

Resumption (History)

1. Resumption of British subject status by married women

- 1.1 The **Naturalization Act 1870** introduced the rule that marriage to an alien would cause a British subject wife to lose that status automatically on marriage or the husband's alienage, and that she would be deemed to have acquired her new husband's nationality. Since such women might not in fact have acquired the husband's nationality, many effectively became stateless. The only concession made under the **1870 Act** was that natural-born British subject women could apply to resume British nationality upon their husband's death.
- 1.2 The principle that a wife's nationality status would depend on that of her husband was continued under s.10 of the **British Nationality and Status of Aliens Act 1914**. However, the **1914 Act** introduced a further concession that if her husband ceased to be a British subject during the marriage a woman could remain a British subject by making a declaration of retention (see the separate entry below). Additional concessions were introduced by the **British Nationality and Status of Aliens Acts 1918** and **1933**.
- 1.3 In recognition of the fact that certain British born women found themselves to be enemy aliens during the First World War, the **1918 Act** amended s.10 of the **1914 Act** to provide for such women to naturalize as British subjects by making a declaration that they wished to resume that status.
- 1.4 The **1933 Act** replaced s.10 of the **1914 Act** in its entirety. Under the **1933 Act**, a woman would not be deemed to have ceased to be a British subject automatically on marriage to an alien (or when, during the marriage, her husband ceased to be a British subject) if she did not actually acquire her husband's nationality. These provisions had retrospective effect. As a result, those women who, under either the **1870** or **1914 Acts**, had become stateless because they were married to an alien were, under the **1933 Act**, deemed never to have lost British subject status. Furthermore, the Home Secretary had discretion to deem women, who had acquired their husband's nationality in either manner, to have remained British subjects if they made a declaration that they wished to retain British nationality.
- 1.5 Those who were not qualified to regain their British subject status under these provisions, or who did not take advantage of them, were deemed to have regained British subject status on 31 December 1948 by the operation of s.14 of the **BNA 1948**.

2. Resumption after loss as a minor

- 2.1 **Section 12(1)** of the **British Nationality and Status of Aliens Act 1914** provided, subject to certain exceptions, that where a person ceased to be a British subject, whether by declaration of alienage or otherwise, every minor child of that person should thereupon cease to be a British subject. Under s.12(2) of the **1914 Act**, persons who lost British subject status in this way could regain it by making a declaration of resumption within one

year after their 21st birthday. This provision ceased on 31 December 1948 and was replaced by **s.16(2)** of the **BNA 1948**, which extended the entitlement and also gave the Secretary of State discretion to accept a declaration after the statutory period. Due to the passage of time all entitlements expired in 1971 but 'late' declarations continued to be accepted for many years. The registration of a declaration gave the declarant the nationality status appropriate under **ss.12 or 13** of the **BNA 1948**.

3. **Resumption under the BNA 1964**

3.1 Under **s.1(1)** of the **BNA 1964**, persons who had at any time ceased to be a citizen of the United Kingdom and Colonies as a result of a declaration of renunciation were entitled to registration as a citizen of the United Kingdom and Colonies if they were of full capacity and satisfied the Secretary of State that:

- at the time they made the declaration they were, or were about to become, a citizen of a country mentioned in **s.1(3)** of the **BNA 1948** and either
 - i. could not have remained or become such a citizen but for the declaration; or
 - ii. had reasonable cause to believe that they would be deprived of their citizenship of that country unless they made the declaration; and
- had a qualifying connection with the United Kingdom and Colonies or with a protectorate or, if a woman, had been married to a person who had or would, if living, have had such a connection

3.2 A person had a qualifying connection with the United Kingdom and Colonies if the person, or the person's father or paternal grandfather:

- was born in the United Kingdom or a colony; or
- was a person naturalised in the United Kingdom and Colonies; or
- was registered as a citizen of the United Kingdom and Colonies; or
- became a British subject by reason of the annexation of any territory included in a colony

3.3 A person had a qualifying connection with a protectorate if:

- the person was born there; or
- the person's father or paternal grandfather was born there, and was at any time a British subject

NB. Any reference above to a colony or protectorate was to be construed as referring to that territory as it existed at the date on which the application for resumption was made (**s.1(5), BNA 1964**).

- 3.4 The Secretary of State could, at his discretion, register any person who would have had an entitlement if he or she had a qualifying connection as mentioned in paragraph 3.2 or 3.3 above. It was intended that this discretionary provision should be exercised sparingly and should only benefit a person who, at the time when citizenship of the United Kingdom and Colonies was renounced, had real and personal connections with the United Kingdom which could be regarded, in aggregate, as equivalent to a qualifying connection.

4. **Resumption under the BNA 1981**

- 4.1 The resumption provisions in the **1964 Act** were re-enacted in **s.10** of the BNA 1981 (see **Chapter 16**). However, the **Nationality, Immigration and Asylum Act 2002** amended the "qualifying connection" requirement, with effect from 7 November 2002, to allow men to satisfy that requirement on the same terms as women (i.e. by virtue of marriage to a person who had such a connection).
- 4.2 In addition, the 1981 Act provides for the resumption of British citizenship by those who have ceased to be British citizens since 1 January 1983 by making a declaration of renunciation under that Act (see **Chapter 17**).