

## **British Overseas Citizens, British Protected Persons and British Subjects - their right to register as British Citizens under the new Act**

The following has been inserted after section 4a of the British Nationality Act 1981 (c.61) (registration as a British Citizen)

### **4B ACQUISITION BY REGISTRATION**

- (1) This section applies to a person who has the status of –
  - (a) British Overseas Citizen (BOC)
  - (b) British Subject (BS) under this Act, or
  - (c) British Protected Person (BPP)
  
- (2) A person to whom this section applies shall be entitled to be registered as a British Citizen if –
  - (a) he applies for registration under this section,
  - (b) the Secretary of State is satisfied that the person does not have, apart from the status mentioned in subsection (1), any citizenship or nationality, and
  - (c) The Secretary of State is satisfied that the person has not renounced, voluntarily relinquished or lost through action or inaction any citizenship or nationality after 4 July 2002.

Potential beneficiaries will be able to lodge applications for registration at their nearest British High Commission or Embassy. These will then be forwarded for consideration to the Immigration and Nationality Directorate (Nationality Group) in Liverpool. The Government has made clear that this is an open-ended commitment and that there is no deadline for the submission of applications.

We await information on when this section of the Act is likely to come into force. We also await guidelines on whether or not applicants will be required to pay registration fees and if so the amount payable; and also whether those beneficiaries who are already in the United Kingdom will be able to make an application direct to the Immigration and Nationality Directorate in Liverpool.

This page will be updated as and when we receive further information.

### Further commentary

JCWI wholeheartedly welcome this further amendment. However, we remain extremely concerned about a very small vulnerable group of people who will be caught by the proposed amendment. Those particularly caught by this provision will be those who acquired British Overseas Citizenship by descent, were born in Kenya after its independence and prior to commencement in 1983 of the British Nationality Act 1981. They can remain dual nationals until the age of 23 i.e. until 31 December 2005, when they will lose Kenyan nationality if they have not renounced their BOC status.

This small group of people will be put in a worse situation than previously as they will be excluded from the right to register under the new provision, but they will also no longer be able to come to the UK under the abolished special quota voucher scheme.

Further, they will not be able to continue to live in Kenya if they choose not to renounce their BOC status before they reach the age of 23.

JCWI urges politicians of both Houses of Parliament to continue to put pressure on the Government to treat this vulnerable group of people with sympathy should they choose to retain their BOC status and enable them to register as full British citizens.