



Home Office

**UK Border
Agency**

GUIDE RS2

Application for registration as a British overseas territories citizen
by a person who has made a declaration of renunciation

CONTENTS

1. The requirements you have to meet	3
Do you have a right to registration?	4
The citizenship you will acquire	4
Effect of registration on present citizenship	4
2. How to fill in the application form	6
Personal information	6
Good character	7
Referees and identity	10
Declaration by applicant	11
3. What you should send in with the form	12
4. Where to send your application form	13
5. What happens next?	14
Citizenship oath and pledge	14
Deprivation of citizenship	14
What we expect from you	14
And finally	15

The law covering registration is set out in the British Nationality Act 1981 and the Immigration, Asylum and Nationality Act 2006 and the regulations made under them. The information given here is meant only as a brief guide to the law and to the Home Secretary's policy. It is not a comprehensive statement of either the law or the policy.

1

The requirements you have to meet

This guide and the application form RS2 are for people who have renounced British overseas territories citizenship or British Dependent Territories citizenship or citizenship of the United Kingdom and Colonies and who now wish to resume citizenship and be registered as British citizens.

The requirements

You will be entitled to registration if:

- you are not of unsound mind (see Note 1), **and**
- you are of good character **and**

EITHER

- you have made a Declaration of Renunciation renouncing British overseas territories citizenship (after 26 February 2002)

OR

- (between 1 January 1983 and 25 February 2002) you have made a Declaration of Renunciation renouncing British Dependent Territories citizenship

OR

- (before 1 January 1983) you have made a Declaration of Renunciation renouncing citizenship of the United Kingdom and Colonies **and**

EITHER

- you
- your father
- your father's father
- your husband, wife or civil partner
- your husband's, wife's or civil partner's father, or
- your husband's, wife's or civil partner's father's father was:
 - (a) born in a British overseas territory (see Note 2), or
 - (b) naturalised in a British overseas territory (see Note 2), or
 - (c) registered as a citizen of the United Kingdom and Colonies in a British overseas territory (see Note 2), or
 - (d) a person who became a British subject by reason of the annexation of any territory now included in a British overseas territory.

Do you have the right to registration?

You have a right (once only) to be registered as a British overseas territories citizen if you renounced British overseas territories citizenship or British Dependent Territories citizenship in order to keep or acquire another citizenship.

You have a separate right (once only) to be registered as a British overseas territories citizen if you renounced citizenship of the United Kingdom and Colonies:

- in order to keep or acquire the citizenship of a Commonwealth country, or
- because you had reasonable cause to believe that you would be deprived of your citizenship of a Commonwealth country if you did not renounce.

If you renounced citizenship for any other reason, or if you have already renounced and resumed British overseas territories citizenship or British Dependent Territories citizenship (as a right), registration is at the discretion of the Home Secretary. (Registration will be granted if he or she thinks fit).

The citizenship you will acquire

In general terms you will become a British overseas territories citizen by descent if, before renouncing, you were a British overseas territories citizen or British Dependent Territories citizen by descent.

If you had renounced citizenship of the United Kingdom and Colonies you will become a British overseas territories citizen by descent if you would have become a British overseas territories citizen by descent had you not renounced.

Effect of registration on present citizenship

You do not have to give up your present citizenship or nationality to become a British overseas territories citizen. But under the nationality laws of some countries a person automatically loses his or her existing nationality if he or she becomes a citizen of another country. Before you apply for British overseas territories citizenship you should consider checking what your position would be with the authorities of the country of which you are a citizen.

Further information about the requirements for British overseas territories citizenship is available on the UK Border Agency website at www.ukba.homeoffice.gov.uk or from the Liverpool Contact Centre.

Email: nationalityenquiries@ind.homeoffice.gsi.gov.uk

Telephone: 0845 010 5200

Lines are open from 9.00am to 9.00pm.

- If you are in the Channel Islands or Isle of Man you should contact the Lieutenant- Governor's office
- If you are in a British overseas territory, contact the Governor's office.
- If you are elsewhere overseas, contact the nearest British consulate or High Commission.

Notes

1. The Home Secretary/Governor has discretion to waive the requirement to be of sound mind if he thinks that would be the right thing to do in any particular case (see page 6 for details about completing the application form).
2. 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 Area of Akrotiri and Dhekelia, Turks and Caicos Islands and Virgin Islands.
NB. South Georgia and the South Sandwich Islands were not British overseas territories between 3 October 1985 and 3 December 2001.
3. The list below shows the Commonwealth countries before 1 January 1983. The dates in brackets are the dates that the country became independent.

Antigua and Barbuda	(1/11/1981)	Nauru	(31/1/1980)
Australia	(1/1/1949)	New Zealand	(1/1/1949)
The Bahamas	(10/7/1973)	Nigeria	(1/10/1960)
Bangladesh	(4/2/1972)	Papua New Guinea	(31/1/1980)
Barbados	(30/11/1966)	Pakistan	(1/1/49 until 31 August 1973)
Belize	(21/9/1981)	St Lucia	(22/2/1979)
Botswana	(30/9/1966)	St Vincent & the Grenadines	(27/10/1979)
Canada	(1/1/1949)	Seychelles	(29/6/1976)
Republic of Cyprus	(16/8/1960)	Sierra Leone	(27/4/1961)
Dominica	(3/11/1978)	Singapore	(16/9/1963)
Fiji	(10/10/1970)	Solomon Islands	(7/7/1978)
The Gambia	(18/2/1965)	South Africa	(1/1/1949 until 30 May 1962)
Ghana	(6/3/1957)	Sri Lanka	(22/5/1972)
Grenada	(7/2/1974)	Swaziland	(6/9/1968)
Guyana	(26/5/1966)	Tanzania	(29/10/1964)
India	(1/1/1949)	Tonga	(4/6/1970)
Jamaica	(6/8/1962)	Trinidad and Tobago	(31/8/1962)
Kenya	(12/12/1963)	Tuvalu	(1/10/1978)
Kiribati	(12/7/1979)	Uganda	(9/10/1962)
Lesotho	(4/10/1966)	Vanuatu	(30/7/1980)
Malawi	(6/7/1964)	Western Samoa	(31/1/1980)
Malaysia	(15/9/1963)*	Zambia	(24/10/1964)
Malta	(21/9/1964)	Zimbabwe	(as S. Rhodesia - 1/1/1949)
Mauritius	(12/3/1968)		

* Parts of Malaysia, i.e. Penang, Malacca and the Malay States became independent on 31/8/1957.

2

How to fill in the application form

Please ensure that your names and other particulars on the form are written clearly and in **BLOCK LETTERS** using black or blue-black ink. Problems can arise if the information you give is difficult to read or is incorrect. Also, please make sure that the information you give on the application form is correct before you make the application. (It is a criminal offence to give false information knowingly or recklessly). If your application is successful, your names and some other particulars will go on your certificate of registration and can only be changed in exceptional circumstances.

Information you give us will be treated in confidence, but may be disclosed to other Government Departments and agencies, local authorities and the police to enable them to carry out their functions. We may also consult some of these organisations with the information when carrying out enquiries concerning your application.

SECTION 1: PERSONAL INFORMATION

These sections must be completed in all cases as fully as possible. If you are applying at the same time as your husband or wife or civil partner, you should each complete separate application forms.

Your name at birth must be given on the application form, for identity purposes, but may be omitted from your certificate of registration if you have a special reason for requesting this - for example because you were adopted or are no longer living in the gender you were considered to have at the time of your birth.

NB - Place and country of birth names shown on the certificate will be names in current acceptable use (and will be in English where an English version exists.)

If an agent (e.g. solicitor) is representing you, and you wish all correspondence to go through your agent, please put the name, address and telephone number in Part 1.14 to 1.16. Unless you are being represented by a private individual, it is the agent's business name, telephone number, etc., which you should put here.

OISC and Immigration Advice

Immigration or nationality advisors acting in the course of business (whether paid or unpaid) are regulated by the Office of the Immigration Services Commissioner (OISC), an independent body. The provision of such advice is prohibited unless a person works for an organisation registered with, or exempted by, the OISC or is authorised to practise (like solicitors and barristers) by a designated professional body.

Certain categories (e.g. public health bodies) are exempted from the regulatory scheme by Ministerial Order. It is a criminal offence to provide advice or services in contravention of the regulatory scheme.

Further information about the regulatory scheme can be obtained from:

Office of the Immigration Services Commissioner
5th Floor,
Counting House,
Tooley Street,
LONDON
SE1 2QN
Tel: 020 7211 1500 Fax: 020 7211 1553

A full list of OISC regulated advisers is available on it's website at www.oisc.gov.uk.

SECTION 2: GOOD CHARACTER

To be considered of good character you should have shown respect for the rights and freedoms of the United Kingdom and/or the British overseas territory concerned, observed its laws and fulfilled your duties and obligations as a resident of the United Kingdom or that territory (depending on where you are living). Checks will be carried out to ensure that the information you give is correct.

If you are not honest about the information you provide and you are registered on the basis of incorrect or fraudulent information you will be liable to have British overseas territories citizenship taken away (deprivation) and be prosecuted. It is a criminal offence to make a false declaration knowing that it is untrue.

Among the duties and obligations, which UK applicants are expected to fulfil, is payment of income tax and National Insurance contributions. We may ask H.M. Revenue & Customs for confirmation that your tax and National Insurance affairs are in order. When you sign the application form you will be giving your consent for us to approach them. You are also expected to meet any tax or other financial responsibilities in the British overseas territory concerned.

2.1-2.5 If you do not pay income tax through PAYE you must demonstrate that you have discharged your obligations towards the H.M. Revenue & Customs, by attaching your most recent Self Assessment Statement of Account.

2.6 You must give details of all civil proceedings which have resulted in a court order being made against you. If you have been declared bankrupt at any time you should give details of the bankruptcy proceedings. Your application is unlikely to succeed if you are an undischarged bankrupt.

You do not need to give details of family law proceedings such as divorce decrees, dissolved civil partnerships, guardianship orders, parental responsibility orders etc.

You must give details of all criminal convictions either within or outside the United Kingdom and the British overseas territories. These include road traffic offences, but not fixed penalty notices which have not been given in a court. Fixed penalty notices include parking and speeding offences. Drink driving offences must be declared.

You do not have to give details of any offences which are "spent" under the Rehabilitation of Offenders Act 1974. Under that Act certain convictions may be regarded as "spent" after certain periods of time from the date of conviction if you have not been convicted of other offences during that time. "Spent" means that it will be ignored. A leaflet about this called "Wiping the Slate Clean" is available from:

Home Office
Direct Communications Unit
2 Marsham Street
LONDON
SW1P 4DF

Criminal record checks will be carried out in all cases. If you have a conviction which is not yet "spent" under the Rehabilitation of Offenders Act 1974, an application for citizenship made now is unlikely to be successful. We would therefore advise you to wait until the end of the rehabilitation period before making an application.

We will normally disregard a single conviction for a **minor offence** resulting in a bind over, conditional discharge or relatively small fine or compensation order, if a person is suitable for citizenship in all other respects. By "minor offences" we mean speeding or other "regulatory" offences. Offences involving dishonesty (e.g. theft), violence or sexual offences are not classed as minor offences. Drink-driving offences, driving while uninsured or disqualified are not minor offences either.

The following table gives examples of sentences and rehabilitation periods. In calculating the spent period it is the prison sentence that counts, not the time served, and a suspended sentence counts as if it were a prison sentence.

If you have a conviction which is not spent, you are unlikely to be registered, as the Home Secretary/Governor would not be satisfied that you are of good character. An application would fail and the fee would not be fully refunded. Similarly if you have been charged with a criminal offence and are waiting trial or sentencing, you are advised not to make any application until the outcome is known. If you are convicted, you should then consult the table of sentences and rehabilitation periods.

2.7 You must say if your details have been recorded by the police as a result of certain sexual offences, or if you are subject to one of the following orders: notification order, sexual offences prevention order, foreign travel order, risk of sexual harm order (or any equivalent orders issued in a British overseas territory). If your details are recorded on the "sex offenders register", even if any conviction is spent, the Home Secretary/Governor is unlikely to be satisfied that you meet the good character requirement, and so an application for citizenship is unlikely to be successful.

HOW WILL A CONVICTION AFFECT YOUR APPLICATION?

Sentence	Rehabilitation Period
A sentence of imprisonment or corrective training for a term exceeding 30 months or preventive detention or detention during Her Majesty's pleasure or imprisonment or detention for public protection.	This will not become "spent"
* Imprisonment or youth custody for 6 months to 30 months	10 years
* Imprisonment or youth custody for 6 months	7 years
* Fine	5 years
Bind over, conditional discharge, community service order or supervision order	One year, or when the order ceases to have effect, whichever is the later
Absolute discharge	6 months
Driving disqualification	Once the disqualification has ceased

* all halved if the person is under 18 when convicted

WHAT IF YOU HAVEN'T BEEN CONVICTED BUT YOUR CHARACTER MAY BE IN DOUBT?

2.8 You must say if there is any offence for which you may go to court or which is awaiting hearing in court. This includes having been arrested for an offence and waiting to hear if you will be formally charged. If you have been arrested and not told that charges have been dropped, or that you will not have to appear in court, you may wish to confirm the position with the police. For applicants from Scotland any recent civil penalties must also be declared. You must tell us if you are arrested or charged with an offence after you make your application and while the application is under consideration. You risk prosecution under section 46 of the British Nationality Act 1981 if you do not do so.

2.9-2.12 You must say whether you have been involved in anything which might indicate that you are not of good character. You must give information about any of these activities no matter how long ago this was. Checks will be made in all cases and your application may fail and your fee will not be fully refunded if you make an untruthful declaration. If you are in any doubt about whether you have done something or it has been alleged that you have done something which might lead us to think that you are not of good character you should say so.

You must also say here whether you have had any involvement in terrorism. If you do not regard something as an act of terrorism but you know that others do or might, you should mention it. You must also say whether you have been involved in any crimes in the course of armed conflict, including crimes against humanity, war crimes or genocide. If you are in any doubt as to whether something should be mentioned, you should mention it.

For the purpose of answering questions 2.9 to 2.12 the following information provides guidance on actions which may constitute genocide, crimes against humanity and war crimes. This guidance is not exhaustive. Before you answer these questions you should consider the full definitions of war crimes, crimes against humanity and genocide which can be found in Schedule 8 of the International Criminal Court Act 2001 at the following website: www.opsi.gov.uk/acts/acts2001/20010017.htm. Alternatively, copies can be purchased from The Stationery Office, telephone 0870 600 5522.

It is your responsibility to satisfy yourself that you are familiar with the definitions and can answer the questions accurately.

Genocide

Acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group.

Crimes against humanity

Acts committed at any time (not just during armed conflict) as part of a widespread or systematic attack, directed against any civilian population with knowledge of the attack. This would include offences such as murder, torture, rape, severe deprivation of liberty in violation of fundamental rules of international law and enforced disappearance of persons.

War Crimes

Grave breaches of the Geneva Conventions committed during an armed conflict. The types of acts that may constitute a war crime include wilful killing, torture, extensive destruction of property not justified by military necessity, unlawful deportation, the intentional targeting of civilians and the taking of hostages.

SECTION 3: REFEREES AND IDENTITY

Your application must be endorsed by two referees and a recent passport size photograph stapled or clipped into the space provided. The photograph must show the whole of the front of your face in reasonable light. It should not show your face wholly or partly concealed by your hair (beards, sideburns and moustaches excepted) or by a scarf or traditional dress. It should not show you wearing dark glasses or a hat, hood, cap or scarf.

Each referee should have known you personally for at least 3 years.

One referee should be a person of any nationality who has professional standing, such as a doctor, a minister of religion, civil servant or a member of a professional body, e.g. accountant or solicitor (but not representing you with this application). A list of acceptable professional persons can be found on our website.

The other referee must normally be the holder of a British citizen passport and either a professional person or over the age of 25.

Each referee should be:

- not related to you
- not related to the other referee
- not your solicitor or agent representing you with this application
- not employed by the Home Office

We will not accept a referee who has been convicted of an imprisonable offence during the last 10 years and the sentence has not become spent under the Rehabilitation of Offenders Act 1974 - see page 9.

If you are living abroad and do not know a British citizen who is qualified to act as one of your referees, a Commonwealth citizen or citizen of the country or territory in which you are residing may complete and sign the form, provided he/she has professional standing in that country, has known you for three years and the Consul considers his/her signature to be acceptable.

Checks may be carried out to ensure that the referees do not have unspent convictions (see page 9) and are qualified to act for you and that their signatures are genuine. It is a criminal offence to provide false information knowingly or recklessly, punishable with up to 3 months imprisonment or by a fine not exceeding £5,000 or both under section 46(1) of the British Nationality Act 1981.

Once you have two referees and they have completed Section 3 you should recheck the information you have provided and go to Section 4.

SECTION 4: DECLARATION BY APPLICANT

Read this section carefully before inserting your name clearly in box 4.1 and ticking each box at 4.2 - 4.6 to confirm the points raised.

If you meet the requirements described in this guide please sign and date the form in box 4.7. You are advised to read this guide carefully to ensure that you do satisfy all the requirements.

You must normally sign the form yourself. If you cannot sign the form you must make a mark or a fingerprint and ask one of your referees to sign saying that it is your mark or fingerprint. If the applicant is not of sound mind and you are acting on his or her behalf you should sign to indicate your responsibility for the accuracy and completeness of the information provided. You must support this by explaining, in a covering letter, who you are and why the applicant cannot act on their own behalf. Confirmation from the applicant's medical practitioner or consultant should also be provided.

If the declaration in section 4 of the form is not completed, the application will be invalid.

3

What you should send in with the form

PLEASE NOTE: It is our policy to return valuable documents by secure post. If you wish your documents to be returned by other postal service or courier you will need to supply a pre-paid delivery envelope ensuring that the full postage stamps or fees are included.

This section tells you the sort of documents you will need to send to us to consider your application. We cannot consider your application unless we have supporting documents. **If you do not submit your application with supporting documents and the correct fee then the application will be returned to you unprocessed.**

With your application you should also send:

- your copy of your Declaration of Renunciation (ie form RN2, RN or R6).

Evidence of your present citizenship or nationality

- your passport or certificate of naturalisation or registration.

If you renounced citizenship of the United Kingdom and Colonies - evidence of your connection with a British overseas territory (see section 1 of this guide)

- the birth, naturalisation or registration certificate of the person through whom you have the connection
- evidence of your relationship to him or her e.g. birth, marriage or civil partnership certificates.

Evidence that if you had not made a declaration of renunciation you would have lost or failed to acquire the citizenship or nationality of another country.

(This applies if you renounced British overseas territories citizenship or British Dependent Territories citizenship for another citizenship, or if you renounced citizenship of the United Kingdom and Colonies for the citizenship of a Commonwealth country)

- A letter or statement confirming this from the authorities of the country concerned.
- If you renounced citizenship of the United Kingdom and Colonies because you believed you would be deprived of your citizenship of a Commonwealth country unless you did so, please include with your application form a separate piece of paper explaining why you believed this. If you have any documentary evidence, such as a letter, please send it.

4 Where to send your application form

Once you have completed and signed the application form and enclosed the documents, you must arrange to pay the correct fee. If you are paying by debit/credit card you should complete the payment slip attached to the fee leaflet.

If you are paying by cheque you should ensure that funds are available in your account. You can also pay by Transcash. Cash/Postal Orders are not accepted.

If your fee is paid through an account which belongs to someone else, please give their details in the space provided on the payment slip attached to the fee leaflet in case it is necessary to refund all or part of the fee.

If you are in England, Wales, Scotland or Northern Ireland, send the form with the fee and supporting documents to:

UK Border Agency
Department 1
PO BOX 306
Liverpool
L2 0QN

If you are in the Channel Islands or the Isle of Man, you should send them to the Lieutenant-Governor.

If you are in a British overseas territory, you should send them to the Governor.

If you are elsewhere, you should send them to the nearest British Consulate, Embassy or High Commission.

You must submit your application as explained above. You should not send an application direct to the Home Office from outside the UK even if you normally live there. The date of application will be the date it is **received** by the Home Office or the local British government representative as shown above. It is not the date on which you send it. Therefore, it is **not** advisable to send in your application if you are about to leave the country as it might not be received until after your departure and it will be invalid.

5 What happens next?

Your application will be referred to the Governor of the British overseas territory with which you are connected. He will be in touch with you about the final decision.

It is important that you take care in completing the form and in making sure that you satisfy the requirements for registration. You also need to make sure that you have paid the correct fee (see the fees leaflet). If you pay by cheque you should ensure that you have sufficient funds available, otherwise you should consider paying by Transcash. We will also accept credit/debit card payment. **If you do not pay the correct fee your application will be invalid and returned to you unprocessed.**

Your application will be checked against the documents you have sent in and a number of enquiries will be made. The documents may be checked to ensure their authenticity. If you need to provide more documents, the Governor will write and ask you for them

If you provide forged or fraudulently obtained documents you may be investigated with a view to possible prosecution.

CITIZENSHIP OATH AND PLEDGE

If your application is successful, you will be asked to take an oath of allegiance and citizenship pledge. Full instructions on taking the oath and pledge will be sent to you.

DEPRIVATION OF CITIZENSHIP

You may be deprived of British overseas territories citizenship if it is found to have been obtained by fraud, false representation or the concealment of any material fact. The Home Secretary/Governor may also deprive you of British overseas territories citizenship if, in his opinion, it would be in the public interest for him to do so and you would not thereby be made stateless.

Ministers suggested during the passage of the Immigration, Asylum and Nationality Act 2006 that deprivation may be appropriate where the person-

- has encouraged or assisted others to commit acts of terrorism;
- has committed war crimes, public order offences or other serious crime; or
- has carried out acts seriously prejudicial to vital national interests, including espionage and acts of terrorism directed at the United Kingdom or an allied power.

A registration may, as a matter of law, be ineffective from the outset if it is obtained by means of impersonation.

WHAT WE EXPECT FROM YOU

While the application is under consideration, you should tell the Governor of the territory with which you are connected about anything which alters the information you have given us. This will include changes of marital or civil partnership status or home address or agents acting on your behalf. It also includes police investigation or anything that may result in charges or indictment.

AND FINALLY

We hope that this guide has helped you to prepare and successfully apply for British overseas territories citizenship. If you have found it useful and our staff helpful, or if you have found our service unsatisfactory or do not understand the outcome, why not tell us? You should email us in the first instance to:

nationalityenquiries@ind.homeoffice.gsi.gov.uk

If you remain unhappy with the service provided, you may wish to complain by writing to:

UK Border Agency
Change and Reform Directorate
Briefing and Complaints Section
11th Floor, West Wing
Block C
Whitgift Centre
Wellesley Road
Croydon
CR9 1AT

