

HONG KONG (WAR WIVES AND WIDOWS) ACT 1996

1. Scope

- 1.1 The **1996 Act** is unusual in that it applies only to a very small and finite number of people. It affects a maximum of 53 women (i.e. the number of women issued "United Kingdom settlement" letters).

2. The Law

- 2.1 The Secretary of State may register a woman as a British citizen under **s.1(1)** of the **1996 Act** provided:

- She has her residence, or principal residence, in Hong Kong; and
- She was, before the passing of the **1996 Act** (i.e. 18 July 1996), the actual or intended recipient of a letter from the Home Secretary confirming her eligibility to settle in the UK in recognition of her husband's (or late of former husband's) service in defence of Hong Kong during the Second World War; and
- (if no longer married to the serviceman concerned) she has not re-married; and
- (in the case of an application made on or after 4 December 2006) the Secretary of State is satisfied that she is of good character (but see **Annex C**).

- 2.2 The **1996 Act** does not define "residence" or "principal residence".

3. **Application form**

- 3.1 An application should be normally be made on a Form WW (but see **Chapter 6.3**).

4. **Fees**

- 4.1 There is no fee for registration as a British citizen under the **1996 Act**.

5. **Status acquired**

- 5.1 The status of women registered as British citizens under the **Hong Kong (War Wives and Widows) Act 1996** is set out in **s.2(1)** of that Act.
- 5.2 A woman registered as a British citizen under **s.1(1)** of the **1996 Act** is to be treated for the purposes of the British Nationality Act 1981 as a British citizen otherwise than by descent.

6. **Evidence**

- 6.1 The application should be accompanied by the applicant's marriage certificate, travel document and Hong Kong Permanent Identity card, all of which serve to establish the applicant's identity. A copy of the "United Kingdom settlement letter" may not be enclosed with the application but, in any case, Policy Section has details of all the women potentially eligible for registration, and should be asked to confirm whether the applicant is one of the recipients or intended recipients of such a letter.
- 6.2 Although there is no entitlement to registration, we should register applicants who meet the statutory requirements set out in paragraph 14.13 unless there is information to suggest that an applicant is not of good character (but see below)

7. **Good Character**

- 7.1 Section 58 of the Immigration, Asylum and Nationality Act 2006 states that the Home Secretary should not grant an application for registration under the provisions specified in that section unless she was satisfied that the person was of good character.
- 7.2 In the case of those applying under the Hong Kong (War Wives and Widows) Act 1996, the Home Secretary agreed in March 2009 that her consideration that the person is of good character is unlikely to be hindered by any unspent convictions or other information of a sort which might normally prevent an applicant from meeting the good character requirement.
- 7.3 This is on the basis that she believes there are very few women likely still to apply under this Act and that any who apply are unlikely, due to the nature of the group covered by the 1996 Act, to give her serious reservations on the grounds of good character.
- 7.4 Any application under this Act where the applicant would not normally meet the good character requirement should be referred to the Chief Caseworker.

8. **Registration procedure**

- 8.1 An active record cannot be created for the application in the Nationality Group, and an oath of allegiance, if required, will need to be a manual one. Once a decision, and any oath, has been taken, the file should be passed to the Citizenship Ceremonies Support Team to enter the decision on the computer. If the decision is to grant, the Citizenship Ceremonies Support Team will print a registration certificate and return it, on file, to the Nationality Group for despatch.