

Chapter 18 Annex C

The Crown service requirement - section 6(1) applications

1. Introduction

1.1 By virtue of paragraph 1(3) of Schedule 1 to the British Nationality Act 1981, serving outside the UK on the date of application in Crown service under the government of the UK is an alternative to the residence requirements for naturalisation under s.6(1) of the Act. It is not an alternative to the residence requirement for naturalisation under s.6(2) of the Act. In general, an applicant is in Crown service if:

- in an established permanent position, which can include a fixed-term appointment; and
- paid for his/her service directly from funds voted by Parliament; and
- rendering service direct to the Crown

Honorary appointments, for example as legal adviser to a British Embassy or High Commission, are not necessarily excluded from this definition.

1.2 A statement or certificate from a Government Department or branch of the Armed service etc should normally be accepted as evidence that the person is in Crown service. Where there is some doubt as to whether an applicant's employment can be regarded as Crown service, the employers should be asked for detailed information about the nature of the service and about who is responsible for paying the applicant, to enable us to determine whether it is in fact Crown service. Any such case should, in the first instance, be referred to INPD(L) Policy Section for advice.

1.3 A person in Crown service, wherever serving, who has applied under s.6(2) on the grounds of marriage to a British citizen, or has applied under s.6(1) and is serving in the UK on the application date, must meet the residence requirements for naturalisation set out in 18.2.2.2 or 18.2.1.2 respectively. There is no provision for periods of residence in the UK and periods spent abroad in Crown service to be aggregated, but discretion may be exercised in relation to excess absences due to Crown service (see paragraph 4 in Annex B).

1.4 If the applicant was serving in Her Majesty's Forces overseas on the date of application, and was recruited or accepted for service prior to 1 September 1986, the application should be referred to INPD(L) Policy Section. All other Forces applications where the applicant was serving overseas on the date of application should be considered under paragraphs 2 and 3 below.

1.5 Applicants applying under s.6(1) on grounds of Crown service abroad have to meet the requirements of good character, language and future intentions. But it is consistent with the principles of the BNA 1981 that applicants in Crown service abroad should also demonstrate that their service and connections with the United Kingdom are such as to make it right that the Home Secretary should exercise his discretion and naturalise them.

2. Criteria to be applied

2.1 Subject to paragraph 3 below, in addition to the statutory requirements (see 18.2.1), the criteria which a Crown service applicant will be expected to meet are explained in paragraphs 2.2 2.6 below. They are set out in order of importance with quality of service being paramount. If this criterion is not met, it is unlikely that naturalisation will be appropriate, even if the statutory requirements and the other criteria are met.

2.2 Quality of service

2.2.1 We should normally expect applicants:

- to be the holder of a responsible post; and
- to have performed their duties to an exceptionally high standard

2.2.2 Examples are:

- outstanding military service, especially in time of war
- outstanding service representing Her Majesty's Government (e.g. as vice consul)
- other service, significantly above and beyond the call of duty, which has been of direct benefit to the UK and its interests

2.3 Connections with the UK

2.3.1 These are, in order of importance:

- past residence in the UK. The longer and more recent the residence the better. A future intention to move to or return to the UK is not relevant to establishing a connection with the UK
- whereabouts of close family members: spouse, children, parents, siblings UK or elsewhere
- whereabouts of property house, other property, investments including savings accounts UK or elsewhere
- whereabouts of, and contacts with, friends UK or elsewhere

2.4 Rank or grade

2.4.1 The more senior the applicant, the greater the likelihood that they will be able to meet the outstanding service requirement, though this does not rule out an applicant who has served in a junior post and who may have performed particularly deserving service.

2.5 Loyalty

2.5.1 Tested and demonstrably beyond question. For example, applicants may have put themselves at risk from a hostile foreign government, or made themselves unpopular among their people by their commitment to the UK.

2.6 Length of service

2.6.1 Long service alone is not sufficient, but we would normally expect exceptional service to have been maintained for a significant period rarely less than 10 years.

3. Advantage to the UK

3.1 An application from someone in Crown service who does not meet some or any of the criteria in paragraphs 2.2 2.6 above may be made on the grounds that it would be advantageous operationally for that person to be a British citizen. In such cases, the employing department or service must demonstrate that advantage in some detail. An application put forward on this ground alone is rarely likely to succeed, unless it can be shown that it is vital to UK interests that the applicant should be naturalised.

4. Requests for priority

4.1 Where the Foreign and Commonwealth Office (Consular Directorate or an overseas post), when submitting applications on behalf of Crown Servants, request that priority be given to the application, the application should be dealt with out of turn and processed as quickly as possible.