



Home Office

Registration as a BOTC: following renunciation

Version 2.0

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About this guidance

This guidance tells nationality caseworkers what to consider when someone is applying to register as a BOTC after previously renouncing their status.

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email the Nationality policy team.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email the Guidance Rules and Forms team.

Publication

Below is information on when this version of the guidance was published:

- version **2.0**
- published for Home Office staff on **21 July 2023**

Changes from last version of this guidance

Updated to reflect changes made by the Illegal Migration Act 2023.

Related content

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Registration as a BOTC after renunciation

This page tells you about the criteria an individual must meet to register as a British overseas territories citizen where they have previously renounced that status.

[Section 24](#) of the British Nationality Act 1981 provides for British overseas territories citizens (BOTC) who have lost their status as a result of making a declaration of renunciation to regain it by registration under [section 13](#) of the Act. Section 22 is for people who renounced citizenship of the United Kingdom and Colonies before 1 January 1983.

A person will not be eligible for registration under section 13 or section 22 if they meet the criteria for the [citizenship ban](#).

Criteria for registration under section 13 (1) of the British Nationality Act 1981

Under [section 13\(1\)](#) persons are entitled to be registered as a BOTC if:

- they are of full capacity
- if over the age of 10, the Secretary of State is satisfied that they are of good character
- they have made a declaration of renunciation of British dependent territories citizenship or BOTC status
- the renunciation was necessary to enable them to retain or acquire some other citizenship or nationality

[Section 13\(2\)](#) limits the number of times that a person can be registered under [section 13 \(1\)](#) to once. Where someone who has previously been registered under [section 13\(1\)](#) they can only be registered under [section 13\(3\)](#).

Criteria for registration under section 13(3) of the British Nationality Act 1981

[Section 13 \(3\)](#) gives the Home Secretary or Governor discretion to register persons as BOTC if:

- they are of full capacity
- if over the age of 10, the Secretary of State is satisfied that they are of good character
- they have for any reason made a declaration or renunciation of BOTC

A person who would have become a British dependent territories citizen on 1 January 1983 but for having renounced citizenship of the UK and colonies cannot be registered under [section 24](#) but may be eligible for registration under [section 22](#).

Criteria for registration under section 22(1) of the British Nationality Act 1981

Under [section 22\(1\) of the British nationality Act 1981](#), persons are entitled to registration as a BOTC if, before 1 January 1983, they:

- were of full capacity
- the Secretary of State, or the Governor acting on their behalf, is satisfied that they are of good character
- had ceased to be a citizen of the UK and colonies as a result of making a declaration of renunciation
- at the time of making the declaration, was, or was about to become, a citizen of a country which was part of the Commonwealth as at 31 December 1982

In addition to meeting these requirements at least one of the following applies, they:

- could not have remained or become such a citizen unless citizenship of the UK and Colonies was renounce
- reasonably believed that they would otherwise be deprived of the other citizenship
- had a qualifying connection with the British overseas territory
- were married to a person who had, or would but for their death, have had, such a connection

Criteria for registration under section 22(2) of the British Nationality Act 1981

Under section [22\(2\) of the British Nationality Act 1981](#), a person can be registered as a BOTC at the Home Secretary's discretion if:

- they are of full capacity
- they are of good character
- they ceased to be a citizen of the UK and Colonies as a result of making a declaration of renunciation
- on the date of application, they have a qualifying connection with a British overseas territory
- they were, at any time before the date of application, married to or the civil partner of a person who has, or would have but for their death have had, such a connection

Qualifying connection with a British overseas territory

[Section 22\(4\)](#) defines the qualifying connections with a British overseas territory required under [section 22\(1\) and section 22\(2\)](#). These are that the person or their father or their father's father:

- was born in a British overseas territory

- is, or was, a person naturalised in a British overseas territory
- was registered as a citizen of the UK and Colonies in a British overseas territory
- became a British subject by reason of the annexation of any territory included in a British overseas territory

Status after registration

A person who was a British dependent territories citizen or a BOTC by descent before renouncing will become a BOTC by descent. A person who would, had they not renounced citizenship of the UK and Colonies have become a British dependent territories citizen by descent on 1 January 1983 [under section 25 \(1\)\(b\), \(d\) or \(e\)](#) would be a British overseas territories citizen by descent.

All other persons registered under [section 24](#) will become BOTC otherwise than by descent.

Oath and pledge

Successful applicants are required to make an appropriate citizenship oath and pledge before registration.

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Evidence required in support an application

This section tells you what evidence you must see when considering an application to register as a BOTC following renunciation.

Documents required from all applicants

All applications must be supported by:

- passports and travel documents
- certificates for birth, marriage, death, adoption, registration and naturalisation as appropriate to establish the applicant's current nationality
- the declaration of renunciation of British dependent territories or British overseas territories citizenship

Additional documents for section 13(1) applicants

In addition to the documents above, an individual applying under [section 13\(1\)](#) must also provide a letter from the authorities of the country concerned, unless it is the UK or a British overseas territory, stating that the renunciation was necessary in order to acquire or retain that country's citizenship.

Additional documents for section 13(3) applicants

In addition to the documents required from all applicants, an individual applying under [section 13\(3\)](#) must also provide, when necessary:

- a letter from the authorities of the country concerned, unless it is the UK or a British overseas territory, stating that the renunciation was necessary in order to acquire or retain that country's citizenship
- evidence to support any other reasons for the renunciation and the wish to re-acquire BOTC

Declarations of renunciation of BOTC are registered in the British overseas territory concerned. If the applicant is unable to produce a copy of their declaration of renunciation, you must check whether the authorities in the territory concerned can confirm this from their records.

Additional documents for section 22(1) and 22(2) applicants

In addition to the documents required from all applicants, an individual applying under [section 22\(1\)](#) must also provide, when necessary:

- a letter from the authorities of a country which was a commonwealth member state on 31 December 1982, stating that the applicant's renunciation of citizenship of the UK and Colonies was either:
 - necessary in order to acquire or retain that country's citizenship
 - in the reasonable belief that the applicant would otherwise have been deprived of citizenship of that country

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Reason for renunciation

This section tells you about establishing the reasons an individual renounced their BOTC.

In order for a person to be entitled to registration under [section 13\(1\)](#) [section 22\(1\)](#), the renunciation must have been necessary in order to retain or acquire another nationality or citizenship. If you are considering under [section 22](#) the country in question must also have been a member state of the Commonwealth on 31 December 1982.

If the renunciation was either:

- unnecessary
- for any other reason

the application must be considered under [section 13\(3\) or section 22\(2\) as appropriate](#).

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Exercise of discretion

[Section 13\(3\)](#) gives the Home Secretary discretion to register a person as a British overseas territories citizen (BOTC) if they ceased to be such a citizen as a result of making a declaration of renunciation.

The Home Secretary may, in particular, refuse to grant a certificate where the applicant meets the statutory requirements but it would not be in the public interest to grant citizenship. This could be for reasons relating to their actions, behaviours, personal circumstances or associations, including family relationships.

For example, citizenship may be refused where granting the application could:

- have an adverse impact on international relations
- mean that a decision to grant would be so perverse as to undermine confidence in the immigration and nationality system
- mean that a refusal could act as a deterrent to others against behaviour which is not conducive to public good

Associations

In particular, the applicant's associations with those who have been or are engaged in terrorism or unacceptable extremist behaviour or who have raised security concerns, will normally warrant a refusal of citizenship. Due regard must be given to whether an association is current and whether family ties have been severed.

Exercising discretion

This discretion is intended primarily to benefit those who renounced citizenship:

- in order to acquire the nationality or citizenship of their spouse or civil partner
- to assist them in their careers
- the marriage or the career has now ended
- and they wish to remain in or return to a British overseas territory for settlement

Therefore registration under [section 13\(3\)](#) would normally be appropriate if the conditions above are met and you are satisfied that the applicant's future is likely to lie in a British overseas territory if registered.

If:

- the renunciation was not necessary in order to acquire another or retain another nationality or citizenship
- the renunciation was not for either of the first 2 bullets above
- the person has already been registered under [section 13\(1\)](#)

the application should be considered on its merits taking into account the reasons given for renunciation and the reasons for wishing to re-acquire BOTC. If no reasons have been given you must request them.

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The citizenship ban

The Illegal Migration Act 2023 introduced a “citizenship ban”. This will apply where the applicant:

- required leave to enter the territory, but entered the territory:
 - without permission to enter (or with permission to enter that was obtained by deception)
 - in breach of a deportation order
 - without a valid entry document if one was required
- entered or arrived on or after 7 March 2023
- did not come directly from a country in which their life and liberty were threatened by reason of their race, religion, nationality, membership of a particular social group or political opinion

They also will not qualify if they entered the UK, Jersey, Guernsey or the Isle of Man in the same way.

There is an exemption to the citizenship ban where treating a person as ineligible for citizenship would breach the United Kingdom’s obligations under the Human Rights Convention. This means that we will need to consider the application, although not necessarily grant.

It is unlikely that you will see applications where this applies for some time. However, if you do come across such an application, you must refer it to Nationality Policy Team for advice.

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