



Foreign &
Commonwealth
Office

**WHAT DOES
BRITISH
CITIZENSHIP
MEAN FOR
THE OVERSEAS
TERRITORIES
CITIZEN?**

1. When will the new citizenship rules take effect?

The change of name from British Dependent Territories citizen (BDTC) to British overseas territories citizen (BOTC) will happen on the day that the new law receives Royal Assent. The law will give UK Ministers the power to specify the date (or dates) on which the other citizenship provisions will come into force. The delay will only be as long as is necessary to ensure that all the practical arrangements – for example, the issuing of passports – are in place.

2. Who will get British citizenship automatically?

As the Bill stands at present, all those who are BDTCs, to be renamed BOTCs, at the time the new citizenship provisions come into force, except for those whose British Dependent Territories citizenship derives solely from a connection with the Sovereign Base Areas in Cyprus (hereafter abbreviated to "SBAs"). Afterwards they will be able to transmit their British citizenship to their children automatically, in the same way as they can transmit BDTC at present (subject to certain limitations if they are born overseas). If you are not sure whether you or your relatives are BDTCs please contact those in your Territory who handle enquiries about BDTC status.

3. Will I have to apply?

No – not if you are a British Dependent Territories citizen already. The only people who will need to apply are those who acquire BDTC – to be renamed British overseas territories citizenship – by naturalisation or registration after the citizenship provisions come into force.

4. I am not yet a BDTC but hope to become one next year. What happens if the legislation goes through before I get my BDTC status? Can I still become a BC?

A person who is naturalised or registered as a BOTC after the citizenship provisions come into force will be able to apply, via the Governor, or, in the case of the Ilois, the British High Commissioner in Port Louis or Victoria, to the Home Secretary for registration as a British citizen. The grant of British citizenship to such a person will be discretionary (although Gibraltar BDTCs will retain their present entitlement to registration).

5. Will BDTC status be abolished once British citizenship becomes available?

No. British Dependent Territories citizenship is being renamed British overseas territories citizenship, but the two statuses will be same.

6. Will I lose my British Dependent Territories Citizenship?

No. It will be possible for people in the territories to hold British overseas territories citizenship and British citizenship concurrently. For those who do not wish to give effect to their British citizenship, they can allow it to lie dormant. If at a later stage they wish to show that they have British citizenship (for instance by obtaining a BC passport), they will be able to do so. It is anticipated that the majority of people will hold one passport, indicating both statuses.

7. How will BOTCs go about getting a British citizen passport?

Information about passport application and issuing procedures will be published at a later date. The details have yet to be finalised.

8. Will my children get British citizenship?

Yes – if they are BDTCs now. Future children born to British citizen parents will automatically be British citizens if they are born in an Overseas Territory or in the UK. If they are born outside the OTs or the UK, they will be British citizens if they have a parent who is a British citizen otherwise than by descent. There are also provisions whereby non-British citizen children can acquire the status by registration.

9. Is an illegitimate child entitled to British citizenship?

If the child is a BOTC when the citizenship provisions come into force, he or she will then automatically acquire British citizenship. However, the status of illegitimate children born after the citizenship provisions have come into force will depend on the status of the mother – as it does at present with BDTC. If she is not a British citizen she will not be able to transmit the status to a child born outside the OTs or the UK. (But if she is settled in the OTs or the UK, any child born to her there (legitimate or not) will be a British citizen otherwise than by descent.) If the father of an illegitimate child is a British citizen, and there is evidence of paternity – for example, the father's name appears on the child's birth certificate – it may be possible to register the child as a British citizen.

N.B. "Settled status" as defined in the British Nationality Act 1981 Section 50(2) means ordinarily legally resident in a territory without being subject under the immigration laws to any restriction on the period for which he or she can remain.

10. Does a child adopted in a territory get British citizenship?

If the child is a BOTC when the citizenship provisions come into force, he or she will then automatically acquire British citizenship.

A child adopted afterwards, who is not already a British citizen, will automatically acquire British citizenship at the time of the adoption if at least one of the adopters is a British citizen, and the adoption order is made by a court in the UK or in any Overseas Territory other than the SBAs.

11. I have married again and my second husband is a BDTC. My children from my first marriage do not have BDTC status because neither their father nor myself are BDTCs. Can my children become BCs?

Not automatically, unless they are legally adopted by their stepfather. If they acquire BDTC status by adoption before the citizenship provisions come into force, they will acquire British citizenship automatically, like most other BDTCs. If, however, British overseas territories citizenship is acquired after the citizenship provisions come into force, an application would need to be made for the children to be registered as British citizens.

12. I am a BDTC living in a different Overseas Territory or another country from where I was born. Will I be entitled to British citizenship?

Yes. Provided your BDTC status does not derive solely from a connection with the SBAs, the new law will apply to you wherever you are living.

13. What about others (i.e. non-BDTCs) resident in the Overseas Territories?

They will first have to acquire British overseas territories citizenship. If they wish to acquire British citizenship they will then need to apply via the Governor or High Commissioner to the Home Office for registration.

14. I am a British Overseas citizen who lives in an Overseas Territory. Am I entitled to British citizenship under this new Bill?

No. The new provisions do not apply to any other types of British national.

15. Why are BOCs excluded?

British Overseas citizenship (BOC) is held by people who do not have sufficient connections with any of the present Overseas Territories or the UK itself to enable them to qualify for BDTC or BC. Many of them have access to or have acquired another citizenship.

Dual Nationality

16. I am a BDTC but I am also a citizen of another country; can I change my BDTC status to British citizenship and still keep my other citizenship?

The UK does not object to dual nationality. If the country of your other nationality has no objections to you being a BDTC as well, the acquisition of British citizenship should make no difference to your position with the authorities of the other country. However, in order to clarify your own position you might wish to check that the other country whose citizenship you hold has no restrictions on dual nationality.

17. I am a BDTC who has acquired another nationality e.g. US. Am I still entitled to British citizenship automatically?

Yes. It makes no difference that you have another nationality in addition to British Dependent Territories citizenship.

18. I was born in a qualifying Overseas Territory. However, I went away to get work in another country (e.g. Jamaica) and there I acquired their nationality. I want to return (or have returned) to my original OT (of birth). Am I entitled to BC status?

Yes, if you are a BDTC. Your eligibility for British citizenship does not depend on where you are living at the time the new law comes into force, nor on where you may have lived previously.

Renunciation

19. If I do not want to take up my British citizenship, do I have to renounce it?

No, not unless you want to. You can allow it to lie dormant. If you change your mind and want to give effect to your British citizenship, you can apply for a British citizen passport at any time.

20. What happens if I formally renounce British citizenship? Can I get it back again?

Not automatically. To renounce it you have to apply, via the Governor, to the Home Secretary. You will have to apply again if you want it restored. (Please see separate attachment for Gibraltar.)

Reciprocity

21. Does the new Act mean that people in the UK or the EU will now be able to go and live in my Overseas Territory?

No. The offer of British citizenship is non-reciprocal as far as immigration rights are concerned. We have reached this decision following close consultation with the OT Governments.

Human Rights

22. Is the British citizenship offer dependent on the Overseas Territories carrying out human rights changes?

There is no linkage with British citizenship. The offer of British citizenship was made to individuals not to territories. However, the UK places considerable importance on the observance of international standards of human rights. British citizens wherever they live (UK or OTs) are entitled to enjoy the same standards of human rights.

23. If I take up the offer of British citizenship, will this affect my status in an OT?

No. Your status should remain unaffected. Questions on permanent residence and "Belongership" are for the governments of the OTs. British nationality is a matter of UK law.

Independence

24. What would happen if my Territory became independent?

The nationality consequences of independence would be dealt with in a separate Act of Parliament. In the past, the usual practice was to withdraw British nationality from the majority of those acquiring citizenship of the new State on independence day, but to provide for its retention where the person concerned had a residual connection – for example, through a parent or grandparent – with the UK or a place that continued to be what nowadays would be referred to as a British Overseas Territory. But it would be inappropriate to speculate on how such matters might be handled in the future, and the British overseas territories Bill does not give voice to any assumptions in that respect.

25. What benefits will acquiring British citizenship give me?

The main benefit of British citizenship will be right of abode in the United Kingdom and with it, the right to use the fast track EU/EEA channel at the airport. British citizens from the Overseas Territories will not be subject to UK immigration controls and will therefore be able to come to the UK for purposes of leisure, study and employment without gaining prior permission. This will enable British citizens to come and live in the UK and build up the residence requirements relating to other state benefits.

26. Will I be eligible for US visa waiver?

This is a matter for the authorities in the USA. Currently, the US is understood to waive the requirement for an advance visa only in respect of British citizens travelling from the UK.

27. Can I apply to join the British Armed Forces?

BDTCs can apply to join the Armed Forces now. The Ministry of Defence waived their normal nationality and residence rules about three years ago for entry to the Armed Forces. There are a number of BDTCs already in the British Armed Forces. The new British citizens from the Overseas Territories will therefore be eligible.

28. Can I apply to join the British Police?

Yes. The police force is open to anyone who meets the required criteria. There are various entry points into the police including an accelerated promotion scheme for graduates.

For more information please visit:
www.policecouldyou.co.uk

EUROPEAN UNION - WHAT'S IN IT FOR YOU?

29. Will I be free to travel, work and live in the EU?

Under European Community law, having British citizenship will mean that BDTCs acquire rights of free movement, residence and the opportunity to work (without a work permit) in the EU and EEA Member States.

30. What are my other rights, duties and obligations in the EU?

- 1) As an EU citizen you can reside in a Member State and vote in that country's local/municipal elections and European Parliament elections. You can also stand as a candidate in both local and European elections in that country, under the same conditions as its nationals.
- 2) All EU citizens are entitled to consular or diplomatic protection when visiting a country outside the EU. They can use the facilities of other Member States when their own country is not represented there.

- 3) As an EU citizen you have the right of establishment in business and property, e.g. in trading and manufacturing of goods.

- 4) As an EU citizen you have the right to provide and receive services, e.g. in consultancy, accountancy, legal services, hairdressing, estate agency, etc.

- 5) You will also have the freedom to move capital around, e.g. your finances from one EU country to another.

31. Can I practise as a lawyer in any EU country?

Yes. But you would have to go through a number of procedures. If you wish to practise as a lawyer in an EU country under the professional title and with the rights and obligations that you would be entitled to, then you must satisfy a number of conditions in recognition of your qualifications. The Member State may wish you to sit an aptitude test in those subjects which are not covered by your training. Your application will then be examined and a decision reached within 4 months.

32. Can I practise as a doctor in any EU country?

Yes. You have the right of establishment as a self-employed or employed person in any Member State of the EU, subject to recognition of your qualification. As above there is a procedure to follow which includes registration and processing which can take the Member State up to 3 months to undertake.

For further information on the above information and the procedures for working in EU countries please log on to:
www.europa.eu.int/citizens

33. Can I study, train or do research in the EU?

Yes. You can apply to study, train or do research anywhere in the EU. If you are unemployed, you can also undergo training and periods of work experience anywhere in the EU. Conditions of entry to educational establishments are laid down by individual Member States; they may differ significantly from one country to another. You should find out more before departure from your home country.

WHAT THINGS AM I NOT ENTITLED TO?

Education

34. Does British citizenship mean that students from the OTs will now pay the domestic rate for tuition fees for further and higher education?

British citizenship does not in itself attract a fee subsidy. The fee structure is governed by the Education (Fees and Awards) Regulations 1997, as amended. However, the autonomy enjoyed by institutions of higher education is such that each college and university decides the level of fees and who qualifies. Eligibility for such support depends on length of residence in the UK and whether or not this is subject to a restriction under the UK immigration laws.

35. Will students from the OTs now be automatically eligible for support with living costs or tuition fees?

No. To qualify for student support a student would need to meet similar conditions to those relating to tuition fees i.e. UK settlement and residence. However, on meeting these conditions, like any other UK student, he or she would be financially assessed to determine the level of their contribution towards their tuition fees.

Health

36. Will British citizens from the OTs be entitled to free NHS treatment?

Eligibility for free NHS treatment is based on residence in the UK, National Insurance contributions or payment of UK taxes, not on nationality.

Visitors to the UK (whether they are British citizens or not) are charged for any NHS treatment they receive with certain exceptions. The exceptions include emergency care and treatment for some referred patients from those OTs with reciprocal health agreements with the UK. (The territories concerned are Gibraltar, BVI, TCI, Anguilla, Montserrat, St Helena and the Falklands.) All visitors from the OTs receive emergency treatment from GPs and within hospital Accident and Emergency Departments free of charge whether or not there is a reciprocal health agreement.

UK State Benefits

37. Will British citizens from OTs be eligible for state benefits after the change?

British citizenship does not mean automatic entitlement to UK state benefits. Other criteria need to be satisfied such as residence status and contribution payments.

38. Will I be entitled to a UK state retirement pension?

No. Entitlement to a UK state retirement pension is entirely based on a person's UK National Insurance record, not on their nationality nor on their residency.

Voting

39. Will British citizens from the OTs be eligible to vote in British elections?

Not while resident in their territories or elsewhere. If resident in the UK they are, as BDTCs, and will in future, as BOTCs or British citizens, be able to vote if they satisfy the normal UK residence and registration requirements.

40. Will the OTs be represented in Parliament, like the Dutch or the French territories?

No – the territories will retain their own legislatures. They are not being integrated into the UK. But an FCO Minister has specific responsibility for looking after OT issues and will represent their interests in Parliament.

41. Will British citizenship entitle my territory to send a representative to the British Parliament?

The offer of British citizenship is made to individuals not to a territory. The question of representation is a constitutional one. Overseas Territories are not constitutionally part of the United Kingdom; they are separate legal jurisdictions. Therefore, it is not appropriate for them to be represented in the British Parliament and to take part in decisions on British legislation and internal UK domestic matters.

UK Taxes

42. Does a British passport mean British citizens from the Overseas Territories will pay British taxes?

No. British citizens resident outside the UK/EU are not subject to the direct taxation regimes operated by the UK or other Member States of the European Union.

If you have any further detailed enquiries please submit them in writing through the Governor's office in the first instance or consult the FCO website by logging on to: www.fco.gov.uk.

Every effort has been made to ensure that the information contained in this publication is accurate, complete and up to date at the time of publication. However it does not constitute an authoritative interpretation of the law applicable in individual cases.

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