

## PART I: BRITISH CITIZENSHIP

### CHAPTER 19: RENUNCIATION

#### SECTION 12 BRITISH NATIONALITY ACT 1981

##### 19.1 Introduction

19.1.1 This Chapter explains:

- how, and in what circumstances, a British citizen may renounce that status
- how to proceed if a British citizen also has another form of British nationality

19.1.2 The procedure for renunciation by British nationals who are not British citizens is explained in **Chapters 35, 41, 48 and 52.**

##### 19.2 The Law

19.2.1 A British citizen may make a declaration of renunciation of that status under **s.12** of the British Nationality Act 1981 if:

- of full age; and
- of full capacity

NB. A minor who has been married/in a civil partnership is regarded as being of full age.

19.2.2 "Of full capacity" is defined in **s.50(11)(a)** as meaning that the person is not of unsound mind. A detailed explanation of how this is interpreted for the purposes of the Act, and how the requirement to be of full capacity may be waived in certain circumstances, is given in **Chapter 18** Annex A.

19.2.3 Subject to 19.2.6 below, the declaration of renunciation must be registered if we are satisfied that after registration the person concerned:

- will have another citizenship or nationality; or

- will acquire another citizenship or nationality

19.2.4 The person making the declaration ceases to be a British citizen when it is registered.

19.2.5 A person whose declaration is registered:

a. in the belief that another citizenship or nationality would be acquired; and

b. this does not happen within 6 months of the registration, will be, and be regarded as having remained, a British citizen.

19.2.6 We are not obliged to register a declaration of renunciation if it is made during a war in which the United Kingdom is engaged.

19.2.7 A declaration has to be made in writing and has to give certain particulars.

### 19.3 Form of declaration

19.3.1 A declaration should normally be made on Form RN1.

### 19.4 Fees

19.4.1 The **British Nationality (Fees) Regulations** provide that the fee for the registration of a declaration of renunciation shall be payable on submission of the declaration. This means that a declaration of renunciation cannot be registered until the fee has been paid.

19.4.2 The fee for the registration of a declaration of renunciation is set out in the Table of Fees in the **Schedule** to the **Fees Regulations**. If more than one citizenship or status is being renounced at the same time, only one fee is payable.

19.4.3 If no fee or only a part fee has been paid, the procedure in **Chapter 6.5** should be followed.

## 19.5 Evidence to be supplied

19.5.1 Declarations should be supported by evidence as follows:

Full age (i.e. aged 18 or more):

- birth certificate and, if a minor who has been married/in a civil partnership, the marriage/civil partnership certificate

Full capacity (i.e. not of unsound mind):

- See 19.7.5 below

British citizenship (see also 19.6.4 below):

- a passport describing the holder as a British citizen; or
- a passport, issued before 1 January 1983, describing the holder as a citizen of the United Kingdom and Colonies, and carrying an endorsement stating that the holder has the right of abode in the UK; or
- a passport, issued before 21 May 2002, describing the holder as a British Dependent Territories citizen or British overseas territories citizen and evidence that the holder was such a citizen by connection with a qualifying territory; or
- (if born before 1 January 1983) a United Kingdom or Falkland Islands birth certificate showing parents' details; or
- (if born on or after 1 January 1983) a United Kingdom or Falkland Islands birth certificate showing parents' details and evidence that, at the time of the birth, either parent was a British citizen or settled in the United Kingdom or Falkland Islands (as the case may be); or
- a certificate of registration or naturalisation describing the holder as a British citizen; or

- a certificate of registration or naturalisation issued in the United Kingdom describing the holder as a citizen of the United Kingdom and Colonies. (An explanation of "registration in the United Kingdom" is given in Annex F to **Chapter 6**); or
- the relevant certificates of birth, adoption, marriage, death, registration or naturalisation necessary to establish a claim to British citizenship

NB. If the evidence shows whether the declarant is a British citizen by descent or otherwise by descent, this information should be noted on the file as it will be helpful if there is a later application to resume British citizenship under **s.13** (see **Chapter 17**).

Citizenship of another country:

- a current passport describing the holder as a citizen or national of the country concerned; or
- a statement from the authorities of the country concerned confirming citizenship (NB. A copy should be kept on the file)

Potential citizenship of another country:

- a statement from the authorities of the country concerned confirming the declarant will become a citizen or national of that country (NB. a copy should be kept on the file)

19.5.2 Declarations received from abroad will normally come to us via a British Diplomatic Post, accompanied by a letter:

- giving details of the evidence as set out in 19.5.1
- confirming what documents have been seen
- where available, enclosing photocopies of the documents

19.5.3 If the declaration has to be registered by a certain date, (see 19.7.4 below) the letter will state this prominently and

may be sent to us without waiting to see some or all of the evidence.

#### 19.5.4 Defective declarations

19.5.4.1 To be valid in law, declarations of renunciation must be made locally (e.g. to the Lieutenant-Governor in the Channel Islands or Isle of Man, the Governor in a British overseas territory, the High Commissioner in a Commonwealth country or a consular officer elsewhere). A declaration which is received direct in the Home Office from abroad will not, therefore, have been "made" as required by **s.50(8)** of the 1981 Act. The defect can be remedied by sending a copy of the form direct to the relevant receiving authority with a suitable explanatory letter so that it will then be "made" in accordance with the Act and Regulations. The declaration may then be processed without waiting for confirmation that it has been received by the relevant authority.

#### 19.6 Holders of an additional form of British nationality

19.6.1 In addition to being a British citizen, a person may also be a British overseas territories citizen, a British National (Overseas), a British Overseas citizen or a British subject under the BNA 1981. **Sections 24, 29, and 34** of the BNA 1981 and **Article 7(10)** of the **Hong Kong (British Nationality) Order 1986** apply the provisions of **s.12** of the 1981 Act to each of these citizenships and statuses.

19.6.2 Such a person is able to renounce any one (or more) of these other citizenships or statuses on the grounds that he/she will remain a British citizen. But where persons renounce British citizenship in order to acquire, or not to lose, citizenship of another country (normally because that country does not allow dual nationality), they are likely to want to renounce any other form of British nationality they may hold as well.

19.6.3 Declarants who are also British Overseas citizens and/or British subjects

- 19.6.3.1 Declarants should state at part 2 of the Form RN1 whether they are also British Overseas citizens or British subjects and at part 6 specify the citizenship or status which they wish to renounce.
- 19.6.3.2 If the declarant has not done this, but we have reason to believe that more than one form of British nationality is held, we should, if time permits (see 19.7.4), send a blank Form RN1 with an explanatory letter and ask whether the declarant wishes also to renounce the other citizenship or status (see also 19.6.4.2 below). We should not send the original form back for correction.
- 19.6.3.3 The reason for sending a blank Form RN1 rather than the original is to ensure that we end up with a clear record of the citizenship or statuses renounced. If the fresh form is not completed, but the declarant still wishes to renounce British citizenship only, the original declaration may be registered.
- 19.6.3.4 A British citizen, who is also a British subject under **s.30, 32 or 33** of the BNA 1981, will automatically lose that status under **s.35** of the Act on acquiring another citizenship or nationality. In these circumstances, renunciation of that status is unnecessary if it is being done because another citizenship is to be acquired. But if the authorities of the other country require a formal declaration to be made before their citizenship or nationality can be acquired, the declaration should be processed in the normal way.
- 19.6.3.5 No attempt should be made to dissuade the declarant or the authorities of the country concerned that renunciation of British subject status is unnecessary. After completion of action, the file should be sent to Nationality Policy and Special Cases Unit (NPSCU) to note.

19.6.4 Declarants who are also British overseas territories citizens

19.6.4.1 British overseas territories citizenship cannot be renounced using Form RN1. A separate Form RN2 should normally be used.

19.6.4.2 If we are aware that the declarant holds British overseas territories citizenship in addition to British citizenship and/or British National (Overseas) status and/or British Overseas citizenship and/or British subject status, and we intend asking about the possible renunciation of this, the following paragraph should be added to the letter to be sent to the declarant.

"It appears that you/your client/the declarant hold(s) British overseas territories citizenship in addition to the citizenship(s) and/or status you/he/she is about to renounce/ you have/he/she has now renounced. If you wish/he/she wishes also to renounce British overseas territories citizenship, you/he/she should make a declaration on the Form RN2 enclosed and send it to appropriate address on page 7 of the Guide RN2. It will then be forwarded to the Governor of (the relevant British overseas territory), for consideration."

19.6.4.3 If we are not asking about the renunciation of British overseas territories citizenship, the paragraph in 19.6.4.2 should then be added to the appropriate stock letter sent when the declaration of renunciation of British citizenship is registered.

19.6.4.4 The procedure for dealing with a declaration of renunciation of British overseas territories citizenship received in the Home Office is explained in **Chapter 35**.

NB. The above paragraphs will apply, in particular, to British citizens who acquired that citizenship automatically on 21 May 2002 under the **British Overseas Territories Act 2002** because they were British overseas territories citizens by connection with a qualifying territory.

Persons who were British Dependent Territories citizens only by connection with Hong Kong immediately before 1 July 1997 automatically ceased to be British Dependent Territories citizens on that date. They would not, therefore, have become British overseas territories citizens on 26 February 2002 and are not in need or capable of renouncing that status.

19.6.5 Declarants who are also British Nationals (Overseas)

19.6.5.1 British National (Overseas) status cannot be renounced using Form RN1. A separate Form RN3 should normally be used.

19.6.5.2 If we are aware that the declarant holds British National (Overseas) status in addition to British citizenship and/or British overseas territories citizenship and/or British Overseas citizenship and/or British subject status, and we intend asking about the possible renunciation of this, the following paragraph should be added to the letter to be sent to the declarant.

"It appears that you/your client/the declarant hold(s) British National (Overseas) status in addition to the citizenship(s) and/or status you/he/she is about to renounce/ you have/he/she has now renounced. If you wish/he/she wishes also to renounce British National (Overseas) status, you/he/she should make a declaration on the Form RN3 enclosed and send it to appropriate address on page 6 of the Guide RN3."

19.6.5.3 If we are not asking about the renunciation of British Nationals (Overseas) status, the paragraph in 19.6.5.2 should then be added to the appropriate stock letter sent when the declaration of renunciation of British citizenship is registered.

19.6.5.4 The procedure for dealing with a declaration of renunciation of British National (Overseas) status



received in the Home Office is explained in **Chapter 52**.

NB. If, before 1 July 1997 the person renounced British Dependent Territories citizenship by connection with Hong Kong, he/she will already have automatically lost British National (Overseas) status and will not be in need or capable of separately renouncing that status (see **Chapters 52 and 53**).

## 19.7 Consideration of declarations

19.7.1 Declarations of renunciation should be given priority consideration at all stages (see particularly 19.7.4 below).

### 19.7.2 Declarations more than 6 months old

19.7.2.1 A declaration that was made more than 6 months before the date of consideration can be accepted if it is accompanied by current evidence that the declarant:

- is a citizen or national of another country; or
- is about to become a citizen or national of another country

19.7.2.2 If we do not have such evidence, we should:

- return the declaration; and
- advise that if the declarant still wishes to renounce it will be necessary to:
  - i. re-date the declaration; and
  - ii. sign it again; and
  - iii. re-submit it with that evidence.

### 19.7.3 Declarations made other than to retain or acquire another citizenship

19.7.3.1 If we have any information (either supplied by the declarant or otherwise) which suggests the declarant has misunderstood the need for or consequence of renunciation, we should explain and ask if the declarant still wishes the declaration to be registered.

19.7.4 Declarations to be registered by a given date

19.7.4.1 Where the authorities of another country have given a date by which the declarant must renounce British citizenship, it is very important to give the declaration sufficient priority to enable it to be registered before that date. Otherwise, the declarant may lose citizenship of that country. If sufficient evidence of British citizenship has not been submitted, it should not be called for if this will delay registration of the declaration.

19.7.4.2 If the declaration cannot be registered on or before the date given by the other country and, as a result, the declarant may have lost citizenship of that country, the declaration should not be registered. Instead, a letter of explanation should be sent to the declarant. If the declaration was inadvertently registered after the date specified by the other country, a letter should be sent to the applicant acknowledging our responsibility for the delay. In such cases it should also be noted that the renunciation may be void (see 19.8 below).

19.7.5 Checking "full capacity"

19.7.5.1 We should normally be satisfied that the declarant is of full capacity (i.e. he or she has some understanding of the meaning and consequences of renunciation). The declarant should have explained on the form RN1 why he/she wishes to renounce British citizenship and the form should have been countersigned by an adult who has confirmed personal knowledge of the declarant and that he/she

is of full capacity. Alternatively, reasons should be given as to why it would be in the declarant's best interests for the full capacity requirement to be waived in his or her case.

19.7.5.2 A declarant should be assumed to be of full capacity unless there is clear evidence to the contrary. We should initially consider whether the declarant meets this requirement on the basis of the reasons given and the countersignatory's signed statement. In cases of doubt, enquiries of the declarant, the declarant's agent or the person who has countersigned the declaration may clarify matters. If we are still in doubt, it may be necessary to obtain a professional opinion.

19.7.5.3 Further guidance on the full capacity requirement is at Annex A to **Chapter 18**.

#### 19.7.6 Registration procedure

19.7.6.1 When it has been decided to register the declaration, the procedure in Annex A should be followed.

### 19.8 Voided renunciations

19.8.1 A declaration will be void if:

- the declarant has no other citizenship; and
- having made the declaration to acquire another nationality fails to do so within 6 months of the date of registration

19.8.2 A declaration may be void if evidence comes to light that the declarant lost the other citizenship before the renunciation was registered. Such cases should be referred to NPSCU Policy Section for advice.

### 19.9 Position after renunciation

19.9.1 Persons who enquire about access to travel documents after renunciation should be advised as follows:

- If they have changed their mind, and wish to travel urgently or otherwise on a British passport, they should be told of the procedure for resumption of citizenship. This is explained in **Chapter 17**
- If, for the time being at least, they do not have any citizenship or nationality, and wish to travel, they may be eligible for a Home Office Travel Document as a stateless person. Enquiries should be referred to Travel Document Section