

Information Sheet:

When may a young person be able to register as a British citizen?

British Nationality law can be **extremely complex**. Advice and assistance from a **competent qualified** person is therefore strongly recommended.

There are several circumstances in which a young person in the UK, who is not already a British citizen, can apply to be registered as British. Three of the most common circumstances are briefly described below.

Scenario One (registration by entitlement under section 1(4) of the British Nationality Act 1981)

Someone will qualify to be registered as a British citizen if he or she applies to be registered and he or she:

- was born in the UK; and
- lived continuously in the UK from the time of his or her birth until his or her tenth birthday; and
- is of good character.

An application can be made at any time after the person's tenth birthday, including after the person has become an adult.

Scenario Two (registration by entitlement under section 1(3) of the British Nationality Act 1981)

A child (i.e. someone under 18 years of age) will qualify to be registered as a British citizen if he or she applies to be registered and:

- he or she was born in the UK; and
- if he or she is aged 10 years or over, he or she is of good character; and
- since his or her birth, at least one of his or her parents has been granted settlement in the UK (indefinite leave to remain) or has become a British citizen.

If the child's parents are not married, certain types of documentary evidence will be required to prove the father is the child's father. This will be necessary where the application relies on the father's settlement or citizenship status, but not where it relies on the mother's.

Scenario Three (registration at the discretion of the Secretary of State under section 3(1) of the British Nationality Act 1981)

A child (i.e. someone under 18 years of age) may qualify to be registered as a British citizen if he or she applies to be registered and:

- he or she is living in the UK; and
- if he or she is aged 10 years or over, he or she is of good character; and
- the child's future clearly lies in the UK.

Unlike in the previous two, in this scenario the decision on whether to register the child is at the discretion of the Home Office. Generally, the Home Office will exercise its discretion in favour of registering the child as British if:

- the child has been granted settlement (indefinite leave to remain); and
- one of child's parents is a British citizen; and
- the other parent has been granted settlement (indefinite leave to remain) or is unlikely to return or be required to return to his or her country of origin.

However, if the child has lived in the UK from a very young age and has lived here for many years, it may be argued that the child's future clearly lies in the UK and that it would be in the child's best interests to be registered as British.

In all three of these scenarios, there is a fee to apply for registration as a British citizen. Application fees are from time to time increased, and this may happen at short notice. Currently, if the application is made by a child, the fee is £749. If it is made by an adult, it is £913. Whether or not the application is successful, the fee is not reimbursed – i.e. the fee is lost either way.

Various information and documentary evidence is required to make an application. Applications can be made on an application form issued by the Home Office, but there is no requirement to use the form. However, it is advisable to use the form. From time to time the Home Office updates the form, often at short notice.

Please note: The information set out here does not cover all the circumstances in which someone – including a child – may become a British citizen.

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