



BN6 - CHILDREN WHO ARE BORN OUTSIDE THE UNITED KINGDOM: CHILDREN BORN TO PARENTS IN CROWN SERVICE, DESIGNATED SERVICE, OR EC INSTITUTION SERVICE

www.ukba.homeoffice.gov.uk

INFORMATION ABOUT BRITISH CITIZENSHIP - CHILDREN WHO ARE BORN OUTSIDE THE UNITED KINGDOM (OR OUTSIDE THE UNITED KINGDOM AND QUALIFYING TERRITORIES FROM 21 MAY 2002) TO PARENTS IN CROWN SERVICE, IN DESIGNATED SERVICE, OR IN SERVICE UNDER A EUROPEAN COMMUNITY INSTITUTION

GENERAL

1. This leaflet explains how children born abroad on or after 1 January 1983 may be British citizens when they are born if their parents are British citizens and are serving outside the United Kingdom (or, in certain circumstances, outside a qualifying territory):

- in Crown service (see paragraph 10), **or**
- in designated service (see paragraph 11), **or**
- in service under a European Community institution (see paragraph 12)

The rules under which British citizen parents pass on their citizenship to children born abroad in other cases are explained in leaflet BN4, which you can get on our website or from the Home Office at the address in paragraph 15.

NB. In this leaflet:

- the “United Kingdom” means England, Scotland, Wales, Northern Ireland, the Channel Islands and the Isle of Man
- the “qualifying territories” mean the British overseas territories (see Note A) except for the Sovereign Base Areas of Akrotiri and Dhekelia
- unless otherwise indicated, any reference to “parent” means:

Children born before 1 July 2006

- the mother (if the child was born on or after 1 January 1983) – before 1983, women were not able to pass on citizenship to their children
- the father (but only if he was married to the mother)

NB. If the parents were not married when the child was born, but then get married, the marriage might legitimate the child's birth. If it does, the child would become a British citizen (and would be regarded as having been one from birth) if the father was a British citizen (or settled) when the child was born. Children of a void marriage may also, in some circumstances, be treated as legitimate.

Children born on or after 1 July 2006

- the mother (i.e. the woman who gives birth to the child)
- the father if:
 - a. he is married to the mother at the time of the birth; or
 - b. he is treated as the father under section 28 of the Human Fertilisation and Embryology Act 1990; or
 - c. (if *neither* (a) *nor* (b) apply) he can satisfy certain requirements as regards proof of paternity – i.e. he is named as the father on a birth certificate issued within 1 year of the child's birth or he can satisfy the Home Secretary that he is the father of the child (by means of DNA test results, court orders or other relevant evidence)

THE DIFFERENCE BETWEEN BEING A BRITISH CITIZEN OTHERWISE THAN BY DESCENT AND A BRITISH CITIZEN BY DESCENT

2. Every British citizen is either a British citizen *otherwise than by descent* or a British citizen *by descent*. The difference determines the way in which he or she can pass on British citizenship to children born outside the United Kingdom.

Generally speaking, British citizens *otherwise than by descent* can pass on British citizenship automatically to their children who were born abroad on or after 1 January 1983; apart from British citizens in the types of service mentioned in paragraph 1, British citizens *by descent* can not.

The children of British citizens in the types of service mentioned in paragraph 1 will be British citizens *otherwise than by descent*.

Further information about British citizenship *by descent* and *otherwise than by descent* is in leaflet BN4, which is available on our website or from the Nationality Quality and Enquiry Team or British Post abroad (see paragraph 15).

CHILDREN BORN OUTSIDE THE UNITED KINGDOM BETWEEN 1 JANUARY 1983 AND 20 MAY 2002 TO A PARENT SERVING OUTSIDE THE UNITED KINGDOM IN CROWN, DESIGNATED OR EUROPEAN COMMUNITY SERVICE

3. A child who was born outside the United Kingdom between 1 January 1983 and 20 May 2002 is a British citizen if, at the time of the birth, either parent was:

- a British citizen; and
- in Crown, designated European Community service (see paragraphs 10-12); **and**
- recruited (see paragraph 13) to that service:
 - in the United Kingdom in the case of Crown or designated service, **or**
 - in a country which was at the **time of recruitment** a member of the European Union (see Note B) in the case of service with a Community institution

CHILDREN BORN OUTSIDE THE UNITED KINGDOM AND THE QUALIFYING TERRITORIES ON OR AFTER 21 MAY 2002 TO A PARENT SERVING OUTSIDE THE UNITED KINGDOM AND OUTSIDE THE QUALIFYING TERRITORIES IN CROWN, DESIGNATED OR EUROPEAN COMMUNITY SERVICE

4. A child who is born outside the United Kingdom **and** the qualifying territories on or after 21 May 2002 is a British citizen if, at the time of the birth, either parent is:

- a British citizen; **and**
- in Crown, designated or European Community service (see paragraphs 10-12); **and**
- recruited (see paragraph 13) to that service:
 - in the United Kingdom or a qualifying territory in the case of Crown or designated service, **or**
 - in a country which was at the time of recruitment a member of the European Union (see Note B) in the case of service with a Community institution

5. A child described in paragraph 3 or 4 will be a British citizen *otherwise than by descent* and so will automatically pass on British citizenship to any children he or she has outside the United Kingdom and the qualifying territories in the future.

6. You do not need to take any official action when your child is born to confirm your child's status. But if you want, for example, to apply for a British passport for your child, you may need to produce certain documents. This is explained in more detail in paragraph 14.

BRITISH CITIZENS BORN ABROAD BEFORE 1 JANUARY 1983 TO FATHERS SERVING OUTSIDE THE UNITED KINGDOM IN CROWN, DESIGNATED OR EUROPEAN COMMUNITY SERVICE

7. A person born outside the United Kingdom before 1 January 1983 **and** who became a British citizen on that date (see Note C) is a British citizen *otherwise than by descent* if, at the time of the person's birth, his or her **father** was:

- serving outside the United Kingdom in Crown service (see paragraph 10), in service which **at any time** is designated by the Home Secretary (see paragraph 11), or in service under a European Community institution (see paragraph 12); **and**
- recruited (see paragraph 13) to that service:
 - in the United Kingdom in the case of Crown or designated service, **or**
 - in a country which was at the time of recruitment a member of the European Union (see Note B) in the case of service with a Community institution

A person who is a British citizen *otherwise than by descent* can automatically pass on British citizenship to any children he or she may have in future outside the United Kingdom and the qualifying territories.

Where their father was serving outside the United Kingdom in service which has been designated since 1 January 1983, British citizens who were born abroad before 1 January 1983 will be British citizens *otherwise than by descent* from the date their father's service was designated. They can automatically pass on British citizenship to any children they may have on or after the date of designation.

REGISTRATION OF CHILDREN

8. A child under 18 who does not become a British citizen at birth *may* have a right to be registered as a British citizen if, at the time of the birth:

- one of the child's parents was a British citizen *by descent*; or
- the child was stateless (and has remained stateless)

9. A child under 18 who does not have the right to be registered as a British citizen may still be registered if the Home Secretary agrees. It is not possible to set out all of the circumstances in which the Home Secretary might be prepared to allow registration. However, he will normally take into account:

- the child's connections with the United Kingdom
- where the child's future is likely to lie
- the parents' views and nationality
- the child's and the parents' immigration position
- (if the child is aged 10 or over) the child's character
- (in the case of an older child, particularly one who is approaching the age of 18) the length of time he or she has lived in the United Kingdom

Further information about how a child can be registered as a British citizen is contained in leaflet BN4 (or, if the child is stateless, leaflet BN5) which you can get on our website or from the Nationality Quality and Enquiry Team or British Post abroad (see paragraph 15). If you want to apply for your child to be registered as a British citizen, you can get an application form on our website or by telephoning 0117 344 1462.

MEANING OF “CROWN SERVICE”

10. In this leaflet, “Crown service” means Crown service:

- under the United Kingdom Government (e.g. members of Her Majesty’s Forces, the Home Civil Service and Her Majesty’s Diplomatic Service), **or**
- under the Northern Ireland Government, **or**
- under the Scottish Administration, **or**
- under the Welsh Assembly Government (from 6 November 2009), or
- under the governments of the qualifying territories (since 21 May 2002)

“Crown service” does not include service under the governments of former British overseas territories, Commonwealth countries of which Her Majesty the Queen is Head of State or what used to be self-governing dominions (but such service *may* be treated as designated service – see paragraph 11(a) below).

If you are not sure whether you are in Crown service, you should write to your employer for confirmation.

MEANING OF “DESIGNATED SERVICE”

11. This is a service which the Home Secretary has declared to be closely associated with the overseas activities of the United Kingdom Government and, from 21 May 2002, the overseas activities of the governments of the qualifying territories. The forms of service which have been designated by the Home Secretary, with the date when designation came into operation in each case, are:

a. Service as:

- an official administering the government of a British overseas territory (see Note A), the Channel Islands or the Isle of Man
- an official in the government of a British overseas territory, the Channel Islands or the Isle of Man
- a judge or a magistrate in a British overseas territory, the Channel Islands or the Isle of Man (from 1 January 1983).

NB. This includes service before 1 January 1983 in a place which was, at that time, a British colony, protectorate, protected state, mandated territory, or trust territory.

b. Crown service under the United Kingdom Government, under the Northern Ireland Government or under the Scottish Administration, where the person is temporarily on secondment overseas (from 1 January 1983).

c. Crown service under the government of a qualifying territory, where the person is temporarily on secondment overseas (from 16 June 2006).

d. Overseas service by certain civilians who are subject to the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957 (see Note D) (from 1 January 1983).

e. Service under the North Atlantic Treaty Organisation (NATO) (from 1 January 1983).

f. Service under the Commonwealth War Graves Commission (from 1 January 1983).

g. Service under the British Council, as long as the employee is paid wholly from British Council funds (from 1 January 1983).

- h. Service under the British Tourist Authority (from 1 January 1983).
- i. Service under the Medical Research Council (from 21 December 1984).
- j. Service under the Science and Engineering Research Council (from 21 December 1984) or under the Engineering and Physical Sciences Research Council, the Biotechnology and Biological Sciences Research Council or the Particle Physics and Astronomy Research Council (from 1 April 1994).
- k. Service under the Natural Environment Research Council (from 21 December 1984).
- l. Service under the Agricultural and Food Research Council (from 30 April 1987) or under the Biotechnology and Biological Sciences Research Council (from 1 April 1994).
- m. Service on secondment from any of the Research Councils listed at (i) to (l) above (from 30 April 1987).
- n. Service under the European Patent Office (from 16 February 1990)
- o. Service under the Customs Co-operation Council (from 1 April 1994).
- p. Service under the European Conference of Ministers of Transport (from 1 April 1995).
- q. Service under the International Energy Agency (from 1 April 1995).
- r. Service under the Organisation for Economic Co-operation and Development (from 1 April 1995).
- s. Service under, or on secondment from, the Council for the Central Laboratory of the Research Councils (from 1 April 1995).
- t. Service under an international organisation (not mentioned above) of which the United Kingdom is a member (from 16 June 2006).
- u. Service under the Welsh Assembly Government (from 14 February 2008 to 5 November 2009).

If you are not sure whether you are in designated service, you should write to your employer for confirmation.

MEANING OF “EUROPEAN COMMUNITY SERVICE”

12. The following categories of people are regarded as being in service under a European Community institution for the purpose of the British Nationality Act 1981:

Members, officials and other servants working for:

- the European Commission
- the Council of Ministers
- the European Parliament
- the European Court of Justice (e.g. Judges, Advocates General, the Registrar and Assistant Rapporteurs)
- the Court of Auditors
- the Economic and Social Committee
- the Committee of the Regions

If you are not sure whether you are in service under a European Community institution, you should write to your employer for confirmation.

RECRUITMENT

13. Officers in Her Majesty's Forces are all recruited in the United Kingdom. Other ranks are regarded as having been recruited where they go through the process of attestation. Members of the Home Civil Service and of Her Majesty's Diplomatic Service are regarded as having been recruited in the United Kingdom.

If you are in one of the types of service listed in paragraph 1, and you are not sure where you were recruited, you should write to your employer for confirmation.

BRITISH PASSPORTS AND HOW TO ESTABLISH YOUR CHILD'S CITIZENSHIP

14. If your child became a British citizen automatically at birth under the arrangements described in paragraph 3 or 4, you will need to produce certain documents if you want to get a passport for your child.

These documents will vary depending on the circumstances, but you will normally be asked to produce:

- your child's birth certificate showing details of the parents;
- your marriage certificate;
- evidence that when your child was born the relevant parent was a British citizen (this will normally be a British passport) ; and
- evidence that the relevant parent was:
 - serving in Crown, designated or European Community institution service, **and**
 - recruited in the United Kingdom (or, if your child was born on or after 21 May 2002, a qualifying territory) in the case of Crown or designated service, or in a country which, at the time of recruitment, was a member of the European Union in the case of employment with a European Community institution – this will normally be an official letter from your employer confirming your employment and where you were recruited

Paragraph 15 tells you where you should send your application for a British passport, depending on where you are.

ADDRESSES FOR ENQUIRIES

15. If you are in England, Scotland, Wales or Northern Ireland, and have any questions about this leaflet or about being a British citizen, please contact:

Home Office Department 2
Nationality Quality and Enquiry Team
Border and Immigration Agency
PO Box 306
Liverpool L2 0QN.

Telephone: 0845 010 5200

If you have any questions about British passports, you can obtain further advice and information on the Identity and Passport Service website at www.passport.gov.uk or by contacting the 24-hour Passport Adviceline on 0870 521 0410. If you are not in England, Scotland, Wales or Northern Ireland, you can also contact your nearest British Post abroad (see below).

If you have any questions about this leaflet, being a British citizen and British passports, please contact:

- the Lieutenant-Governor, if you are in the Channel Islands or the Isle of Man
- the British Embassy or Consulate, if you are in a foreign country or Ireland
- the British High Commission, if you are in a Commonwealth country
- the Governor, if you are in a British overseas territory

NOTES

A. The British overseas territories are what, before 26 February 2002, were called British dependent territories.

The British overseas territories are currently: Anguilla, Bermuda, British Antarctic Territory, British Indian Ocean Territory, Cayman Islands, Falkland Islands, Gibraltar, Montserrat, Pitcairn, Henderson, Ducie and Oeno Islands, St Helena and Dependencies, South Georgia and the South Sandwich Islands, the Sovereign Base Areas of Akrotiri and Dhekelia, Turks and Caicos Islands, and Virgin Islands.

B. The following countries are currently members of the European Union: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom.

C. Generally speaking, a person became a British citizen on 1 January 1983 if, on 31 December 1982, he or she was a citizen of the United Kingdom and Colonies who had the right of abode through his or her own (or a parent's or a grandparent's) birth, legal adoption, naturalisation or registration in the United Kingdom or who had lived in the United Kingdom whilst a citizen of the United Kingdom and Colonies for five years at any time before 1 January 1983 (and was not subject to restrictions under the immigration laws at the end of that five-year period).

D. People subject to the Army and Air Force Acts 1955 and the Naval Discipline Act 1957 include those working for the following organisations:

- Australia, New Zealand and Malaya Defence Organisation
- Baghdad Pact Council
- British Red Cross Society
- British Sailors' Society
- Central Treaty Organisation
- Council of Voluntary Welfare Work, which includes:
 1. Catholic Women's League
 2. Church Army
 3. Church of England Soldiers', Sailors' and Airmen's Clubs
 4. Church of Scotland Committee on Hut and Canteen Work for HM Forces
 5. Methodist Church Forces' Centres
 6. Mission to Mediterranean Garrisons
 7. Royal Sailors' Rests
 8. Salvation Army
 9. Sandes' Soldiers' and Airmen's Homes
 10. Toc H
 11. YMCA
 12. YWCA
- Malcolm Clubs

- Missions to Seamen
- Navy, Army and Air Force Institutes (NAAFI)
- Royal Naval Film Corporation
- Royal Naval Lay Readers' Society
- Services Sound and Vision Corporation (including British Forces Broadcasting Service)
- Soldiers' and Airmen's Scripture Readers' Association
- Soldiers', Sailors' and Airmen's Families Association (SSAFA)
- South-East Asia Collective Defence Treaty Organisation (SEATO)
- Venerable Order of the Hospital of St John of Jerusalem
- Women's Royal Voluntary Service (WRVS)

It also includes the following organisations (but only from 1 January 1983 until 30 September 1988):

- Combined Services Entertainments
- Forces Help Society and Lord Roberts Workshops
- Services Central Book Depot
- St Andrews' Ambulance Association

This list may change from time to time.

The law covering British citizenship and designated service is in the British Nationality Act 1981 and the Regulations and Orders made under it. The information given here is only a brief guide to the law and to the Home Secretary's policy. It is not a complete statement of either the law or policy.