



Home Office

Guide S3 –

Registration of a stateless person as:

- **a British citizen, or**
- **a British overseas territories citizen**

**A guide for those born in the United Kingdom or a
British overseas territory on or after 1 January
1983**

CONTENTS

1. Introduction to the guide	3
2. The requirements you have to meet	4
3. Which citizenship will you acquire	7
4. How to fill in the application form	8
Section 1 – Personal Information	9
Section 2 – Residence Requirements	11
Section 3 – Referees and Identity	12
Section 4 – Biometric enrolment	13
Section 5– Declaration	13
5. What documents you will need to send	15
6. Where to send your application form	18
7. What happens next	19
8. What you can expect from us	19
9. Waiting times	20
10. Deprivation of citizenship	21
11. What we expect from you	21
12. Citizenship ceremonies	22
13. And finally	23

1. Introduction to the guide

- This guide and the application form S3 apply to a stateless person born on or after 1 January 1983 in the United Kingdom or a British overseas territory, who wishes to acquire British citizenship or British Overseas territories citizenship.

This form is for applications under paragraph 3 of Schedule 2 of the British Nationality Act 1981.

- For your application to succeed you will need to show that you satisfy a number of requirements. 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 in making sure that you satisfy the requirements for registration. You also need to make sure that you have paid the correct fee (see fees leaflet at <https://www.gov.uk/government/publications/fees-for-citizenship-applications>). If you pay by cheque you should ensure that you have sufficient funds available. We will accept credit/debit card payment or payment by transcash. Please do not send cash or postal orders. If you do not pay the correct fee your application will be returned to you unprocessed.
- Please quote any previous Home Office reference number from any previous application or correspondence.

N.B. Before 26 February 2002, the British overseas territories and British overseas territories citizenship were called British dependent territories and British dependent territories citizenship.

2. The requirements you have to meet

Notes

To be registered:

- you must have been stateless when you were born

AND

- you must always have been stateless

AND

- you must have been born on or after 1 January 1983

AND

- you must have been born in the United Kingdom or a British overseas territory

- A person is stateless if he or she is not regarded by the authorities of any country as a citizen or national of that country

- The United Kingdom means England, Scotland, Wales, Northern Ireland, the Channel Islands and the Isle of Man.

- The places which have been British overseas territories at any time since 1 January 1983 are:

Anguilla, Bermuda, British Antarctic Territory, British Indian Ocean Territory, Cayman Islands, Falkland Islands and Dependencies (see the note below) , Gibraltar, Hong Kong (see the note below), Montserrat, Pitcairn, Henderson, Ducie

and Oeno Islands, St. Christopher and Nevis (formerly St Kitts) (see the note below), St Helena, Ascension and Tristan da Cunha, South Georgia and the South Sandwich Islands (see the note below), the Sovereign Base Areas of Akrotiri and Dhekelia, Turks and Caicos Islands and the Virgin Islands.

Note:

Hong Kong has not been a British overseas territory since 30 June 1997.

St. Christopher and Nevis (formerly St Kitts) has been an independent country since 18th September 1983.

South Georgia and the South Sandwich Islands were dependencies of the Falkland Islands but were not British overseas territories between 3rd October 1985 and 3rd December 2001.

If you are not sure whether a particular place was in a British overseas territory at the relevant time, you should email

NationalityEnquiries@homeoffice.gsi.gov.uk , or contact the Governor of the territory concerned.

AND

- you must have been in the UK or a British overseas territory at the beginning of the period of 5 years ending with the date of application

- The date of application is the date it is received by the appropriate British Government representative (see Section 6) - e.g. if your application were to be received on 30 September 2015, the 5 year qualifying period would be from 1 October 2010 to 30 September 2015.

AND

- you should not have been absent from the United Kingdom or British overseas territory for more than 450 days in that 5 year period

- If you were absent for more than 450 days, the Home Secretary/Governor may make an exception, and agree to registration, if he thinks there are special circumstances in your case.

AND

- you must be under 22 years old on the date of application.

A child who is born in a British overseas territory may already be a British overseas territories citizen if, when the child was born, one of the parents was a British overseas territories citizen, or settled in a British overseas territory.

A child who is born in the United Kingdom or, since 21 May 2002, a qualifying territory (i.e. one of the British overseas territories listed above, other than the Sovereign Base Areas of Akrotiri and Dhekelia) may already be a British citizen, and/or a British overseas territories citizen, depending on residence and the parent's citizenship.

A minor who does not meet the requirements listed above may still have a right to be registered as a British citizen or British overseas citizen, depending on residence and the parent's citizenship.

The Home Secretary or Governor may also be prepared to exercise discretion to register a minor, if there are special circumstances (for example, if the parents are applying for registration themselves).

3. Which citizenship will you acquire?

If you meet the requirements, listed in Section 2 of this guide, and you are registered by the Home Secretary or the Governor, you will become:

- a British citizen – if you have spent more time in the United Kingdom than in the British overseas territories during the 5 year qualifying period.
- a British overseas territories citizen – if you have spent more time in the British overseas territories than in the United Kingdom during the 5 year qualifying period.

N.B. Only British citizens have the right to enter and live in the United Kingdom.

4. How to fill in the application form

If the applicant is under 18, the application form should normally be filled in by the parent or guardian (giving the minor's particulars).

You must ensure that your name, date of birth, and the place and country where you were born are clearly written in BLOCK LETTERS, in black ink. Any mistake you make is likely to end up on your certificate and may cause difficulties and delay in you becoming a British citizen or in obtaining a British passport.

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

You may, if you wish, receive help completing your 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 "OISC and Immigration Advice" in section 1 below.

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 UK. The Nationality Checking Service enables people wanting to apply for naturalisation or registration 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 your agent while your 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 <https://www.gov.uk/becoming-a-british-citizen> or Telephone: 0300 123 2253

Please note that you may use any local authority offering the Nationality Checking Service not just the one where you live.

Further information can be obtained from:

Email: nationalityenquiries@homeoffice.gsi.gov.uk

Telephone: 0300 123 2253

Information you give will be treated in confidence, but may be disclosed to Government Departments, the Security Service and other agencies, foreign governments, local authorities and the police, where it is necessary for immigration or nationality purposes or to enable these bodies to carry out their own functions.

Now turn to Section 1 of the application form.

Section 1: Personal Information

- 1.1 Please enter any previous Home Office reference number - if you have one
- 1.2 Enter your surname/family name as you want it to appear on your certificate
- 1.3 Enter all your other names as you want them to appear on your certificate
- 1.4 Enter your name at birth (if different from what you have entered at 1.2 and 1.3)

Your name at birth must be given on the application form, for identity purposes, but may be omitted from your certificate of registration if you have a special reason for requesting this - for example because you were adopted or are no longer living in the gender you were considered to have at the time of your birth.

N.B - 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.)

- 1.5 Enter your date of birth
- 1.6 Enter your place and country of birth
- 1.7 & Only enter requested details if you entered details at 1.4
- 1.8
- 1.9 Enter details of your present address and ensure that you give your postcode. We need this to arrange a citizenship ceremony. If you do not give your postcode your application will be delayed
- 1.10 Enter details of present address of person signing the application (if different)
- 1.11 Enter your telephone numbers and those of the person signing the application (if different)
- 1.12 Enter your email address or that of the person signing the form

1.13 Enter details of your marriage/civil partnership and spouse (if applicable)
- 1.17

1.18 Enter explanation as to why you have been stateless from birth

1.19 Enter details of your parents
- 1.31

1.32 If someone is acting on your behalf, such as a solicitor, or you are making
- 1.35 the application through a consulate, you should provide their details so that we can contact them. 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

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 designed 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.

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

1.36 If your application is approved, you will need to take part in a citizenship
-1.38 ceremony. The venue will normally be within a local authority area near where you live. If you want the ceremony in another area you should enter the name and address of that local authority office including the postcode.

You will be expected to attend a ceremony to become a British citizen. Successful applicants are exempted from ceremonies rarely and then only if they are physically unable to attend, or if their mental state would make it inappropriate to attend. If you wish to be exempted you should say why on a separate sheet of paper and provide supporting evidence.

N.B. Minors (under 18) do not need to attend a citizenship ceremony.

Section 2: Residence Requirements

2.1 Enter the day you first arrived in the UK or the British overseas territories with a view to staying on a long-term basis, and the airport or seaport through which you then entered. If this is less than 5 years before the date on which we receive the application, you might not meet the residence requirement and your application may be unsuccessful.

2.2 Fill in this table showing the periods you have been away from the UK and the British overseas territories during the last 5 years. Insert the number of days you were away from the UK and the British overseas territories in the last column ignoring the day you left and the day you arrived back in the UK or British overseas territories. If there is not enough room for all your absences then continue on a separate sheet of paper. Add up the total and write it in the space indicated.

NB You should also check that you were physically present in the UK 5 years before the date that the application will be received by UK Visas and Immigration or other receiving authority (see section "Where to send your application form"). If you do not meet this requirement your application is unlikely to be successful.

To satisfy the residence requirement the total number of days absence for the whole 5year period should not exceed 450.

There is discretion to disregard absences in excess of the limits, and we would normally do this for the following reasons:

- they are the result of circumstances beyond the person's control (e.g. serious illness or accident which prevented the person from returning from a visit to a country outside the UK or the British overseas territories);
or
- they amount to no more than 30 days; or
- refusal would seriously disadvantage the person (statelessness alone is not enough: the person must show some serious disadvantage because of statelessness)

Failure to complete section 2.2 will result in delays to your application.

2.3 Provide all your home addresses for the past 5 years.

2.4 You should explain the reasons for any excess absences.

2.5 Tick which type or types of citizenship you are applying for.

Section 3: Referees and Identity

Your application must be endorsed by two referees and a recent passport size photograph stapled or clipped into the space provided. The photograph must show the whole of the front of your face in reasonable light. It should not show your face wholly or partly concealed by your hair (beards, sideburns and moustaches excepted), or by a scarf or traditional dress. It should not show you wearing dark glasses or a hat, hood, cap or scarf.

Each referee should have known you personally for at least 3 years.

One referee should be a person of any nationality who has professional standing, such as a doctor, a minister of religion, civil servant or a member of a professional body, e.g. accountant or solicitor (but not representing you with this application). A list of acceptable professional persons can be found on our website at <https://www.gov.uk/government/publications/chapter-6-information-about-applications-for-british-citizenship-nationality-instructions>

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

Each referee should be:

- not related to you
- not related to the other referee
- not your solicitor or agent representing you with this application
- not employed by the Home Office

The character requirement for referees

A person will not be qualified to act as a referee if he or she has a conviction that cannot be disregarded in line with the table below.

	Sentence	Impact on Nationality applications
1	4 years or more imprisonment	Application should be refused, regardless of when the conviction occurred.
2	Between 12 months and 4 years imprisonment	Application should be refused unless 15 years have passed since the end of the sentence.
3	Up to 12 months imprisonment in the last 7 years	Applications should be refused unless 10 years have passed since the end of the
4	A non-custodial offence	Applications should be refused if the conviction occurred in the last 3 years.

Checks may be carried out to ensure that the referees are qualified to act for you and that their signatures are 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 3 you should recheck the information you have provided and go to Section 4.

Section 4: Biometric enrolment

If you are applying for British citizenship, you must complete the biometric enrolment section of the application form.

If you are applying from outside of the UK, in order to book an appointment to enrol your Biometrics, please visit www.vfsglobal.co.uk/Global/ sign up and follow the on screen instructions. Here you will find your nearest location.

There may be a service charge of £10 per person to be paid online depending on location; this will be made apparent on the website.

Do not send the biometric enrolment fee with your application fee.

Your application may be rejected as invalid if you do not enrol your biometrics when requested. For more information about enrolling biometrics and the current fee, please visit the following section of our website:

www.gov.uk/biometric-residence-permits

If you have previously enrolled your biometric details and been issued with a biometric residence permit, you must include this with your application.

You will not be issued with a new biometric permit, but your current biometric permit will be returned to you, and your fingerprint details will be retained, until we are notified that you have attended your citizenship ceremony.

Section 5: Declaration

Read this section carefully before inserting your name clearly in box 5 .1 and ticking each box at 5.2 - 5.6 to confirm the points raised.

If you meet the requirements described in this guide sign and date the form in box 5.8. You are advised to read this guide carefully to ensure that you do satisfy all the requirements.

If you do not meet the requirements but think the Home Secretary should exercise discretion in your favour you should provide in section 5.7 the special circumstances in your case. If your special circumstances are not accepted your application will be refused and your fee will not be fully refunded.

Applications that fail generally do so because the residence requirements have not been satisfied.

You must sign the form yourself. If you cannot sign the form you must make a mark or a fingerprint and ask one of your referees to sign saying that it is your mark or fingerprint. If the applicant is not of sound mind and you are acting on his or her behalf, you should sign to indicate your responsibility for the accuracy and completeness of the information provided. You must support this by explaining, in a covering letter, who you are and why the applicant cannot

act on their own behalf. Confirmation from the applicant's medical practitioner or consultant should also be provided.

If the declaration in section 5 of the form is not completed, it will be invalid.

5. What documents you will need to send

PLEASE NOTE: It is our policy to return valuable documents by secure post. If you wish your documents to be returned by other postal service or courier you will need to supply a pre-paid delivery envelope ensuring that the full postage stamps or fees are included.

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

Documents

With the application form, you should also send evidence:

- that the applicant has been stateless from birth. For example, a letter from the authorities in the country in which he/she was born, stating that he/she is not, and never has been, a citizen of that country.
- If either of your parents holds a non-British nationality, a letter from the authorities of the country concerned, saying that you have never held that country's citizenship or nationality.
- If you have lived for period of 5 years or more outside the United Kingdom, outside the territory where you were born and outside any country of which either of your parents is a citizen or national, a letter from the authorities of that country of residence saying you have never held that country's citizenship or nationality.

NB: If your parents hold different non-British citizenships or nationalities, or either of them holds more than one citizenship or nationality, you will need to get letters from all of the countries concerned. Similarly, if you have resided for 5 years or more in more than one country, you will need to get letters of confirmation from all of the countries concerned.

- that the applicant has been in the United Kingdom or a British overseas territory for a period of 5 years entered in Section 2 of the application form. Please send any passports (including stateless persons travel documents) which cover the whole of the qualifying period. If you cannot do this, please explain why and send as much as you can of the following
 - * letters from your employers during the qualifying period
 - * letters from schools or other educational establishments which were attended during the qualifying period

- * a letter from the HM Revenue & Customs National Insurance Contributions Office showing that you have paid National Insurance contributions during the qualifying period, or an equivalent letter in the case of a British overseas territory
- * P60 forms or a letter from the HM Revenue & Customs (or the equivalent in a British overseas territory) showing that you have paid tax during the qualifying period
- * any other documents which show that you lived in the United Kingdom or the British overseas territories during the qualifying period.

Please note that if the application is made by a guardian for a person under 18, evidence of their right to do so, such as a deed, will or court order is needed.

NOTE: Information you give us will be treated in confidence, but may be disclosed to other Government Departments and agencies and local authorities to enable them to carry out their functions.

6. Where to send your 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, or you should arrange to pay by Transcash or Credit/Debit card. Cash or postal orders cannot be accepted.

If your 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 you are in England, Wales, Scotland or Northern Ireland send the form with the fee and supporting documents to

Department 1
UKVI
The Capital
New Hall Place
Liverpool
L3 9PP

From 12th November 2015 applicants applying from Hong Kong should send applications to the above address.

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

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

If you are elsewhere, including in a Commonwealth country, you should send them to:

Department 1
UKVI
The Capital
New Hall Place
Liverpool
L3 9PP

You must submit your application as explained above. You should not send an application direct to the Home Office from outside the UK even if you normally live there. The date of application will be the date it 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.

7. What happens next

It is important that you take care in completing the form and in making sure that you satisfy the requirements for registration. You also need to make sure that you have paid the correct fee (see the fees leaflet). If you pay by cheque you should ensure that you have sufficient funds available, otherwise you should consider paying by Transcash. We will also accept credit/debit card payment. Cash/postal orders are not acceptable. If you do not pay the correct fee your application will be returned to you unprocessed.

8. What you can expect from us

Once we have received your application form we will create a computer file to track and process your application. Your application will be acknowledged. During busy times this may take up to 2-4 weeks.

The Citizenship and Nationality enquiries team will deal with any enquiries about your application once it has been made.

Email: nationalityenquiries@homeoffice.gsi.gov.uk

Telephone: 0300 123 2253
Lines are open from 9.00 am to 9.00 pm

We will check your 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 may 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 your 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 your application 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.

You may be asked to attend an interview conducted on behalf of the UK Visas and Immigration by the police or other representative. If so, arrangements will be made with you about the interview, which may be at your home. You may be asked to give more details about your application. The person interviewing you will expect you to talk without an interpreter.

If your application is unsuccessful we will write and tell you why. Although there is no legal right of appeal or review we will consider representations if you consider that a decision to refuse your application was not soundly based on nationality law or prevailing policy and procedure as described in this guide or in any other communication you have received from us or on our website at <https://www.gov.uk/becoming-a-british-citizen>. Representations must explain why you think we have not correctly applied the law and policy in your case. We will respond either by confirming that law and policy had been correctly applied or by answering particular points you raise concerning the way that law and policy were applied.

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 final page of this guidance.

9. Waiting times

While we try to deal with cases quickly this cannot be guaranteed and we cannot register you until we are satisfied that all the requirements have been met.

Information on average waiting times can be found on the website at <https://www.gov.uk/becoming-a-british-citizen>.

Telephone: 0300 123 2253
Lines are open from 9.00 am to 9.00 pm

Applicants outside England, Wales, Scotland and Northern Ireland should contact the office where they made their applications or telephone the above number.

10. 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.

We also expect to be treated politely and with respect by you and any agent acting on your behalf.

If your application is successful and you are living in the UK, you will be invited to attend a citizenship ceremony. You will receive an invitation letter from the Home Office and this will confirm the local authority you should contact to arrange your ceremony. We expect you to arrange to attend a ceremony within 3 months of receiving your invitation otherwise it will expire and you will have to re-apply for registration and pay a further processing fee.

11. Citizenship ceremonies

What do you have to do?

At the ceremony you will be asked to affirm or swear an oath of allegiance to Her Majesty the Queen and to pledge your loyalty to the UK. Following this you will be presented with your certificate of registration as a British citizen.

You must make immediate contact with the local authority, as you only have 90 days in which to attend the ceremony. The date by which you must attend your ceremony will be given in your Home Office citizenship ceremony invitation letter. If you do not attend the ceremony within 90 days without good reason, your application for citizenship will be refused and you will need to re-apply.

Making the Oath (or Affirmation) and Pledge at a citizenship ceremony is a legal requirement, and the point at which you will become a British citizen. You are, therefore expected to attend a ceremony. If you have special needs or concerns about saying the Oath (or Affirmation) and Pledge in English, you should bring these to the attention of the local authority once you have your invitation letter.

When you make contact with the local authority you will be asked a number of questions to establish your identity. Checks may be made with the Home Office to confirm your identity.

Ceremonies are arranged locally and reflect the particular community to which you now belong. You will meet a local dignitary or celebrity and be told something about the area and what can be expected of you as a British citizen.

Provision has been made by order under the Welsh Language Act 1993 for prospective British citizens making the citizenship Oath (or Affirmation) and pledge in Wales to do so in the Welsh language. The Citizenship Oath and Pledge (Welsh Language) Order 2007 contains the approved translations and came into force on 1 June 2007.

12. Deprivation of citizenship

You may be deprived of British 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 you of British citizenship if, in his or her opinion, it would be in the public interest to do so and you would not thereby be made stateless.

Ministers suggested during the passage of the Immigration, Asylum and Nationality Act 2002 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;
- 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 is obtained by means of impersonation.

14. And finally

We hope that this guide has helped you to prepare and successfully register for British citizenship. If you have found it useful and our staff helpful, or if you had an enjoyable citizenship ceremony, 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:

nationalityenquiries@homeoffice.gsi.gov.uk

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

UKVI
Box 99
Manchester Airport
M90 3WW