

Changes to the law on British citizenship

06 January 2010



Changes to British Nationality law, which were introduced by the Borders, Citizenship and Immigration Act 2009, will come into force on 13 January 2010.

The requirements for naturalisation as a British citizen are not changing at this time. The 'earned citizenship' provisions will not commence until July 2011. The following changes to the requirements for registration take place on 13 January. If you qualify under the new provisions, but do not currently meet the requirements for registration, you should make sure that your application does not reach us until after 13 January.

1. Children born overseas to parents in the armed forces

A child born outside the United Kingdom after 13 January can register as a British citizen if:

- he or she was born to a Foreign and Commonwealth member of the United Kingdom armed forces; and
- that parent was serving outside the United Kingdom at the time of birth; and both parents consent to the registration.

More information about registration under section 4D can be found in [Guide MN1](#).

2. Children born outside the United Kingdom to British citizens by descent

After 13 January 2010 children of British citizens by descent can be registered under section 3(2) of the British Nationality Act 1981 if an application is made at any time before the child's 18th birthday. More information about registration under section 3(2) can be found in [Guide MN1](#).

3. British Nationals (Overseas) with no other citizenship or nationality

British Nationals (Overseas) can be registered under section 4B of the British Nationality Act 1981 if they do not hold any other citizenship or nationality. A BN(O) will not qualify under this section if he or she has done anything after 19 March 2009 that resulted in the loss of another nationality. More information about registration under section 4B can be found in [Guide B\(OS\)](#)

4. Children of British mothers

After 13 January 2010 a person who has a British mother will have a right to register as a British citizen under section 4C of the British Nationality Act 1981 if he or she would have become a British citizen at birth had women been able to pass on citizenship in the same way as men. (Before 13 January 2010 this only applied to those born after 7 February 1961). Further information about registration under section 4C can be found in [Guide UKM](#)

In addition, the law has changed so that a person born in the United Kingdom after 13 January 2010 to a parent in the armed forces will be a British citizen automatically. Children born in the UK before that date to a parent in the armed forces will be a British citizen, but this change in the law puts the matter beyond doubt. For more information visit:

<http://www.bia.homeoffice.gov.uk/sitecontent/newsarticles/2010/January/03-changes-law-citizenship>