

**CHAPTER 7
SECTION 2****BRITISH OVERSEAS CITIZENS (BOCs), ETC**

Section 12 of the Nationality, Immigration and Asylum Act 2002, which came into effect on 30 April 2003, makes provision for certain British Overseas citizens, British Subjects and British Protected Persons to register as British citizens. To qualify, they must have no other citizenship or nationality and must not have renounced, voluntarily relinquished or lost through action or inaction any other citizenship or nationality after 4 July 2002.

Applications forms can be obtained from the Nationality Directorate application form line on 0151 237 5498 or from British Diplomatic Posts overseas. Applications forms can also be downloaded from the IND website <http://www.ind.homeoffice.gov.uk>

The Act does not give British Overseas citizens, British Subjects or British Protected Persons the right of abode in the United Kingdom. Those who do not apply to register as British citizens, who are awaiting the outcome of applications for registration as British citizens or who have been refused registration as British citizens will remain subject to immigration control and to any restriction endorsed in their passport. Similarly, BOCs, BSs and BPPs living overseas who have not registered and who wish to come to the United Kingdom must qualify under a specific immigration rule.

Caseworkers should not grant leave to remain on the basis that BOCs, BSs and BPPs may be entitled to register for British Citizenship.

Applications for indefinite leave to remain from BOCs, BSs and BPPs who do not qualify under the Rules but who claim they are unable to return to their previous country of residence should normally be refused. Applicants should be advised that they may be eligible to register as a British citizen under the NIA Act. A paragraph for inclusion in the refusal letter can be found at annex C

Where there is compelling evidence of non-returnability, the granting of discretionary leave may be considered. More detailed information on how to handle applications outside the Rules from BOCs, BSs and BPPs and the limbo policy is contained in **Chapter 22 Section 2**.

Under no circumstances should you place a refusal stamp in any British passport.