



Home Office

GUIDE MN3

Registration as a British Overseas citizen – A guide about the registration of children under 18

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1 Introduction to the guide

Who is included in this guide and who is not included?

This guide assists children who have not yet reached the age of majority (age 18) to become British Overseas citizens at the Home Secretary's discretion under section 27(1) of the British Nationality Act 1981. Children who reach age 18 will only be able to become a British Overseas citizen if they have an entitlement to registration (as described below).

It does not cover

- British citizenship – see guide MN1
- British overseas territories citizenship – see guide MN2
- British subjects – see guide MN4

Avenues to citizenship through entitlement

A person who is born stateless may have a right to be registered as a British Overseas citizen if he or she:

- was born before 1 January 1983 and has always remained stateless
- was born outside the United Kingdom and the British overseas territories on or after 1 January 1983 and has always remained stateless
- was born on or after 1 July 1997 outside the British overseas territories (see Note 1 on page 6)

Further information is available on our website at www.ukba.homeoffice.gov.uk

A parent applying for British Overseas citizenship at the same time as his or her child should consider the possibility that the child may be found to be eligible for registration but that his or her own application falls for refusal. Section 6 of the application form invites the parent to confirm that, in this event, the child should still be registered as a British Overseas citizen. If the relevant box is not ticked, the child's application will be treated as having been withdrawn at the point when the parent's application is refused. No refund will be given.

Becoming a British Overseas citizen

For the application to succeed, you will need to show that the child satisfies the criteria agreed by the Home Secretary. These, and the way that the Home Secretary exercises his discretion, are described in the nationality staff instructions which are available on our website at www.ukba.homeoffice.gov.uk. If the child does not satisfy the agreed policy you will need to demonstrate why it would be right for the Home Secretary to grant the child British Overseas citizenship. This guide aims to help you to make a successful application. It tells you what information to put into each section of the application form and which documents you need to supply.

It is important that you take care in completing the form and ensure that there is sufficient evidence to support the application. You also need to make sure that you have paid the correct fee (see the fees leaflet supplied separately). If you pay by cheque you should ensure that you have sufficient funds available. Only cheques issued in sterling and drawn from a bank which has a UK based presence will be accepted. Those applying from overseas who wish to pay by cheque should therefore ensure that the issuing bank has a branch in the UK where the cheque can be cashed. We will also accept credit/debit card payment. Cash, transcash or postal orders cannot be accepted. **If you do not pay the correct fee your application will be returned to you unprocessed.**

What happens to the child's present citizenship?

Before continuing with your application, you should be aware that under the nationality laws of some countries a person will automatically lose their nationality if they become a citizen of another country. If you have any questions about this, you should ask the authorities of the country of which the child is a citizen through the Embassy or High Commission before making your application. If the country of which the child is currently a citizen continues to recognise them as one of its citizens they may continue to be subject to the duties of citizens of that country when they are in its territory. This may include obligations to undergo military service.

The law covering registration is contained in the British Nationality Act 1981 and the regulations made under it. This guide is intended to help you to apply. It is not a statement about the law or policy. Other information about citizenship and immigration is available on our website at **www.ukba.homeoffice.gov.uk**.

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Who qualifies for registration?

Children must be under 18 years old when the application is made. Once they reach the age of 18 they can only apply for British Overseas citizenship if they have one of the avenues to registration described on page 3. The date of application is the date it is received by the Home Office or the receiving authority, see “WHERE TO SEND THE APPLICATION FORM on page 17 for details.

If the child is aged 10 or over they must be of good character.

What other criteria does the child need to meet?

Registration of children as a British Overseas citizen is at the Home Secretary's discretion. The Home Secretary will normally only agree to register a child where:

- at least one parent is a British subject; and
- all those with parental responsibility for the child (normally the parents) agree to the child becoming a British subject (see Section 5 of the guide); and
- the child has no other nationality or citizenship, and cannot acquire one; and
- the lack of a passport is causing the child genuine difficulties (for example in obtaining health care or education); and
- the family's continued stay in the country in which they live is at risk to the point of deportation (and there is no country other than the UK where the family could go).

Automatic acquisition of British Overseas citizenship

Children who have automatically acquired British Overseas citizenship do not need to be registered. There are three ways a child can automatically be a British Overseas citizen without needing to register:

- (a) A child who is born in the UK or a British overseas territory (see Note 1 below) on or after 1 January 1983 is a British Overseas citizen if, at the time of the birth:
 - the child has no other citizenship or nationality, and
 - one of the parents (see Note 2 below) is a British Overseas citizen.
- (b) A child who was a British Dependent Territories citizen by connection with Hong Kong became a British Overseas citizen on 1 July 1997 if he or she had no other citizenship or nationality on that date.
- (c) A child who is born on or after 1 July 1997 is a British Overseas citizen if, at the time of the birth:
 - the child has no other citizenship or nationality, and
 - one of the parents (see Note 2 below) is *either* a British National (Overseas) *or* a British Overseas citizen as described in (b).

Notes

1. For the purposes of this guide, and form MN3, the British overseas territories are currently: Anguilla; Bermuda; British Antarctic Territory; British Indian Ocean Territory; Cayman Islands; Falkland Islands; Gibraltar; Montserrat; Pitcairn, Henderson, Ducie and Oeno Islands; St. Helena, Ascension and Tristan da Cunha; South Georgia and the South Sandwich Islands; the Sovereign Base Areas of Akrotiri and Dhekelia (in Cyprus); Turks and Caicos Islands; Virgin Islands.
2. "Parent" means:
 - (a) the mother i.e. the woman who gave birth to the child
 - (b) the mother's husband (if she was married at the time of the birth)
 - (c) (if the person was born on or after 1 July 2006, and conceived before 6 April 2009) a man who is treated as the father under section 28 of the Human Fertilisation and Embryology Act 1990
 - (d) (if the person was conceived on or after 6 April 2009):
 - any person who is treated as the father under section 35 or 36 of the Human Fertilisation and Embryology Act 2008, *or*
 - a person who is treated as a parent of the child under section 42 or 43 of the Human Fertilisation and Embryology Act 2008 (second female parent)
 - (e) (if the person was born on or after 1 July 2006 and *neither* (b), (c) *nor* (d) apply) a man who can satisfy certain requirements as regards proof of paternity i.e. he is named as the father on a birth certificate issued within 12 months of the birth or he can satisfy the Home Secretary that he is the person's father (by means of DNA test results, court orders or other relevant evidence).

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How to fill in the application form

You must ensure that the child's name, date of birth, and the place and country where they were born are clearly written in BLOCK LETTERS, in black or blue black ink. These details will be shown on their certificate. Any mistake you make is likely to end up on their certificate and may cause difficulties and delay in obtaining a British passport.

Make sure that all the information is correct before you submit an application. It is a criminal offence to give false information knowingly or recklessly.

You may, if you wish, receive help completing the application form. You may use the services of an agent such as a solicitor or other competent adviser. For more information about competent advisers, see the box headed "OISC and Immigration Advice" on page 9.

If you live in the United Kingdom, you may also apply via the Nationality Checking Service. This is a partnership with local authorities, which has been introduced by a number of local authorities in the United Kingdom. The Nationality Checking Service enables people wanting to apply for British citizenship to make their application in person at their local Register Office. In return for a small fee, local authority officers will help applicants to complete their application forms and check that the correct fee has been paid. They will also copy valuable documents and certify them as true copies, before returning the originals to you in person.

Local authorities provide the Nationality Checking Service at the point of application only, and will not act as agents while the application is being considered. Local authorities are, like other competent advisers, registered with the Office of the Immigration Services Commissioner.

To check whether the Nationality Checking Service is available near you refer to our website at www.ukba.homeoffice.gov.uk. Please note that you may use any local authority offering Nationality Checking Service not just the one where you live. The service is being expanded over time to cover more local authorities.

However, applying for registration is a straightforward process which does not require the use of specialist agencies. You should be capable of applying successfully by following the guidance provided in this guide and ensuring that the child is able to satisfy the requirements.

Guides and application forms are issued free of charge.

Information you give will be treated in confidence, but may be disclosed to other bodies, for example, other Government Departments, the Security Service and other agencies, local authorities and the police, where it is necessary for immigration or nationality purposes or to enable these bodies to carry out their functions. We may also consult some of these organisations with the information when we carry out enquiries concerning your application.

Now turn to Section 1 of the application form.

SECTION 1: PERSONAL INFORMATION

- 1.1 Enter the father or mother's Immigration and Nationality Directorate or Border and Immigration Agency or UK Border Agency reference if they have one. Or the child's reference if they have one. This usually consists of a letter followed by up to seven numbers eg S1003752. It can be found on any previous correspondence you may have had with the Immigration and Nationality Directorate or Border and Immigration Agency or UK Border Agency.
- 1.2 Tick the box appropriate to the child's title or write in their title if it is different. Please note that royal titles should not be used.
- 1.3 Enter the child's surname or family name as you want it to appear on the certificate.

1.4 Enter the child's other names as you want them to appear on their certificate. For example if the child's name is Taher Mohamed Hashim Al Hassan, and they are known as Master Al Hassan then put Al Hassan in section 1.3 and Taher Mohamed Hashim in section 1.4.

If the names shown in section 1.3 and 1.4 are different from the names shown in the child's passport or they are spelt differently then please explain why on page 8 of the application form.

NB. We are unable to print certificates containing accents/special characters.

- 1.5 If the child is or has been known by any other names apart from those given and in sections 1.3 and 1.4, say what the other names are/were, when the child was
- 1.6 known or started to be known by these names and why.

The child's name at birth must be given on the application form for identity purposes, but may be omitted from the certificate of registration if there is a special reason for requesting this – for example children who were adopted or are no longer living in the gender they were considered to have at the time of their birth.

PLEASE NOTE THAT THE NAME, PLACE AND DATE OF BIRTH SHOULD BE THE SAME AS THOSE GIVEN IN PASSPORTS OR BIRTH CERTIFICATES. THEY WILL APPEAR ON THE CERTIFICATE OF REGISTRATION AND CAN BE CHANGED ONLY IN THE MOST EXCEPTIONAL CIRCUMSTANCES

- 1.7 Enter the child's present nationality.
- 1.8 Enter the child's National Insurance number if they have one.
- 1.9 – 1.11 Enter the child's date of birth, the village, town or city where they were born, and the – country where they were born. Please take care over these entries as they will appear on the certificate of registration. If they are different from the details shown in their passport/birth certificate you should explain why on page 9 of the application form. NB. Place and country of birth names shown on the certificate will be names in current acceptable use (and will be in English where an English version exists).

- 1.12 Indicate the child's sex by ticking the appropriate box.
- 1.13 Indicate marital/civil partnership status by ticking the appropriate box.
- 1.14 Enter the child's present address and ensure that you give the postcode. **If the postcode is not given it may cause delay.** It would also be helpful if you would provide your contact telephone details to enable us to contact you quickly.
- 1.15 If someone is acting on your behalf such as a solicitor or you are making the application through a consulate, you should provide their details so that we can contact them.
- 1.16 - 1.17 Unless you are being represented by a private individual, it is the agent's business name, telephone number etc which should be put here.

OISC and Immigration Advice

Immigration or nationality advisers acting in the course of business (whether paid or unpaid) are regulated by the Office of the Immigration Services Commissioner (OISC), an independent body. The provision of such advice is prohibited unless a person works for an organisation registered with, or exempted by, the OISC or is authorised to practice (like solicitors and barristers) by a designated professional body.

Certain categories (e.g. public health bodies) are exempted from the regulatory scheme by Ministerial Order. It is a criminal offence to provide advice or services in contravention of the regulatory scheme.

Further information about the regulatory scheme can be obtained from: Office of the Immigration Services Commissioner

5th Floor
Counting House
Tooley Street
LONDON
SE1 2QN
Tel: 020 7211 1500
Fax: 020 7211 1553

A full list of OISC regulated advisers is available on its website at www.oisc.gov.uk

- 1.18 - 1.30 The child might already be a British Overseas citizen without you realising it. To decide whether they already have British Overseas citizenship we need details about their parents.
- 1.31 - 1.38 If the child is married or in civil partnership, or lives with someone as if they were a husband, wife or civil partner, we need the details of that person to help us make some enquiries. If the child's partner is not a British Overseas citizen and would like to apply, they will need to make their own application on a separate form.

SECTION 2: RESIDENCE

Please provide details of the child's residence.

- 2.1 For an application in respect of a child who is now living in the UK or a British overseas territory, please say where and when they first arrived.
- 2.2 Provide details of all addresses in the last 5 years.
- 2.3 Please say where the child will live if they are registered as a British Overseas citizen.

SECTION 3: GOOD CHARACTER

To be of good character a person should show respect for the rights and freedoms of the United Kingdom, observe its laws and fulfil their rights and duties as a resident of the United Kingdom. Checks will be made on children aged 10 years and over to ensure that this requirement is met.

If you are not honest about the information you provide and the child is registered on the basis of incorrect or fraudulent information they will be liable to have British Overseas citizenship taken away (deprivation) and you may be prosecuted. It is a criminal offence to make a false declaration knowing that it is untrue.

Among the duties and obligations which you are expected to fulfil is payment of income tax and National Insurance contributions. We may ask H.M. Revenue & Customs for confirmation that your tax and National Insurance affairs are in order. When you sign the application form you will be giving your consent for us to approach them.

- 3.1 - 3.4 If a child is liable for income tax but does not pay through PAYE you must demonstrate that their obligations towards the H.M. Revenue & Customs have been discharged by attaching a Self Assessment Statement of Account.
- 3.5 - 3.6 You must give details of all criminal convictions given to the child both within and outside the United Kingdom. These include road traffic offences. Fixed penalty notices will not normally be taken in to account unless:
 - you have failed to pay and there were criminal proceedings as a result; or
 - you have received numerous fixed penalty notices.

Drink driving offences must be declared. If the child has any endorsements on his/her driving licence you must provide the paper counterpart.

Please note that a driving conviction may not yet be disregarded despite any penalty points being removed from the driving licence.

Criminal record checks will be carried out in all cases on minors 10 years and over.

If the child has a conviction within the relevant sentence based threshold they are unlikely to be registered and the fee would not be fully refunded. Similarly if the child has been charged with a criminal offence and are awaiting trial or sentencing, you are advised not to make any application for the child's registration until the outcome is known. If the child is convicted, you should then consult the table overleaf.

	Sentence	Impact
1	4 years or more imprisonment	Application will normally be refused, regardless of when the conviction occurred.
2	Between 12 months and 4 years imprisonment	Application will normally be refused unless 15 years have passed since the end of the sentence.
3	Up to 12 months imprisonment	Application will normally be refused unless 7 years have passed since the end of the sentence.
4	A non-custodial offence or other out of court disposal that is recorded on a person's criminal record.	Application will normally be refused if the conviction occurred in the last 3 years.

Notes:

- a. A person who receives a sentence of life imprisonment is included in the '4 years or more imprisonment' category (i.e. line 1).
- b. A person who receives a custodial sentence of **exactly** 4 years is included in the '4 years or more imprisonment' category (i.e. line 1).
- c. A person who receives a custodial sentence of **exactly** 12 months or **exactly** 1 year is included in the 'Between 12 months and 4 years imprisonment' category (i.e. line 2).
- d. The "end of the sentence" means the entire sentence imposed, not just the time the person spent in prison. For example, a person sentenced to 3 years' imprisonment on 1/1/2013 will normally be refused citizenship until 1/1/2031 - the 15 year 'bar' added to the 3 year sentence.
- e. A "non-custodial offence or other out of court disposal that is recorded on a person's criminal record" (i.e. line 4) includes Fines, Cautions, Warnings and Reprimands, Community Sentences, Civil Orders, Hospital Orders & Restriction Orders and Potential Court Orders.
- f. A person who is subject of an extant Deportation Order will be refused citizenship regardless of when they apply.
- g. Some extremely short periods of imprisonment **may not** be included in the 'up to 12 months imprisonment' category (i.e. line 3). This will depend on whether the person was convicted & sentenced or simply committed to prison. The latter is not a sentence and the vast majority of those detained for one day - for example, under s135 of the Magistrates' Courts Act 1980 - will have been committed by the court and not sentenced. The decision maker will instead treat this as a "non-custodial offence or other out of court disposal that is recorded on a person's criminal record" (i.e. line 4).
- h. A **suspended prison sentence** will be treated as a "non-custodial offence or other out of court disposal that is recorded on a person's criminal record" (i.e. line 4). The exception is where that sentence is subsequently 'activated'. This means that the person re-offended or failed to adhere to/breached the conditions of

that sentence. Where this happens, the sentence length will be the one originally imposed.

Example 1: a person is sentenced to 6 months' imprisonment, suspended for two years. If they 'activate' this, the sentence should be 6 months and fall into the 'up to 12 months' imprisonment' category above (i.e. line 3).

Example 2: a person is sentenced to 12 months' imprisonment, suspended for two years. If they 'activate' this, the sentence should be 12 months and fall into the 'Between 12 months and 4 years' imprisonment' category above (i.e. line 2).

- i. Sentences imposed overseas will normally be treated as if they occurred in the UK.
- j. For **concurrent** sentences, the decision maker will take the longest single sentence imposed. For example, a sentence of 9 months' imprisonment served concurrently with a sentence of 6 months' imprisonment will be treated the same as one 9-month sentence.

For **consecutive** sentences, the decision maker will add together the total of all the sentences imposed. For example, a sentence of 9 months' imprisonment served consecutively with a sentence of 6 months' imprisonment will be treated the same as one 15-month sentence.

You are also advised to refer to the good character policy guidance which caseworkers use to decide your application. This is available at:

<http://www.ind.homeoffice.gov.uk/sitecontent/documents/policyandlaw/nationalityinstructions/nichapter18/ch18annexd?view=Binary>

We may disregard a single non-custodial sentence, providing it did not occur in the last 12 months, if there are strong countervailing factors which suggest the child is of good character in all other regards and the decision to refuse would be disproportionate. Offences involving dishonesty (e.g. theft), violence or sexual offences or drugs would not be disregarded. Drink-driving offences, driving while uninsured or disqualified or driving whilst using a mobile phone would not be disregarded either.

- 3.7 - 3.8 You must give details of all civil judgments which have resulted in a court order being made against the child as well as any civil penalties under the UK Immigration Acts. If the child has been declared bankrupt at any time you should give details of the bankruptcy proceedings. (The application is unlikely to succeed if the child is an undischarged bankrupt).

You do not need to give details of family law proceedings such as divorce decrees, dissolved civil partnerships, guardianship orders, parental responsibility orders.

- 3.9-3.10 You must give details of any cautions (simple or conditional), warnings or reprimands the child has received in the UK or any other country. Cautions, warnings and reprimands are out of court disposals that are recorded on a person's criminal record and are taken in to account when assessing a person's character.
- 3.11 You must say if the child's details have been recorded by the police as a result of certain sexual offences, or if the child is subject to one of the following orders: notification order, sexual offences prevention order, foreign travel order, risk of sexual harm order (or equivalent order made in a British overseas territory or any other country). If the child's details

are recorded on the “sex offenders” register, even if any conviction is spent, the Home Secretary is unlikely to be satisfied that the child meets the good character requirement and so an application for citizenship is unlikely to be successful.

What if there is no conviction but the child’s character may be in doubt?

3.12 You must say if there is any offence for which the child may go to court or which is awaiting hearing in court. This includes having been arrested for an offence and waiting to hear if the child will be formally charged. If the child has been arrested and not told that charges have been dropped, or that the child will not have to appear in court, you may wish to confirm the position with the police. For applicants from Scotland any civil penalties must also be declared. You must tell us if the child is arrested or charged with an offence after you make the application and while the application is under consideration. You risk prosecution under section 46 of the British Nationality Act 1981 if you do not do so.

3.13–3.16 You must also say here whether the child has had any involvement in terrorism. If you do not regard something as an act of terrorism but you know that others do or might, you should mention it. You must also say whether the child has been involved in any crimes in the course of armed conflict, including crimes against humanity, war crimes or genocide. If you are in any doubt as to whether something should be mentioned, you should mention it.

The following information provides guidance on actions which may constitute genocide, crimes against humanity and war crimes.

This guidance is not exhaustive. Before you answer these questions you should consider the full definitions of war crimes, crimes against humanity and genocide which can be found in Schedule 8 of the International Criminal Court Act 2001 at the following web-site:

<http://www.hmso.gov.uk/acts/acts2001/20010017.htm> Alternatively, copies can be purchased from The Stationery Office, telephone 0870 600 5522.

It is your responsibility to satisfy yourself that you are familiar with the definitions and can answer the questions accurately.

Genocide

Acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group.

Crimes against humanity

Acts committed at any time (not just during armed conflict) as part of a widespread or systematic attack, directed against any civilian population with knowledge of the attack. This would include offences such as murder, torture, rape, severe deprivation of liberty in violation of fundamental rules of international law and enforced disappearance of persons.

War Crimes

Grave breaches of the Geneva Conventions committed during an armed conflict. This includes an internal armed conflict and an international armed conflict. The types of acts that may constitute a war crime include wilful killing, torture,

extensive destruction of property not justified by military necessity, unlawful deportation, the intentional targeting of civilians and the taking of hostages.

Terrorist Activities

Any act committed, or the threat of action, designed to influence a government or intimidate the public and made for the purpose of advancing a political, religious or ideological cause and that involves serious violence against a person; that may endanger another person's life; creates a serious risk to the health or safety of the public; involves serious damage to property; is designed to seriously disrupt or interfere with an electronic system.

Organisations concerned in terrorism

An organisation is concerned in terrorism if it:

- a. commits or participates in acts of terrorism,
- b. prepares for terrorism,
- c. promotes or encourages terrorism (including the unlawful glorification of terrorism), or
- d. is otherwise concerned in terrorism.

3.17 You must say whether the child has been involved in anything which might indicate that they are not of good character. You must give information about any of these activities no matter how long ago it was. Checks will be made in all cases and the application may fail and the fee will not be fully refunded if you make an untruthful declaration. If you are in any doubt about whether the child has done something or it has been alleged that the child has done something which might lead us to think that they are not of good character you should say so.

You must tell us if the child has ever practised deception in his or her dealings with the Home Office or other Government Departments (e.g. by providing false information or fraudulent documents). This will be taken in to account in considering whether the child meets the good character requirement. If the application is refused, and there is clear evidence of the deception, any future application made within 10 years is unlikely to be successful.

You should also tell us if the child has been convicted of an offence or has received a court order (e.g. an ASBO).

Go to Section 4: Referees and Identity

SECTION 4: REFEREES AND IDENTITY

The application must be endorsed by two referees and a recent passport size photograph. You must write the child's name and date of birth on the back of the photograph and this should then be glued or pasted into the space provided on the application form.

The photograph must show the whole of the front of the child's face in reasonable light. It should not show the face wholly or partly concealed by hair (beards, sideburns and moustaches excepted) or by a scarf or traditional dress. It should not show the child wearing dark glasses or a hat, hood, cap or scarf.

One referee should be a professional who has engaged with the child in a professional capacity, such as a teacher, health visitor, social worker or minister of religion.

The other referee must normally be the holder of a British citizen passport and either a professional person or over the age of 25.

Each referee should know the child personally and should be:

- not related to the child
- not related to the other referee
- not acting as a solicitor or agent in connection with this application
- not employed by the Home Office

We will not accept a referee who has been convicted of an imprisonable offence during the last 10 years (unless that conviction can be disregarded in line with the table shown on page 11 of this guide).

If the child is living abroad and does not know a British citizen who is qualified to act as a referee, a Commonwealth citizen or citizen of the country in which he or she is residing may complete and sign the form, provided he/she has a similar standing in that country.

Checks may be carried out to ensure that the referees do not have unspent convictions (see page 11) and are qualified to act and that their signature is genuine. It is a criminal offence to provide false information knowingly or recklessly, punishable with up to 3 months imprisonment or by a fine not exceeding £5,000 or both, under section 46(1) of the British Nationality Act 1981.

Once you have two referees and they have completed section 4.2 – 4.8 you should recheck the information you have provided and go to Section 5.

SECTION 5: CONSENT TO THE APPLICATION

We require the consent of all those with parental responsibility for the child. If only one parent has consented, please explain why at section 5.3. If it is not convenient for one of the parents to sign the form, consent can be provided in a separate letter. If the father of an illegitimate child is making the application, we would expect the mother to have consented.

Section 5.4 is to be completed if the application is being made by a guardian. Section 5.5 is to be completed by a child if he or she is making his or her own application.

If the application is being made by a guardian, we will expect to see evidence that person has parental responsibility for the child, such as a deed, will or court order.

If the child's parents are living we would normally expect them to be British Overseas citizens.

SECTION 6: DECLARATION

Read this section carefully before inserting your name clearly in box 6.1 and ticking each box at 6.2 – 6.7 to confirm the points raised.

This should normally be the parent/guardian's name, NOT the minor's name. (Although an older minor, e.g. aged 16 or over, who is making his or her own application can complete the declaration.)

If the requirements and criteria described in this Guide are met sign and date the form in box 6.8.

If the requirements or criteria are not met and you want the Home Secretary to exercise discretion in the child's favour you should provide the special circumstances in their case. If the special circumstances are not accepted the application will be refused and the fee retained.

Applications that fail generally do so because

- applicants do not tell us about offences and convictions, or
- the child already has another citizenship or nationality, or
- the family's stay in the country in which they are living is not at risk

If the declaration in section 6 of the form is not completed, the application will be invalid.

4 What you will need to send with the form

PLEASE NOTE: If you require your valuable documents to be returned by secure post you should enclose a pre-paid self-addressed Royal Mail Special Delivery (or Recorded Signed For delivery) envelope with your application. The pre-paid self-addressed envelope should be sufficient to accommodate the size and weight of your documents and be insured to the appropriate level for the value of your documents. If this is not enclosed your documents will be returned to you using Royal Mail 2nd class post.

Please consult Royal Mail's website at www.royalmail.com for further information.

This section tells you the sort of documents you will need to provide in order for the application to be considered. We cannot consider the application unless we have supporting documents. **If you do not submit the application with supporting documents and the correct fee then the application will be returned to you unprocessed.**

The fee

The fee must be sent with the application form. Details of the current fee are available on our website at www.ukba.homeoffice.gov.uk NB. **If you do not send the correct fee, the application will be invalid.**

Documents

Please also send evidence:

of the child's birth and citizenship

- Please send the child's birth certificate and passport

of the parents' citizenship

- Please send any birth, naturalisation or registration certificates or passports which show their citizenship

that the child is experiencing genuine difficulties because he or she does not have a passport

- Please explain, in a separate letter, what problems the child is having and enclose any supporting documents

that custody of the child has been awarded to one parent or a guardian (if this has occurred)

- Please send the court order

that the child is adopted (if this is so)

- Please send the court order

of any other fact that may be relevant to the application – e.g. if the child is married, please send the marriage certificate

of identity

- Please send the child's:

- ❖ passport or travel document, OR
- ❖ birth certificate, OR
- ❖ driving licence, OR
- ❖ bank, building society or credit card statement issued to them within the last 6 months

5 Where to send the application form

Once you have completed and signed the application form and enclosed the documents, you must arrange to pay the correct fee. If you are paying by debit/ credit card you should complete the payment slip attached to the fee leaflet. If you are paying by cheque you should ensure that funds are available in your account. Only cheques issued in sterling and drawn from a bank which has a UK based presence will be accepted. Those applying from overseas who wish to pay by cheque should therefore ensure that the issuing bank has a branch in the UK where the cheque can be cashed. **Cash, transcash or postal orders can not be accepted.**

If the fee is paid through an account which belongs to someone else, please give their details in the space provided on the payment slip attached to the fee leaflet in case it is necessary to refund all or part of the fee.

If the child is in England, Scotland, Wales or Northern Ireland send the form with the fee and supporting documents to:

**Department 1
UK Border Agency
The Capital
New Hall Place
Liverpool
L3 9PP**

If they are in the Channel Islands or the Isle of Man you should send them to the Lieutenant Governor.

If they are in a British overseas territory you should send them to the Governor.

If they are in Hong Kong you should send them to the nearest British diplomatic post. If they are elsewhere, including in a Commonwealth country, you should send them to:

**Department 1
UK Border Agency
The Capital
New Hall Place
Liverpool
L3 9PP**

You **must** submit your application as explained above. The date of application will be the date your form is **received** by the Home Office or the local British government representative as shown above. It is not the date on which you send it.

6 What happens next?

What you can expect from us

This guide is intended to help you to apply. It is not a statement about law or policy. Other information about citizenship and immigration is available on our website at www.ukba.homeoffice.gov.uk. Representations must explain why you think we have not applied the law and policy in your case.

The information you have provided will be treated in confidence, but may be submitted for checking against the records held by other Government agencies where it is necessary for immigration and nationality purposes or to enable these bodies to carry out their functions.

We will check the application against the documents you have sent in and make a number of enquiries. The documents may be checked to ensure their authenticity. If you provide forged or fraudulently obtained documents you will be investigated under section 46 of the British Nationality Act 1981. We will press for prosecution which may include up to 3 months imprisonment or a fine not exceeding £5,000 or both.

If we need more documents we will write and ask you for them. We will give you three weeks to respond. If you do not respond within the time we allow you, then we will decide the application on the information we already have, but there is a risk that your application will not succeed. We will try to complete our enquiries quickly, usually within six months, but sometimes it takes longer.

We undertake to process applications quickly and in accordance with the law and agreed policy and procedures. We will deal with any enquiries courteously and promptly. **You must keep us informed of any changing circumstances including change of address or agent.**

If the application is unsuccessful we will write and tell you why. Although there is no automatic right of appeal or review we will consider representations if you consider that a decision to refuse the application was not soundly based on nationality law or prevailing policy and procedure.

Information on average waiting times can be found on the website at www.ukba.homeoffice.gov.uk.

The length of time you will have to wait for your application to be decided will not affect your existing rights in the UK.

We strive to provide a first rate service, but occasionally difficulties arise that prevent us from dealing with applications to our usual high standards. In the unlikely event that you wish to complain, details of how to make a complaint are given on page 21.

Deprivation of citizenship

The child may be deprived of British Overseas citizenship if it is found to have been obtained by fraud, false representation or the concealment of any material fact. The Home Secretary may also deprive the child of British Overseas citizenship if, in his opinion, it would be in the public interest for him to do so and the child would not thereby be made stateless.

Ministers suggested during the passage of the Immigration, Asylum and Nationality Act 2006 that deprivation may be appropriate where the person:

- has encouraged or assisted others to commit acts of terrorism;
- has committed war crimes, public order offences or other serious crime; or
- has carried out acts seriously prejudicial to vital national interests, including espionage and acts of terrorism directed at the United Kingdom or an allied power.

A certificate of registration may, as a matter of law, be ineffective from the outset if it was obtained by means of impersonation.

What we expect from you

Applications are considered quickly usually within six months of receipt. We expect you to make appropriate arrangements to ensure that you can respond to our enquiries or requests for documents within the period we allow.

While the application is under consideration we expect you to tell us about anything which alters the information you have given us. This will include changes of marital or civil partnership status or home address or agents acting on your behalf. It also includes police investigation or anything that may result in charges or indictment.

We also expect to be treated politely and with respect by you and any agent acting on your behalf. If the application is successful and the child has reached the age of majority (18 years of age) the child will be asked to take an oath of allegiance. Full instructions on taking the oath will be sent to you. We expect the oath of allegiance to be taken within 3 months of being asked. If the oath of allegiance has not been taken within 3 months, and there are no special reasons for the delay, the application will be refused and the child will not become a British Overseas citizen.

And finally

We hope that this guide has helped you to prepare and successfully apply for British Overseas citizenship for your child. If you have found it useful and our staff helpful, or if you have found our service unsatisfactory or do not understand the outcome, why not tell us? You should email us in the first instance to ukbanationalityenquiries@ukba.gsi.gov.uk

If you remain unhappy with the service provided by Nationality Group, you may wish to complain by writing to:

**UK Border Agency
North West Customer Services Unit
PO Box 99
Manchester Airport
M90 3WW**