

ILPA information sheet

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Changes to British Nationality Law

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The Borders, Citizenship and Immigration Act 2009 (here referred to as 'the 2009 Act') makes several changes to British nationality law. However, none of these changes has yet been brought into force.

This information sheet provides information about the changes made by the Act and when they are expected to be brought into force (commenced).

The new path to citizenship

This is about how migrants to the UK may become British citizens (naturalise). Further background information about this is available from the March 2008 "Path to Citizenship", April 2009 "Path to Citizenship 2" and August 2009 "Path to Citizenship 3" information sheets.

The changes made by the 2009 Act to the path to citizenship are not yet in force. The Government has stated that it intends these to come into force in July 2011. At that time, anyone who has already made an application for citizenship will have his or her application dealt with under the current (not the new) provisions. Anyone who has indefinite leave to remain, or has applied for indefinite leave to remain will, if the application is successful, have 2 years (i.e. until July 2013) to apply for citizenship under the current provisions – otherwise the new provisions will apply.

Children of armed forces personnel

The 2009 Act contains provisions so that children, who would not otherwise be British, born to members of the British armed forces may be registered as British citizens. Children born in the UK to a parent who later joins the British armed forces may also be registered as British.

These changes have not yet come into force. It is currently intended that the changes will be brought into force in January 2010.

Children who may register as British citizens

Some children born outside the UK to British citizens are born British. Some are not, because their parents were also born outside the UK. Some of those who are not born British may, nonetheless, apply to be registered as British. This applies to the children of British citizens, who were themselves born outside the UK but whose British parent (the child's grandparent) was born in the UK. Currently, registration must be within 12 months of the child's birth.

The 2009 Act will extend the period in which these children may be registered as British. The period will be extended so that the child may be registered as British at any time while he or she is still under 18 years of age.

This change has not yet come into force. It is currently intended that this change will be brought into force in January 2010.

British Nationals (Overseas) who are stateless

The 2009 Act contains provision to allow British Nationals (Overseas), who have no other nationality, to register as British citizens. British Nationals (Overseas) are people with a connection to Hong Kong. This provision will not apply to a person who has, after 19 March 2009, given up or lost an alternative nationality by his or her own action or failure to act.

This change has not yet come into force. It is currently intended that this change will be brought into force in January 2010.

Descent through the female line

Currently, those born overseas to British mothers before 8 February 1961, continue to be excluded from British citizenship in circumstances where someone born to a British father would have acquired British citizenship. The 2009 Act contains provisions to address this historical discrimination by allowing those born overseas to British mothers before 8 February 1961, who would have acquired British citizenship had their father been British, to register as British citizens.

This change has not yet come into force. It is currently intended that this change will be brought into force in January 2010.

Will these changes apply to you?

This information sheet highlights changes that are intended to be made to British nationality law, and indicates when it is expected these changes will come into force.

British nationality law is complex. If you want to know whether any of these changes may benefit or affect you, please seek advice from a nationality law adviser. The Directory at www.ilpa.org.uk includes contact details for immigration and nationality law advisers, along with a brief description of the areas in which each adviser specialises. You may, therefore, seek advice from someone on the list. ILPA, however, does not provide advice on individual cases.