copies of passports) they have that the individual gave them. This may add weight for or against any claim to British citizenship.○ Be as concise and as factual as possible. <p>Why is the above information needed?: This section has already been completed and does not need any more information.</p> <p>How is the information relevant to the investigation?: This section has already been completed and does not need any more information.</p> <p>Will the investigation fail if the information is not provided?: This section has already been completed and does not need any more information.</p> <p>Do you have a statutory gateway allowing DVLA to release this information to you?: This section has already been completed and does not need any more information</p>	
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Omnibase

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The information in this page has been removed as it is restricted for internal UK Border Agency use only.

Restricted – do not disclose – end of section

Access to omnibase

In keeping with Treasury guidance, CCD are charged for access to the system for each user.

To gain access to omnibase your line manager must email the CCD process team (see related links). The CCD process team will then advise on the procedure to be followed when additional CCD users are required.

Security clearance that is required

Counter terrorism cleared (CTC) is the minimum level of clearance required for access to omnibase.

Each caseworking area must have someone who has access to omnibase and who must be approached for omnibase checks in the first instance. There should, therefore, only be a need to approach the CCD process team if there is no omnibase user at the time.

It is most important that staff keep their omnibase password confidential

The omnibase site can be accessed through related links and users can log on using the omnibase password provided. If you experience difficulties in either gaining access to, or during the use of, omnibase then, see section 8 of the related link: 4707 Checks on British passports.

Users from other directorates needing access to Omnibase

CCD are not able to arrange access to Omnibase on behalf of staff outside CCD. So if you require access to Omnibase you must refer to your local authorised system manager (ASM) who will be able to help you.

If you are not able to locate your local ASM, then contact the Identity and Passport Service (IPS) direct, using the related link: Email: Identity and passport service, to find out what to do.

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Evidence required to establish British citizenship

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	<p>applicant's birth. (The father could also have been a British subject or citizen of the United Kingdom and Colonies (CUKC)). He could also be eligible under section five of the British Nationality Act 1948 (BNA). If there is evidence of Crown Service (government, HM Forces and so on).</p> <ul style="list-style-type: none"> • Any current or expired passports. <p>A person born outside the UK after 1 January 1983 will be required to produce the following:</p> <ul style="list-style-type: none"> • A full birth certificate. • Any current or expired passports. • Evidence to substantiate that their father was a British citizen at the time of the applicant's birth, or the mother, if the parents were not married or the person was born in a commonwealth country. Evidence of this can be the parents' passport(s), or a Home Office certificate of registration or naturalisation. The passport needs to be recent, but not necessarily the one that the individual arrived in the UK on. 	
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Proving the right of abode

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	<p>Subject to the outcome of any such appeal, an order made under section 2A of the Immigration Act 1971 remains in force until revoked by the Secretary of State.</p> <p>Cases in which there may be a possibility of deprivation of the right of abode will be few in number. However, on the rare occasion that such a case arises, the file must be referred to the nationality special cases team. You can find the details using the directory of business in related links.</p> <p>The effect of the British Overseas Territories Act 2002 on the right of abode in the UK Prior to 21 May 2002 only British overseas territories citizens (BOTCs) from the Falkland Islands and Gibraltar had automatic access to British citizenship. However, following 21 May 2002, any BOTC who was not already a British citizen automatically acquired that status, with the exception of those solely connected with the sovereign base areas of Cyprus (Akrotiri and Dhekelia). With the exception of the two sovereign base areas in Cyprus, those who hold British overseas territories citizenship will be exempt from deportation from the UK.</p>	
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Glossary of terms and other information

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	<p>information, see related link: Leaflet BN12.</p> <ul style="list-style-type: none">British overseas citizens, British subjects (under the British Nationality Act 1981) and British protected persons may have a right to be registered as British citizens by descent if they meet certain requirements. For more information, see related link: Leaflet BN12. <p>Citizen of the UK and Colonies (CUKC)</p> <p>You must note that this form of nationality is no longer current, but information on it may be found through related link: What is British citizenship?</p> <p>CCD workflow teams</p> <p>Staff in the CCD workflow team can find further information on contacting foreign national offenders (FNOs) where they are presented with a claim to British citizenship using related link: Criteria Assessment.</p> <p>Relevant acts</p> <ul style="list-style-type: none">citizenship 'by descent' falls to section 5 of the British Nationality Act 1948citizenship 'otherwise than by descent' falls at section 4 of the British Nationality Act 1981right of abode falls at section 1 of the Immigration Act 1971deprivation of the right of abode falls at section 2A of the Immigration Act 1971 as inserted by section 57 of the Immigration, Asylum and Nationality Act 2006deprivation of the right of abode on the basis of commonwealth (but not British) citizenship falls at 1.2 (1) b of the Immigration Act 1971, as amended. <p>See related links for the following acts:</p> <ul style="list-style-type: none">British Nationality Act 1981British Overseas Territories Act 2002British Nationality Act (BNA act) 1948Immigration Act 1971.	
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Contact

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Information owner

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This page tells you about this version of the identifying British citizens and others exempt from deportation guidance and who owns it.

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Cleared by director	Megan Smart
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This version approved for publication by	Ophelia Elliott
Approver's role	Assistant director, CCD
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The MGT will accept direct feedback on broken links, missing information or the format, style and navigability of this guidance. You can send these using the link: Email: Modernised guidance team.

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