

CONSIDERATION OF SECTION 4A APPLICATIONS

1. Evidence required

1.1 Applications made in a British overseas territory will be forwarded by the Governor of the territory concerned together with the evidence and information set out in paragraph 12.3.5. If the necessary evidence or information has not been supplied, the caseworker should write to the office of the Governor of that territory to request it.

1.2 Applications made direct to the Home Office need to be accompanied by the applicant's passport (or other documents showing that the applicant is a British overseas territories citizen). If the application is in order, the caseworker should write to the office of the Governor of the British overseas territory with which the applicant is connected to request a copy of the BOTC registration or naturalisation application form and information on character set out in paragraph 12.3.5.

1.3 Applications made elsewhere will normally be submitted via the appropriate Diplomatic Post with a copy of the applicant's passport (or other documentary evidence to establish that the applicant is a British overseas territories citizen) and confirmation as to whether anything is known about the applicant's character. If these documents/information have not been provided, they should be requested. The caseworker should then write to the Governor's office to request a copy of the BOTC registration or naturalisation application form and information about character set out in paragraph 12.3.5.

2. Checking the application (see also **Chapter 6** for guidance on initial scrutiny of applications)

2.1 Nationality status

2.1.1 We should confirm, from the information given on the application form and supporting papers/documents, that the applicant's acquisition of British overseas

territories citizenship on or after 21 May 2002 was not due only to a connection with the Sovereign Base Areas of Akrotiri and Dhekelia in Cyprus.

2.1.2 We should also check that the application for registration or naturalisation as a British overseas territories citizen was properly determined. It would not normally be appropriate to register an applicant under **s.4A** if:

- the applicant had been registered or naturalised as a BOTC in error (but see 2.1.3 below); or
- the registration or naturalisation had been obtained by fraud, false representations or the concealment of material facts (whether by the applicant or by someone else acting on his or her behalf)

2.1.3 If a person had been registered or naturalised as a BOTC incorrectly due to an administrative error but, by the time the **s.4A** application is considered, we are satisfied that he or she would since have met the requirements, we should consider exercising discretion in his or her favour.

2.1.4 It will not normally be necessary to conduct detailed enquiries. In most cases, it should be possible to make an assessment based on:

- the copy of the relevant application form provided by the Governor of the territory concerned; and
- any other information provided by the Governor or which comes to light while the application is being considered

2.2 Previous renunciation

2.2.1 One of the requirements for registration under **s.4A** is that applicants should not have previously renounced British citizenship. This is because registration under **s.4A** always confers British citizenship otherwise than by descent and would give a former British citizen a

better status than the one he had renounced if he had previously been a British citizen by descent. Such a person should apply for resumption (see **Chapter 17**) if he wishes to re-acquire British citizenship. A check should therefore be made of computer and any available manual records to confirm that the applicant has not already renounced British citizenship.

- 2.2.2 It is not necessary to check whether the applicant has renounced any other form of British nationality (including CUKC prior to 1.1.83).

2.3 Good character

- 2.3.1 The guidance in Annex D to **Chapter 18** applies. Where an application is made in a British overseas territory, the Governor will confirm whether anything adverse has become known since acquisition of BOTC status about the applicant's character and, if he has any such information, he will provide details in the covering letter.

- 2.3.2 Where an application is submitted via a British diplomatic post abroad, details of any adverse information should be provided. If the post has not confirmed whether or not there is any adverse information, this should be requested.

- 2.3.3 Normal internal enquiries should be carried out in **all** cases except that UK criminal record checks should only be carried out where:

- the applicant lives in the United Kingdom (and has made the application direct to the Home Office); or
- there is any information to suggest that the applicant has, at any time, lived in the United Kingdom (e.g. the applicant has included details of UK addresses on the form)

- 2.3.4 If the applicant is a minor, we should follow the procedures outlined in Annex B to **Chapter 9**.

2.3.5 Normally, this should be the limit of our enquiries into the applicant's character. However, any adverse information about the applicant's character (including any details of convictions in the United Kingdom or overseas) should be considered in accordance with the guidance in Annex D to **Chapter 18**.

3. **Registration procedure and record-keeping**

3.1 Once registration has taken place, arrangements should be made to send the certificate by diplomatic bag to the office of the Governor with the usual covering letter.

3.2 For statistical purposes, a record should be kept of the territories with which applicants are linked, their countries of origin and length of time spent in the territories.