

Guidance on the definition of "recruitment" for the purpose of section 2(1)(b) of the BNA 1981

1. **Section 2(1)(b)** of the British Nationality Act 1981 refers to children born after commencement to British citizens in Crown or designated service. Any child who is recognised as having a claim to British citizenship under **s.2(1)(b)** will be a British citizen otherwise than by descent.
2. In order to have a claim, the relevant parent's recruitment to Crown or designated service must have taken place either in the United Kingdom or, on or after 21 May 2002, in a qualifying territory. No further definition is given in the Act. However, when deciding whether a claim may be recognised, the following factors are taken into consideration:
 - Was the relevant parent employed as a result of recruitment initiatives - advertisements, university/career fair visits etc - in the United Kingdom or, if applicable, a qualifying territory? or
 - Did the relevant parent go through a selection process in the United Kingdom or, if applicable, a qualifying territory? or
 - Does the relevant parent hold a contract of employment made in the United Kingdom or, if applicable, a qualifying territory?
3. Should the applicant parent fail to meet these criteria, it is unlikely that the child would qualify under **s.2(1)(b)**.
4. Similar considerations apply to the question of whether recruitment to service under a community institution can be said to have taken place in a Community Member State, as required by **s.2(1)(c)**.
5. **Evidence**
 - 5.1 Normally, a letter from the employing organisation will be sufficient to confirm where that recruitment took place. Should further evidence

be required, a copy of the contract of employment, or correspondence to the parent from the employing organisation at the time of selection, showing the process took place in the United Kingdom/qualifying territory (if applicable), would serve to confirm that this requirement is met.

6. The Armed Forces, Home Civil Service, and H M Diplomatic Service

- 6.1 Officers in Her Majesty's forces are, in all cases, recruited in the United Kingdom; other ranks are regarded as having been recruited where they go through the process of attestation. Members of the Home Civil Service and of Her Majesty's Diplomatic Service are regarded as having been recruited in the United Kingdom.