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22 April 2024**

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Home Office

Identifying British citizens and others exempt from deportation

This guidance is based on the [Immigration Acts](#)

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Identifying British citizens and others exempt from deportation

About this guidance

<p>Determining British nationality</p> <p>General guidance on British citizenship</p> <p>Paternity</p> <p>Evidence of British citizenship on file</p> <p>Checking British citizenship by passport checks</p> <p>Evidence required to establish British citizenship</p> <p>Proving the right of abode</p> <p>Glossary of terms and other information</p>	<p>This guidance tells criminal casework (CC) caseworkers how to identify British citizens and other people exempt from control when dealing with CC cases.</p> <p>The purpose of this instruction is to give basic guidance on how to deal with claims of British citizenship from foreign national offenders (FNOs). The documents required as evidence of British nationality will depend on the nature of the claim.</p> <p>This guidance covers scenarios you may see often but, with a topic as complex as British citizenship, it is not possible to cover all possible situations in a single process instruction.</p> <p>You must consult the nationality directorate or a senior caseworker in cases where this guidance does not assist in resolving a British citizenship claim.</p> <p>For more information on British citizenship, see related links.</p> <p>Changes to this guidance – This page tells you what has changed since the previous version of this guidance.</p> <p>Contact - This page tells you who to contact for help if your senior caseworker or line manager can't answer your question.</p> <p>Information owner – This page tells you about this version of the guidance and who owns it.</p> <p>Safeguard and promote child welfare – This page explains your duty to safeguard and promote the welfare of children and tells you where to find more information.</p>	<p>In this section</p> <p>Changes to this guidance</p> <p>Contact</p> <p>Information owner</p> <p>Links to staff intranet removed</p> <p>External links</p> <p>What is British citizenship?</p> <p>Section 3(8) of the Immigration Act 1971</p>
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Changes to this guidance

<p>Determining British nationality</p> <p>General guidance on British citizenship</p> <p>Paternity</p> <p>Evidence of British citizenship on file</p> <p>Checking British citizenship by passport checks</p> <p>Evidence required to establish British citizenship</p> <p>Proving the right of abode</p> <p>Glossary of terms and other information</p>	<p>This page lists changes to the identifying British citizens and others exempt from deportation guidance, with the most recent at the top.</p> <table border="1"> <thead> <tr> <th data-bbox="490 422 831 464">Date of the change</th> <th data-bbox="831 422 1532 464">Details of the change</th> </tr> </thead> <tbody> <tr> <td data-bbox="490 464 831 987">23 October 2013</td> <td data-bbox="831 464 1532 987"> <p>Six month review by the modernised guidance team:</p> <ul style="list-style-type: none"> • General guidance on British citizenship: <ul style="list-style-type: none"> ○ link to British Nationality Act (BNA) 1948 added. • Checking British citizenship by passport checks: <ul style="list-style-type: none"> ○ first sentence changed ○ bullet points added ○ sentence below bullet points removed. • Minor housekeeping and plain English checks throughout. </td> </tr> <tr> <td data-bbox="490 987 831 1214">12 April 2013</td> <td data-bbox="831 987 1532 1214"> <p>Six month review by the modernised guidance team:</p> <ul style="list-style-type: none"> • Minor housekeeping and plain English changes. </td> </tr> <tr> <td data-bbox="490 1214 831 1316"></td> <td data-bbox="831 1214 1532 1316"> <p>For previous changes to this guidance you will find all earlier versions in the archive. See related link: Identifying British citizens - archive</p> </td> </tr> </tbody> </table>	Date of the change	Details of the change	23 October 2013	<p>Six month review by the modernised guidance team:</p> <ul style="list-style-type: none"> • General guidance on British citizenship: <ul style="list-style-type: none"> ○ link to British Nationality Act (BNA) 1948 added. • Checking British citizenship by passport checks: <ul style="list-style-type: none"> ○ first sentence changed ○ bullet points added ○ sentence below bullet points removed. • Minor housekeeping and plain English checks throughout. 	12 April 2013	<p>Six month review by the modernised guidance team:</p> <ul style="list-style-type: none"> • Minor housekeeping and plain English changes. 		<p>For previous changes to this guidance you will find all earlier versions in the archive. See related link: Identifying British citizens - archive</p>	<p>Related links</p> <p>General guidance on British citizenship</p> <p>Checking British citizenship by passport checks</p> <p>See also</p> <p>Contact</p> <p>Information owner</p> <p>Links to staff intranet removed</p>
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Identifying British citizens and others exempt from deportation

Determining British nationality

<p>Determining British nationality</p> <p>General guidance on British citizenship</p> <p>Paternity</p> <p>Evidence of British citizenship on file</p> <p>Checking British citizenship by passport checks</p> <p>Evidence required to establish British citizenship</p> <p>Proving the right of abode</p> <p>Glossary of terms and other information</p>	<p>This page tells criminal casework (CC) caseworkers how British nationality may be determined in CC cases.</p> <p>British nationality may only be determined by the courts.</p> <p>A birth certificate is not conclusive proof of identity and you will, in most cases, need to request additional evidence to establish identity and British nationality.</p> <p>Please note, the CC workflow team will try to resolve the British citizen claim, but if the release date is imminent and the case has not been resolved the case must be sent as soon as possible. This will reduce the delay to the team with ownership of the case who must carry out further enquiries to either confirm or refute the claim to British citizenship.</p> <p>Under Section 3 (8) of the Immigration Act 1971, the onus is on the claimant to produce evidence of a British citizenship claim and, if such information is not provided, the assumption is that they are a foreign national.</p>	<p>Related links</p> <p>External links</p> <p>What is British citizenship?</p> <p>Section 3(8) of the Immigration Act 1971</p>
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General guidance on British citizenship

<p>Determining British nationality</p> <p>General guidance on British citizenship</p> <p>Paternity</p> <p>Evidence of British citizenship on file</p> <p>Checking British citizenship by passport checks</p> <p>Evidence required to establish British citizenship</p> <p>Proving the right of abode</p> <p>Glossary of terms and other information</p>	<p>This page tells criminal casework (CC) caseworkers how British nationality may be determined in CC cases.</p> <p>An individual is a British citizen either:</p> <ul style="list-style-type: none">• by descent, or• otherwise than by descent. <p>British citizens by descent cannot pass on their citizenship to children born abroad except in the circumstances explained in chapter 4 of the nationality casework instructions.</p> <p>Full guidance on British citizenship by descent and otherwise than by descent may be found in chapter 20 of the nationality casework instructions. See related links for these instructions.</p> <p>British citizens are exempt from deportation. A person will qualify as a British citizen if they meet one of the following criteria. Anyone:</p> <ul style="list-style-type: none">• born in the UK before 1 January 1983• born in the UK after that date, whose mother was a British citizen, or settled in the UK, at the time of the subject's birth, irrespective of her marital status• born in the UK, after this date and with at least one parent who is either British, or settled in the UK, provided the parents were married at the time or have subsequently married (see related link: the British Nationality Act (BNA) 1948)<ul style="list-style-type: none">○ illegitimate children whose fathers are British do not automatically qualify for British citizenship• who has gained British citizenship through naturalisation or registration, obtained after formal application and issue of a certificate granting citizenship. <p>Other forms of British nationality</p> <p>Other forms of British nationality have existed in the past that are not recognised now, for</p>	<p>Related links</p> <p>External links</p> <p>Chapter 20-British Nationality instructions</p> <p>Chapter 4-British Nationality instructions</p> <p>British Nationality Act 1948</p> <p>What is British citizenship?</p> <p>British Nationality Act (BNA) 1948</p>
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example:

- British citizenship of the United Kingdom and Colonies (CUKC), and
- British dependent territories citizenship.

For more information, see related links.

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Paternity

<p>Determining British nationality</p> <p>General guidance on British citizenship</p> <p>Paternity</p> <p>Evidence of British citizenship on file</p> <p>Checking British citizenship by passport checks</p> <p>Evidence required to establish British citizenship</p> <p>Proving the right of abode</p> <p>Glossary of terms and other information</p>	<p>This page tells criminal casework (CC) caseworkers how a person's paternity may affect their right to British citizenship for CC cases.</p> <p>Since 1 July 2006, both parents are able to pass on their British citizenship to their children, even if they are not married.</p> <p>For children born before 1 July 2006 'parent' means the:</p> <ul style="list-style-type: none">• mother, if the child was born on or after 1 January 1983, –<ul style="list-style-type: none">○ women were not able to pass on citizenship to their children before 1983• father, but only if he was married to the mother. <p>For children born on or after 1 July 2006 'parent' means the mother (that is, the woman who gives birth to the child) or the father if:</p> <ul style="list-style-type: none">• he is married to the mother at the time of the birth• he is treated as the father under section 28 of the Human Fertilization and Embryology Act 1990, or• if neither of the above apply, he can satisfy certain requirements to prove paternity, that is he is named as the father on a birth certificate issued within one year of the child's birth or he can satisfy the Home Secretary that he is the father of the child (by means of DNA test results, court orders or other relevant evidence). <p>There must be satisfactory evidence of paternity. You can accept the following types of evidence as proof of paternity:</p> <ul style="list-style-type: none">• a birth certificate issued within one year of the child's birth naming the child's father, or• any other evidence such as DNA test reports to court orders relevant to paternity. <p>If the subject cannot provide the evidence above, you can normally accept a man is the father of a child if paternity has been acknowledged in some other official context, for</p>	
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example:

- if the child was born abroad and the relationship has been accepted for UK immigration purposes, or
- the father states he is the father and we have confirmation from the mother, providing there is no evidence to suggest that their evidence is false.

A child born in the UK before 2 October 2000 to a European Economic Area (EEA) national parent will be a British citizen if the parent was exercising a treaty right at the time of the birth.

After, 2 October 2000, the parent would need to be settled at the time of birth either through the grant of indefinite leave to remain (ILR) or having attained permanent residence by having exercised treaty rights for a continuous period of at least five years.

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Evidence of British citizenship on file

<p>Determining British nationality</p> <p>General guidance on British citizenship</p> <p>Paternity</p> <p>Evidence of British citizenship on file</p> <p>Checking British citizenship by passport checks</p> <p>Evidence required to establish British citizenship</p> <p>Proving the right of abode</p> <p>Glossary of terms and other information</p>	<p>This page tells criminal casework (CC) caseworkers how CC case owners approach evidence of British citizenship that may be found on a case file.</p> <p>If you find any of the following on a subject's file, they could be evidence of British citizenship and must be thoroughly investigated:</p> <ul style="list-style-type: none">• nationality (either the subject's or their parents)• previous applications with a claim to British citizenship• copies of past or current British citizenship• copies of their parents British passports• birth certificates (either the subject's or their parents)• any information relating to their parents' leave status before the subject was born (indefinite leave to remain (ILR), and so on)• British overseas territories citizen (BOTC) certificates.	
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Identifying British citizens and others exempt from deportation

Checking British citizenship by passport checks

<p>Determining British nationality</p> <p>General guidance on British citizenship</p> <p>Paternity</p> <p>Evidence of British citizenship on file</p> <p>Checking British citizenship by passport checks</p> <p>Evidence required to establish British citizenship</p> <p>Proving the right of abode</p> <p>Glossary of terms and other information</p>	<p>This section tells criminal casework (CC) caseworkers how to check for evidence of British citizenship through passport checks.</p> <p>You must check if a passport exists using the Her Majesty's Passport Office (HMPO) and omnibase if a subject claims they:</p> <ul style="list-style-type: none">• were previously issued with a British passport, or• are British, but were born in a foreign country. <p>For more information on the omnibase system, see related links:</p> <ul style="list-style-type: none">• Omnibase• 4707 Checks on British passports. <p>In cases where document fraud is suspected, the national document fraud unit (NDFU) may also be contacted.</p> <p>Checks through NDFU must be conducted by emailing the NDFU duty officer, see related links.</p>	<p>In this section</p> <p>CC workflow – checking British citizenship</p> <p>CC workflow – completing the DVLA contact form</p> <p>Omnibase</p> <p>Related links</p> <p>Links to staff intranet removed</p>
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Identifying British citizens and others exempt from deportation

CC workflow - checking British citizenship

<p>Determining British nationality</p> <p>General guidance on British citizenship</p> <p>Paternity</p> <p>Evidence of British citizenship on file</p> <p>Checking British citizenship by passport checks</p> <p>Evidence required to establish British citizenship</p> <p>Proving the right of abode</p> <p>Glossary of terms and other information</p>	<p>This page tells the criminal casework (CC) workflow team the process to follow for checking British citizenship.</p> <p>Although this page is for CC workflow, staff in CC case owning teams may also find it useful.</p> <p>When a case is referred you must conduct the following checks if a:</p> <ul style="list-style-type: none">• prison establishment refers it and you find evidence of British citizenship, or• foreign national offender (FNO) has made a claim to British citizenship. <p>The aim of these checks is to make sure the information about confirmed nationality actually relates to the person in prison, whether you have obtained it from:</p> <ul style="list-style-type: none">• Omnibase• Home Office records, or• other official sources. <p>Before a case can be conceded you need a confirmed photographic match between the records held and the person in prison.</p> <p>You can use the following checks to establish British citizenship:</p> <ul style="list-style-type: none">• Omnibase system for evidence of a British passport. For more information on the Omnibase system and photo-matching, see related link. If no Omnibase record is held (or if no picture is held on Omnibase with a possible positive search result) and the FNO has claimed British citizenship:<ul style="list-style-type: none">○ You must send an onus of proof letter to the prisoner asking for more information to prove their claim. The onus of proof letter is ICD.3397 on the CID document generator.○ Under the 1971 Immigration Act, where an individual claims British citizenship the	<p>In this section</p> <p>CC workflow – completing the DVLA contact form Omnibase</p> <p>Links to staff intranet removed</p>
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onus of proof lies with the individual making the claim.

- Contact other government agencies to find out whether they hold any photographic records that may be useful:
 - For example, the Driver and Vehicle Licensing Agency (DVLA) You must use the DVLA contact form, For more information on completing the DVLA form, see related link.
- Send for Home Office case files for evidence to prove or refute the FNOs claim to British citizenship:
 - Files that relate to one or both of the FNOs parents.
 - Other files for the individual.
 - You still need to confirm the link between the paper records and the actual subject in prison.
- If you have significant doubts about nationality which have not been resolved by other available checks refer the case for interview if there is enough time.
- Check naturalisation records:
 - If held on CID where an image is present.
 - Through the individual's file.
 - You still need to confirm the link between the paper records and the actual subject in prison.
- Check if CID indicates nationality has already been established through the photographic matching process and it is clear the subject in prison is the same person:
 - This may be indicated, on CID, by evidence of a licence recall or a further offence under the same Police National Computer (PNC) reference number.
 - If it is established you do not need to repeat the entire checking process again.

If the claim to British citizenship needs further investigation you must allocate the case to a CC case owning team. It may be impractical for you to complete all actions before you refer to CC case owners because of time constraints due to imminent release dates.

Identifying British citizens and others exempt from deportation

CC workflow – completing the DVLA contact form

<p>Determining British nationality</p> <p>General guidance on British citizenship</p> <p>Paternity</p> <p>Evidence of British citizenship on file</p> <p>Checking British citizenship by passport checks</p> <p>Evidence required to establish British citizenship</p> <p>Proving the right of abode</p> <p>Glossary of terms and other information</p>	<p>This page tells the criminal casework (CC) workflow team how to complete the Driver and Vehicle Licensing Agency (DVLA) contact form and send it to them.</p> <p>Although this page is for CC workflow, staff in CC case owning teams may also find it useful.</p> <p>If you decide that DVLA records may be useful in determining nationality, you must use the DVLA request for drivers information form to contact the DVLA. For the form, see related link.</p> <p>You must send the form to the DVLA, using the related link: Email: Driver and Vehicle Licensing Agency.</p> <p>What information to give in each section</p> <p>Enquirer details:</p> <ul style="list-style-type: none">• In this section you must add your:<ul style="list-style-type: none">○ full name○ organisation name (Home Office - CC)○ office address○ email address, and○ office contact telephone number. <p>Subject of the enquiry:</p> <ul style="list-style-type: none">• In this section you must add the foreign national offender's (FNOs) details where known. Their:<ul style="list-style-type: none">○ name○ current residential address○ date of birth, and○ driver number.	<p>In this section</p> <p>CC workflow – checking British citizenship</p> <p>Omnibase</p> <p>Links to staff intranet removed</p>
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What information is needed?

- In this section, you must:
 - Tell the DVLA you need any official information or documentation (for example copies of passports) they have been given by the individual. This may add weight for or against any claim to British citizenship.
 - Be as concise and as factual as possible.

Why is the above information needed?

This section has already been completed and does not need any more information.

How is the information relevant to the investigation?

This section has already been completed and does not need any more information.

Will the investigation fail if the information is not provided?

This section has already been completed and does not need any more information.

Do you have a statutory gateway allowing DVLA to release this information to you?

This section has already been completed and does not need any more information.

Identifying British citizens and others exempt from deportation

Omnibase

<p>Determining British nationality</p> <p>General guidance on British citizenship</p> <p>Paternity</p> <p>Evidence of British citizenship on file</p> <p>Checking British citizenship by passport checks</p> <p>Evidence required to establish British citizenship</p> <p>Proving the right of abode</p> <p>Glossary of terms and other information</p>	<p>This page tells criminal casework (CC) caseworkers about the omnibase system and how they can use it.</p> <p>Omnibase is the application used by the passport validation service (PVS) to allow authorised users in government agencies to view 40 million passport records held in the Her Majesty's Passport Office (HMPO) passport application support system (PASS).</p> <p>You can only access the omnibase system for the legitimate aims of CC business and bear in mind that omnibase use is thoroughly audited.</p> <p>What records omnibase holds</p> <p>All records held in the HMPO passport application support system (PASS) are on omnibase. The information available includes details of all passports issued since the introduction of the passport issuing management information system (PIMIS) which was the predecessor to PASS.</p> <ul style="list-style-type: none">• PASS was introduced from 2001 onwards. If the passport is a PASS issue, then bio data and a photo will be held on omnibase.• PIMIS was introduced from 1988 onwards. If the passport is a PIMIS issue then bio data will be held but no photo will be on omnibase.• Passport records issued prior to PIMIS will not be held on omnibase. <p>'Old blues'</p> <p>These are passports issued before PIMIS issue passports (before 1988).</p> <p>For information relating to passports issued prior to PIMIS often referred to as 'old blues' and for passports issued overseas you may contact IPS by fax to do a manual search if no record is shown on omnibase.</p> <p style="border: 2px solid red; padding: 5px; text-align: center;">Restricted – do not disclose – start of section</p>	<p>In this section</p> <p>CC workflow – checking British citizenship</p> <p>CC workflow – completing the DVLA contact form</p> <p>Links to staff intranet removed</p>
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The information in this page has been removed as it is restricted for internal Home Office use only.

Restricted – do not disclose – end of section

Access to omnibase

In keeping with Treasury guidance, there is a charge for access to the system for each user.

To gain access to omnibase your line manager must email the CC process team, see related links. They will tell you the procedure to follow if additional CC users are required.

Security clearance that is required

Counter terrorism cleared (CTC) is the minimum level of clearance required for access to omnibase.

Each caseworking area must have someone who has access to omnibase and this person must be asked to make the omnibase checks in the first instance. You should only need to approach the CC process team if there is no omnibase user at the time.

It is most important that staff keep their omnibase password confidential

You can access the omnibase sitethrough related links and users can log on using the password provided. If you experience difficulties in either gaining access to, or during the use of, omnibase then, see section 8 of the related link: 4707 Checks on British passports.

Users from other directorates needing access to Omnibase

CC cannot arrange access to omnibase on behalf of staff outside CC. So if you require access to omnibase you must refer to your local authorised system manager (ASM) who will help you.

If you are not able to locate your local ASM, contact Her Majesty's Passport Service (HMPO) direct, using the related link: Email: Her Majesty's Passport Service.

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Evidence required to establish British citizenship

<p>Determining British nationality</p> <p>General guidance on British citizenship</p> <p>Paternity</p> <p>Evidence of British citizenship on file</p> <p>Checking British citizenship by passport checks</p> <p>Evidence required to establish British citizenship</p> <p>Proving the right of abode</p> <p>Glossary of terms and other information</p>	<p>This page tells criminal casework (CC) caseworkers about the evidence required to establish British citizenship in CC cases.</p> <p>A person born in the UK before 1 January 1983 must produce the following:</p> <ul style="list-style-type: none">• A full birth certificate.• Any current or expired passports. And• Evidence of any change in name since their birth was registered to include the following:<ul style="list-style-type: none">○ Marriage certificate.○ Adoption certificate showing parents' details and nationality at the time of their birth. Evidence of this can be the parents' birth certificate, passport, and Home Office certificate of registration or naturalisation, if a child is adopted in the UK they are issued with a fresh birth certificate which is unlikely to be a full certificate they may not have access to a full birth certificate as in older cases they were not automatically notified that they were adopted.○ Deed poll certificate in cases where an individual has changed their name by deed poll. <p>If the birth certificate is not the original, you must also request one of the following:</p> <ul style="list-style-type: none">• driving licence• medical card• national insurance card, or• benefit book. <p>A person who claims to be born outside the UK before 1 January 1983 must produce the following:</p> <ul style="list-style-type: none">• A full birth certificate.	<p>Related links</p> <p>External links</p> <p>British Nationality Act 1948</p>
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- Evidence to prove the father was a British citizen when the applicant was born.
 - The father could also have been a British subject or citizen of the United Kingdom and Colonies (UKC).
 - He could also be eligible under section five of the British Nationality Act 1948 (BNA). If there is evidence of Crown Service (government, Her Majesty's (HM) Forces and so on).
- Any current or expired passports.

A person born outside the UK after 1 January 1983 will be required to produce the following

- A full birth certificate.
- Any current or expired passports.
- Evidence to substantiate that their father was a British citizen when the applicant was born, or the mother, if the parents were not married or the person was born in a commonwealth country.
 - Evidence of this can be the parents' passport(s), or a Home Office certificate of registration or naturalisation. The passport needs to be recent, but not necessarily the one that the individual arrived in the UK on.

Identifying British citizens and others exempt from deportation

Proving the right of abode

<p>Determining British nationality</p> <p>General guidance on British citizenship</p> <p>Paternity</p> <p>Evidence of British citizenship on file</p> <p>Checking British citizenship by passport checks</p> <p>Evidence required to establish British citizenship</p> <p>Proving the right of abode</p> <p>Glossary of terms and other information</p>	<p>This page tells criminal casework (CC) caseworkers about proving the right of abode for CC cases.</p> <p>Section 1(1) of the Immigration Act 1971 gives complete exemption from UK immigration control to people with the right of abode, subject to proof of that right.</p> <p>Under section 3 (9) of the Immigration Act 1971, as amended by the Immigration, Asylum and Nationality Act 2006, a person claiming right of abode in the UK must prove it by presenting either a:</p> <ul style="list-style-type: none">• UK passport describing the person as a British citizen• UK passport describing the person as a British subject with the right of abode in the UK, or• certificate of entitlement <p>Qualification for the right of abode</p> <p>For full details of the current criteria on qualification for the right of abode, see related link: Nationality: right of abode. This is a complex area and is covered, in full, in this link.</p> <p>Deprivation of the right of abode</p> <p>Under section 2 A of the Immigration Act 1971, as inserted by section 57 of the Immigration, Asylum and Nationality Act 2006, a person who has right of abode on the basis of Commonwealth (but not British) citizenship, that is under section 2 (1) (b) of the Immigration Act 1971, as amended, may be deprived of that right. This could happen ‘if the Secretary of State thinks that it would be conducive to the public good for the person to be excluded or removed from the United Kingdom’.</p> <p>A person against whom a deprivation order is made will have a right of appeal to the Immigration and Asylum Chamber (IAC) or, where sensitive information might otherwise be disclosed in the course of the appeal, to the Special Immigration Appeals Commission. Subject to the outcome of any such appeal, an order made under section 2A of the</p>	<p>Related links</p> <p>External links</p> <p>Immigration Act 1971</p> <p>Nationality: right of abode</p> <p>Directory of business</p> <p>Who is a British overseas territories citizen?</p>
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Immigration Act 1971 remains in force until revoked by the Secretary of State.

Cases in which there may be a possibility of deprivation of the right of abode will be few in number. However, on the rare occasion that such a case arises, the file must be referred to the nationality special cases team. You can find the details using the directory of business in related links.

The effect of the British Overseas Territories Act 2002 on the right of abode in the UK

Before 21 May 2002 only British overseas territories citizens (BOTCs) from the Falkland Islands and Gibraltar had automatic access to British citizenship. However, after 21 May 2002, any BOTC who was not already a British citizen automatically got that status, with the exception of those only connected with the sovereign base areas of Cyprus (Akrotiri and Dhekelia). With the exception of the two sovereign base areas in Cyprus, those who hold British overseas territories citizenship will be exempt from deportation from the UK.

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Identifying British citizens and others exempt from deportation

Glossary of terms and other information

<p>Determining British nationality</p> <p>General guidance on British citizenship</p> <p>Paternity</p> <p>Evidence of British citizenship on file</p> <p>Checking British citizenship by passport checks</p> <p>Evidence required to establish British citizenship</p> <p>Proving the right of abode</p> <p>Glossary of terms and other information</p>	<p>This page tells criminal casework (CC) caseworkers about certain terms that are frequently used in British citizenship cases.</p> <p>British subject For more information on the criteria that must be fulfilled to qualify as a British subject and a description of the term, see related links.</p> <p>British overseas territories citizens (BOTC) British overseas territories (formerly known as British dependent territories) citizenship is a category of citizenship that was created by the British Nationality Act 1981, which came into force on 1 January 1983. It is for people connected with the British overseas territories. For more information on BOTC (including a list of countries) see related links.</p> <p>British citizenship by naturalisation Naturalisation is a legal process which allows someone with no automatic claim to British citizenship to become a British citizen and get the same rights and privileges as someone who was born a British citizen.</p> <p>A person can normally apply for naturalisation as a British citizen if they have lived in the UK for five years or more, or are married to a British citizen and have lived in the UK for three years or more.</p> <p>British citizenship by registration Section 4 of the British Nationality Act 1981 allows a person of any age to be registered as a British citizen 'otherwise than by descent' in the following circumstances:</p> <ul style="list-style-type: none">• They are a British overseas territories citizen, or a British overseas citizen, or a British subject (under the British Nationality Act 1981), or a British protected person or a British national (overseas) and either:<ul style="list-style-type: none">○ can meet certain, mainly residence requirements, or○ have, at any time, been in certain types of service in a British overseas territory.	<p>Related links</p> <p>See also Links to staff intranet removed</p> <p>External links</p> <p>Who is a British overseas territories citizen?</p> <p>Who is a British subject?</p> <p>Naturalisation</p> <p>Leaflet BN12</p> <p>What is British citizenship?</p> <p>British Overseas Territories Act 2002</p> <p>British Nationality Act (BNA Act) 1948</p> <p>Immigration Act 1971</p> <p>British Nationality Act 1981</p>
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- In addition, certain British overseas territories citizens can, if the Home Secretary agrees, be registered as British citizens if they meet certain requirements. For more information, see related link: Leaflet BN12.
- British overseas citizens, British subjects (under the British Nationality Act 1981) and British protected persons may have a right to be registered as British citizens by descent if they meet certain requirements. For more information, see related link: Leaflet BN12.

Citizen of the UK and Colonies (CUKC)

This form of nationality is no longer current, but you can find information on it using the related link: What is British citizenship?

CC workflow teams

Staff in the CC workflow team can find further information on contacting foreign national offenders (FNOs) where they are presented with a claim to British citizenship using the related link: Criteria Assessment.

Relevant acts

- citizenship 'by descent' is in section 5 of the British Nationality Act 1948
- citizenship 'otherwise than by descent' is in section 4 of the British Nationality Act 1981
- right of abode is in section 1 of the Immigration Act 1971
- deprivation of the right of abode is in section 2A of the Immigration Act 1971 as inserted by section 57 of the Immigration, Asylum and Nationality Act 2006
- deprivation of the right of abode on the basis of commonwealth (but not British) citizenship is in 1.2 (1) b of the Immigration Act 1971, as amended.

See related links for the following acts:

- British Nationality Act 1981
- British Overseas Territories Act 2002
- British Nationality Act (BNA act) 1948
- Immigration Act 1971.

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Contact

<p>Determining British nationality</p> <p>General guidance on British citizenship</p> <p>Paternity</p> <p>Evidence of British citizenship on file</p> <p>Checking British citizenship by passport checks</p> <p>Evidence required to establish British citizenship</p> <p>Proving the right of abode</p> <p>Glossary of terms and other information</p>	<p>This page explains who to contact for more help with a specific case on identifying British citizens and others exempt from deportation for criminal casework (CC) cases.</p> <p>If you have read this guidance and still need more help with this category, you must first ask your senior caseworker or line manager.</p> <p>If they cannot answer your question, they or you may email the CC process team.</p> <p>Changes to this guidance can only be made by the modernised guidance team (MGT). If you think the policy content needs amending you must contact the CC process team, who will ask the MGT to update the guidance, if appropriate.</p> <p>The MGT will accept direct feedback on broken links, missing information or the format, style and navigability of this guidance. You can send these using the link: Email: Modernised guidance team.</p>	<p>Related links</p> <p>See also</p> <p>Changes to this guidance</p> <p>Information owner</p> <p>Links to staff intranet removed</p>
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Information owner

[Determining British nationality](#)
[General guidance on British citizenship](#)
[Paternity](#)
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This page tells you about this version of the identifying British citizens and others exempt from deportation guidance and who owns it.

Version	5.0
Valid from date	23 October 2013
Policy owner	Official – sensitive: information removed
Cleared by director	Official – sensitive: information removed
Director's role	Official – sensitive: information removed
Clearance date	2 April 2012
This version approved for publication by	Official – sensitive: information removed
Approver's role	Official – sensitive: information removed
Approval date	17 October 2013

Changes to this guidance can only be made by the modernised guidance team (MGT). If you think the policy content needs amending you must contact the CC process team, who will ask the MGT to update the guidance, if appropriate.

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Related links

See also

[Changes to this guidance](#)

[Contact](#)

Links to staff intranet removed