



Home Office

Automatic acquisition: BOTC

(Formerly chapters 22, 23, 24)

Version 1.0

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About this guidance

This guidance tells you about British overseas territories citizenship (BOTC).

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 **1.0**
- published for Home Office staff on **14 July 2017**

Changes from last version of this guidance

This is a new piece of guidance.

Related content

[Contents](#)

Automatic acquisition: people born before 1 January 1983

British dependent territories citizenship and the British dependent territories were renamed British overseas territories citizenship and the British overseas territories respectively on 26 February 2002.

British overseas territories citizens who, immediately before 21 May 2002, had that citizenship wholly or partly by connection with a British overseas territory other than the Sovereign Base Areas of Akrotiri and Dhekelia became British citizens automatically on that date under [section 3 of the British Overseas Territories Act 2002](#).

[Section 23 of the British Nationality Act 1981](#) set out when people born before 1 January 1983 acquired British dependent territories citizenship.

Under section 23 a person automatically became a British dependent territories citizen on 1 January 1983 if, immediately before that date, they were a citizen of the UK and Colonies who:

- had acquired that status by birth, naturalisation or registration in a British overseas territory
- was born to a parent who, at the time of the child's birth:
 - o was a citizen of the UK and Colonies
 - o acquired that status by birth, naturalisation or registration in a British overseas territory
 - o was born to a parent, who at the time of child's birth, was a citizen of the UK and colonies by birth, naturalisation or registration in a British overseas territory

Under [section 23\(2\)](#) a person automatically became a British dependent territories citizen on 1 January 1983 if, immediately before that date, they were a citizen of the UK and Colonies who:

- had that status by registration either:
 - o under [section 7 of the British Nationality Act 1948](#)
 - o under section 1 of the [British Nationality \(No 2\) Act 1964](#)
- was registered outside the British overseas territories
- their parents if registered under [section 7 of the British Nationality Act 1948](#) or mother under section 1 of the 1964 act was:
 - o a citizen of the UK and Colonies at the time of registration, or would have been but for their death
 - o a British dependent territories citizen on 1 January 1983, or would have been but for their death

Under [section 23\(3\) of the British Nationality Act 1981](#), a person automatically became a British dependent territories citizen on 1 January 1983 if, immediately before that date, they were a citizen of the UK and Colonies (CUKC) who:

- had that status by registration under [section 12\(6\) of the British Nationality Act 1948](#)
- was registered outside the British overseas territories
- was descended in the male line from a person who:
 - o was born or naturalised in a British overseas territory
 - o became a British subject by reason of annexation of any territory including a British overseas territory

Under [section 23\(4\) of the British Nationality Act 1981](#), a person automatically became a British dependent territories citizen on 1 January 1983 if, immediately before that date, they were a CUKC who:

- had that status by registration under section 1 of the [British Nationality Act 1964](#)
- was registered outside the British overseas territories
- had a qualifying connection with a British overseas territory
- if a woman, was married to a man who, at the time of the registration, had or would but for his death have had a qualifying connection with a British overseas territory

[Section 23\(5\) of the British Nationality Act 1981](#) explains that, for the purpose of [section 23\(4\)](#), people have a qualifying period with a British overseas territory if they, their father or paternal grandfather:

- was born in a British overseas territory
- is or was naturalised in a British overseas territory
- was registered as a CUKC in a British overseas territory
- became a British subject by reason of the annexation of any territory including in a British overseas territory

The British Overseas Territories Act 2002

The act added one further category of people born before 1 January 1983 who automatically became British overseas territories citizens after 1 January 1983.

A person became a British overseas territories citizen automatically on 21 May 2002 under [section 6 of the British Overseas Territories Act 2002](#) if they:

- were born on or after 26 April 1969 and before 1 January 1983
- were born to a woman who, at the time of birth, was a citizen of the UK and Colonies by virtue of her birth in the British Indian Ocean Territory
- immediately before 21 May 2002, were not a British overseas territories citizen

Claims to British overseas territories citizenship

You must investigate claims to British overseas territories citizenship when:

- a person has written to enquire about their status
- a person's own status affects someone else such as a spouse, child or grandchild, who may as a result either:

- o get citizenship automatically
- o be able to apply for British overseas territories citizenship because that person is a British overseas territories citizen

It is important to remember that the person concerned may have become a British citizen as well as a British dependent territories citizen on 1 January 1983 because they had the right of abode in the UK under [section 2 of the Immigration Act 1971](#).

Alternatively they may have become a British citizen automatically on 21 May 2002 under [section 3 of the British Overseas Territories Act 2002](#) if they were a British overseas territories citizen by connection with a qualifying territory (a British overseas territory other than the Sovereign Base Areas of Akrotiri and Dhekelia).

Evidence required to establish a claim

To guard against the possibility of fraud, you would expect to see the evidence of identity over and above that required to establish a claim to citizenship before acknowledging the claim. You must not accept a birth certificate as evidence of identity. A birth certificate is evidence of an event not the individual's identity.

You should take into account any evidence already on the file. If documents have been seen and noted in the past there is no need to ask to see them again. If the parent's marriage or a parent and child relationship has been accepted as valid by an entry clearance officer, Border Force officer, Home Office official, British overseas territories official or any tribunal or court in the UK. There is no need to ask for further evidence unless there is a reason to doubt the previous decision. In some situations a subsisting relationship is accepted for immigration purposes, but for nationality purposes a valid marriage is needed.

A person born in a British overseas territory before 1 January 1983 will be regarded as a British overseas territories citizen on production of:

- a passport issued on or after 1 January 1983 describing the holder as a British dependent territories citizen or a British overseas territories citizen
- a British overseas territories birth certificate showing parents details

If the father was a diplomat at the time of the person's birth, the person may not have been a citizen of the UK and Colonies by reason of birth in a British overseas territory.

If the father's occupation is given on the birth certificate as 'diplomat', or the description otherwise suggests it is of a 'diplomatic' nature, you must make further enquiries to determine whether the person had a claim to citizenship of the UK and Colonies.

A person born outside the British overseas territories before 1 January 1983 may be regarded as a British overseas territories citizen on production of:

- a passport issued on or after 1 January 1983 describing the holder as a British dependant territories citizen or a British overseas territories citizen

- birth, adoption, marriage, death, registration or naturalisation certificates relating to:
 - o the person in question
 - o their parents, grandparents or spouse

Related content

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Automatic acquisition by birth or adoption on or after 1 January 1983

This section deals with the acquisition of British overseas territories citizenship at birth by people born or adopted in a British overseas territory on or after 1 January 1983.

[Sections 15\(1\) and 15\(2\) of the British Nationality Act 1981](#) explains which people born or deemed to have been born, in a British overseas territory on or after 1 January 1983 acquired British overseas territories citizenship automatically at birth.

Under [section 15\(1\)](#) a person born in a British overseas territory on or after 1 January 1983 became a British overseas territories citizen at birth, if at the time of birth:

- either parent was a British overseas territories citizen
- either parent was settled in a British overseas territory

Under [section 15\(2\)](#) providing there is no evidence to the contrary a new born infant found abandoned in a British overseas territory on or after 1 January 1983 can be regarded for the purposes of [section 15\(1\)](#) as having been:

- born in a British overseas territory on or after 1 January 1983
- born to a parent who, at the time of birth, was a British overseas territories citizen or settled in a British overseas territory

It is important to remember that a person may have acquired British citizenship at birth as well as, or instead of British overseas territories citizenship under:

- the [British Nationality \(Falkland Islands\) Act 1983](#)
- the [British Overseas Territories Act 2002](#)

[Section 15\(5\) and section 15\(5A\) of the British Nationality Act 1981](#) explain which children adopted in a British overseas territory or elsewhere on or after 1 January 1983 acquired British overseas territories citizenship automatically because of their adoption.

Under [section 15\(5\)](#), a child whose adoption is authorised by order of a court in a British overseas territory becomes a British overseas territories citizen from the date of the order if:

- they are not already a British overseas territories citizen
- the adopter, or in the case of joint adoption, one of the adopters is a British overseas territories citizen on the date of the adoption order

Under [section 15\(5A\)](#) as inserted by [section 137 of the Adoption and Children Act 2002](#), a child who is not a British overseas territories citizen but is adopted under a

Hague Convention adoption on or after 30 December 2005, becomes a British overseas territories citizen as from the date of adoption if:

- the adopter, or in the case of joint adoption, one of the adopters is a British overseas territories citizen
- the adopter, or in the case of joint adoption, both of the adopters are habitually resident in a territory which has been designated for this purpose under [section 50\(14\) of the 1981 act](#)
- the convention adoption is effected under the law of a country or territory outside the designated territory

Under [section 15\(6\) of the British Nationality Act 1981](#), British overseas territories citizenship acquired by virtue of section 15(5) or 15(5A) is not lost if the adoption order or the convention adoption ceases to have effect at a later date, for example on annulment. Where, however, the order is only set aside by a higher court on appeal by the Home Secretary, section 15(6) has no effect and the child will cease to be a British overseas territories citizen.

A person adopted in the Falkland Islands or a qualifying territory on or after 1 January 1983 may have become a British citizen as well as, a British overseas territories citizen either on the date of adoption or on 21 May 2002. The [British Nationality \(Falkland Islands\) Act 1983](#) sets out who becomes a British citizen and the [British Overseas Territories Act 2002](#) sets out who becomes a British overseas territories citizen.

Any person who is a British overseas territories citizen under [section 15\(1\), section 15\(5\) or section 15\(5A\) of the British Nationality Act 1981](#) is a British overseas territories citizen otherwise than by descent.

Evidence to be supplied

To guard against the possibility of fraud, you should expect to see evidence of identity over and above that required to establish an entitlement to citizenship. You must not accept a birth certificate as evidence of identity. A birth certificate is evidence of an event not the individuals identity.

You must take into account any evidence already on the file. If documents have been seen and noted in the past there is no need to ask to see them again. If the parent's marriage or a parent and child relationship has been accepted as valid by an entry clearance officer, Border Force officer, Home Office official, British overseas territories official, any tribunal or court in the UK or a British overseas territory, there is no reason to doubt the previous decision. In some situations a subsisting relationship is accepted for immigration purposes, but for nationality purposes a valid marriage is needed.

Claims to British overseas territories citizenship

Claims to British overseas territories citizenship must be investigated when:

- someone writes about their own status or that of a child

- a question is raised about a child found abandoned in a British overseas territory
- an enquiry is made about the position of a child adopted in a British overseas territory
- adult or minor applicants for British overseas territories citizenship appear to hold that state already

Procedure for establishing claims

To recognise a person's claim to British overseas territories citizenship you must establish that the person either:

- was born in a British overseas territory on or after 1 January 1983 to a parent who at the time of the person's birth was a British overseas territories citizen or was settled in a British overseas territory
- was found abandoned in a British overseas territory as a new born infant and:
 - o there is no evidence that the birth took place outside a British overseas territory
 - o there is no evidence that either parent was a British overseas territories citizen or settled in a British overseas territory
- was adopted by order of a court in a British overseas territory or by means of a convention adoption on or after 1 January 1983 and:
 - o on the date of adoption the adopter was a British overseas territories citizen
 - o in the case of joint adoption, on the date of adoption order, one of the parents was a British overseas territories citizen

People born in a British overseas territory

A person born in a British overseas territory on or after 1 January 1983 may be regarded as a British overseas territories citizen on production of:

- a passport describing the holder as a British overseas territories citizen
- a British overseas territories birth certificate showing parentage
- evidence that at the time of birth either parent was a British overseas territories citizen or settled in a British overseas territory

A British overseas territories birth certificate showing parents' details should establish the relationship to the parent and indicate whether the child was born legitimate. Information about the registration of births in a British overseas territory can, if necessary, be obtained from the authorities of the territory concerned.

Evidence of a parent's British overseas territories citizenship is:

- a passport describing the holder as a British overseas territories citizen
- a British overseas territories birth certificate showing parent's details, and that they were born before 1 January 1983
- if born on or after 1 January 1983, a British overseas territories birth certificate showing their parents' details and evidence that, at the time of the birth, either parent was a British overseas territories citizen or settled in the British overseas territory

- a certificate of registration or naturalisation, issued in a British overseas territory, describing the holder as either a British overseas territories citizen, or a British dependent territories citizen or a citizen of the UK and Colonies
- the relevant documents related to their parents', grandparents', spouse's birth, adoption, marriage, death, registration or naturalisation

Information about what constitutes evidence of a parent's settled status in a British overseas territory should, if necessary, be obtained from the authorities of the territory concerned or, where the place is no longer a British overseas territory, from the British Consulate or High Commission.

If the person was born before 1 July 2006 and the claim to British overseas territories citizenship is based on the father having become a British overseas territories citizen or settled in a British overseas territory, we need to be satisfied that the persons parents were married. This is shown by the parents' marriage certificate. If a person is born on or after 1 July 2006, we need to be satisfied that the father comes within the definition of 'parent'.

People found abandoned in a British overseas territory

People may be regarded as British overseas territories citizens if the organisation or authority, that took responsibility for them confirms that:

- they were found abandoned in a British overseas territory
- they were found after 1 January 1983
- they were new born infants when found
- their parents cannot be identified

There is no definition as to what 'new-born' means in terms of age, and we should interpret the phrase generously. As a broad rule of thumb, we would expect it normally to apply to a child no more than a few months old when found. But you should consider the circumstances of each child, and there may be cases where it would be right to regard a child as much as one year old as 'new-born' for the purposes of [section 15\(2\) of the British Nationality Act 1981](#).

The child will no longer be regarded as a British overseas territories citizen, if evidence turns up later to show that:

- neither parent was a British overseas territories citizen or settled in a British overseas territory at the time of the birth
- the child was not born in a British overseas territory, and could not claim British overseas territories citizen by descent

If evidence turns up later to show that the person was born in a British overseas territory before 1 January 1983, they may probably continue to be regarded as a British overseas territories citizen but under [section 23 of the British Nationality Act 1981](#).

People adopted in a British overseas territory

A person who is not a British overseas territories citizen, and who is adopted on or after the 1 January 1983 by order of a court in a British overseas territory, may be regarded as a British overseas territories citizen on production of:

- a passport describing the holder as a British overseas territories citizen or a British dependent territories citizen
- evidence that on the date of the adoption the adopter or, in the case of joint adoption, one of the adopters was a British overseas territories citizen
- the adoption order or a full extract from the adopted children register

A person who is not a British overseas territories citizen, and who is adopted on or after 30 December 2005 under a convention adoption, may be regarded as a British overseas territories citizen on production of:

- a passport describing the holder as a British overseas territories citizen
- evidence that on the date of the adoption the adopter, or in the case of joint adoption, one of the adopters was a British overseas territories citizen
- the convention adoption order confirming the adopter's habitual residence in a designated territory

Parents settled before the child's birth

If the authorities of the relevant territory are satisfied that the parent was settled there before the date of the child's birth, then we may accept that the child is a British overseas territories citizen if:

- the child was born in a British overseas territory
- the evidence shows that the parent became a British overseas territories citizen or settled there after the birth
- the child is still a minor

There will be an entitlement to registration as a British overseas territories citizen under [section 15\(3\) of the British Nationality Act 1981](#). See: Registration as a BOTC: children

Otherwise there may be an entitlement to registration as a British overseas territories citizen under [section 15\(4\)](#). See: Registration as a BOTC: children

There may be entitlement to registration as a British overseas territories citizen under [section 17\(2\)](#) or [section 17\(5\)](#), if:

- the child was born outside a British overseas territory
- has no automatic claim to British overseas territories citizen by descent, but evidence shows a parent was a British overseas territories citizen by descent at the time of the birth
- the child is still a minor

See: Registration as a BOTC: children

A child born outside the qualifying territories on or after 21 May 2002 to a parent who was a British citizen by descent may be entitled to registration as a British citizen under:

- [section 3\(2\)](#)
- [section 3\(5\)](#)

See: Registration as a British citizen: children

If the child is a British overseas territories citizen, a British national (overseas), a British overseas citizen, a British subject, or a British protected person, there may be an entitlement to registration as a British citizen under section 4 see registration as a British citizen: other British nationals..

If the child is a British overseas territories citizen there may also be an entitlement to register under [section 4A](#).

If the child is born a British overseas territories citizen by connection with Gibraltar, there may also be an entitlement to registration as a British citizen under [section 5](#).
See: Registration as a British citizen: other British nationals

If the child is not entitled to registration as a British overseas territories citizen or a British citizen and is still a minor, you should consider whether it would be right to offer registration at discretion as a British overseas territories citizen under [section 17\(1\)](#) see registration as a BOTC:children. For registration at discretion as a British citizen under [section 3\(1\)](#) see registration as British citizen: children.

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Born outside the British overseas territories on or after 1 January 1983

This section deals with the acquisition of British overseas territories citizenship at birth by people born outside the overseas territories on or after 1 January 1983.

[Section 16\(1\) of the British Nationality Act 1981](#) explains which people born outside the British overseas territories on or after 1 January 1983 acquired British overseas territories citizenship automatically at birth.

Under [section 16\(1\)\(a\)](#), a person born outside the British overseas territories on or after 1 January 1983 is a British overseas territories citizen at birth if, at the time of the birth, either parent is a British overseas territories citizen 'otherwise than by descent'.

Under [section 16\(1\)\(b\)](#), a person born outside the British overseas territories on or after 1 January 1983 is a British overseas territories citizen at birth if, at the time of the birth:

- either parent is a British overseas territories citizen
- the British overseas territories citizen parent is serving outside the British overseas territories:
 - o in Crown service under the government of a British overseas territory
 - o in service of any description designated under [section 16\(3\)](#) and was recruited in a British overseas territory for that service

A person who is a British overseas territories citizen under [section 16\(1\) of the 1981 act](#) is a British overseas territories citizen by descent if they are a British overseas territories citizen by virtue of section 16(1)(a) only.

See: British overseas territories citizen 'by descent' and 'otherwise than by descent'.

Evidence to be supplied

To guard against the possibility of fraud, we would expect to see the evidence of identity over and above that required to establish an entitlement to citizenship. You must not accept a birth certificate as evidence of identity. A birth certificate is evidence of an event not an individual's identity.

You should take into account any evidence already on the file. If the documents have been seen and noted in the past there is no need to ask to see them again. If the parents marriage or a parent and child relationship has been accepted as valid by an entry clearance officer, Border Force officer, Home Office official, any tribunal court in the UK or a British overseas territory officer. There is no need to ask for further evidence unless there is a reason to doubt the previous decision. In some situations a subsisting relationship is accepted for immigration purposes, but for nationality purposes a valid marriage is needed.

Claims to British overseas territories citizenship

You will need to investigate claims to British overseas territories citizenship when:

- someone writes about their own status or that of a child
- an enquiry is made about a child born outside the British overseas territories
- applications received from adults or minors who already appear to be British overseas territories citizens

Procedure for establishing claims

To recognise a claim to British overseas territories citizenship where the person was born outside the territory after 1 January 1985 you must establish that the person born outside the British overseas territories on or after 1 January 1983, had a parent who at the time of the person's birth was either:

- a British overseas territories citizen otherwise than by descent
- a British overseas territories citizen (whether by descent or otherwise) who was serving outside the British overseas territories and was recruited for that service in a British overseas territory, in either:
 - o Crown service under the government of a British overseas territory
 - o designated service see [section 16\(3\) British Nationality Act 1981](#)

Evidence required

A person born outside the British overseas territories on or after 1 January 1983 will be regarded as a British overseas territories citizen on the production of:

- a passport describing the holder as a British dependent territories citizen or a British overseas territories citizen or
- a birth certificate showing parents details
- evidence that at the time of birth either parent:
 - o was a British overseas territories citizen otherwise than by descent
 - o was a British overseas territories citizen who has served outside the British overseas territories in Crown or designated service, and was recruited for that service in a British overseas territory

Evidence of a parent's British overseas territories citizenship is:

- a passport describing the holder as a British dependent territories citizen or a British overseas territories citizen
- a birth certificate showing their parents' details and that they were born in a British overseas territory before 1 January 1983
- if born on or after 1 January 1983 a birth certificate showing their parent's details and that they were born in a British overseas territory and:
 - o at the time of the birth either parent was a British overseas territories citizen or settled in a British overseas territory
- a certificate of registration or naturalisation describing the holder as either a British dependant territories citizen, or a British overseas territories citizen
- a certificate of registration or naturalisation issued in a British overseas territory describing the holder as a citizen of the UK and Colonies

- the relevant documents related to their parents', grandparents', spouse's birth, adoption, marriage death, registration or naturalisation

To confirm whether the parent in question is a British overseas territories citizen by descent or otherwise by descent, see the guidance on British Overseas Territories citizens by descent and otherwise than by descent.

You must check in every case whether the parent in question is a British overseas territories citizen by descent or otherwise by descent.

Evidence of a parent's service and recruitment is a letter or certificate from a government department in a British overseas territory or a designated organisation, confirming that the parent was:

- in its service outside of the British overseas territory on the date of the child's birth
- recruited in a British overseas territory

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