

UK NATURALISATION OPPORTUNITIES FOR COMMONWEALTH SOLDIERS

QUESTIONS & ANSWERS

What are the benefits of British Citizenship?

Acquiring British citizenship is a significant life event and not a decision to be taken lightly. It brings with it both opportunities and obligations to play a fuller part in British life. In return, citizens normally have the ability to vote in UK national elections and elections to the European Parliament and are eligible for UK passports. British citizens are eligible for a range of state support both at home and abroad. Citizenship also enables individuals to take advantage of the benefits of being European Union (EU) citizens, such as ease of travel and gaining employment in other EU countries. More information can be found in the Home Office Publication 'Life in UK - A Journey to British Citizenship', copies of which should be available through Army Libraries or can be purchased from the Stationery Office website at www.tso.co.uk.

What are the eligibility criteria for British citizenship?

Individuals applying must:

- be aged 18 or over
- be of sound mind
- be of good character
- have sufficient knowledge of English, Welsh or Scottish Gaelic
- have sufficient knowledge about life in the United Kingdom
- intend to have his or her home (or main home if there is more than one) in the United Kingdom. The person applying may, however, live abroad if he or she plans to go into or continue in Crown Service working directly for the Government of the United Kingdom. There is no requirement about future intentions where the applicant is married to or the civil partner of a British citizen
- meet the residential requirements - normally five (or three if married or in a civil partnership to or with a British citizen) years' lawful residence in the UK immediately prior to the date of the application, although periods of absence attributable to service in the UK Armed Forces may now be waived
- was not at any time in that five-year period, in the United Kingdom in breach of the immigration laws

Is this retrospective?

Yes, in that Armed Forces-related absence from the UK before this announcement will be counted as UK residence when considering post-announcement applications for naturalisation.

Is my spouse/civil partner/child(ren) also able to apply for citizenship?

Yes, once the serving soldier has successfully gained citizenship, dependants will generally be able to obtain 'Indefinite Leave to Remain' (ILR) in the UK 2 years later. Once they have obtained ILR, they too may apply for naturalisation providing they have by that stage been resident in the UK for at least 3 years, although periods of absence related to Service life should be treated in the same way as for serving personnel.

Minor children (under 18) cannot be included in certificates of naturalisation that are granted to their parents. However, they may be considered for registration as British citizens. A person applying for naturalisation should include the names and details of all his or her minor children who are not British citizens and whom he or she wants to have registered. This normally requires permission from both parents.

Why will it take longer for dependants to obtain indefinite leave and then citizenship?

This is because the changes at present only apply to serving soldiers. The MOD and the Home Office are together reviewing the rules for dependants and the results of that review will be communicated at a later date.

Will I automatically be granted citizenship?

No. Even if all the statutory criteria are satisfied, the grant of a certificate of naturalisation is ultimately at the discretion of the Home Secretary.

Where can I get the application forms and advice from?

All application forms are accompanied by a 'guide for applicants', which contains full information about naturalisation and how to make an application. They are available on the Immigration and Nationality Directorate website <http://www.ind.homeoffice.gov.uk/>. Advice can be obtained from the Nationality Helpline on telephone number 0845 010 5200. Lines are open from 09.00 am until 21.00 pm Monday to Friday UK local time. In addition, detailed information about the knowledge of life in the United Kingdom requirement is available at <http://www.lifeintheuktest.gov.uk/> or by calling the UK test help line on 0800 015 4245.

What does it cost?

You have to pay a fee when you apply and must send it with your application. Fees are set by the Home Office and as at 22 Nov 06 are:

- Naturalisation - £268 (includes ceremony fee)
- Naturalisation Joint - £336 (includes two separate ceremony fees)
- Minor Registration(s) - £200 (Single/Multiple Applications)

What support can a unit give to an applicant?

Applications are a personal matter between the individual and the Home Office, however units should:

- Explain the outline of the new policy
- Signpost individuals to the Home Office Immigration and Nationality Directorate website
- Be prepared to provide the individual with a letter to support his or her application confirming, for instance, length of service and that time out of the UK, where appropriate, is or was attributable to Armed Forces employment
- In some cases unit staff may be asked by the individual to act as referees. Guidance on eligible personnel is on page 27 of the applicant's guide

Do I have to apply for Indefinite Leave to Remain (ILR) as a stepping stone to obtaining citizenship?

Previous to the change yes, but only after discharge. From now on, under the new rules, you can apply to naturalise whilst still serving without the need to obtain ILR first. If however you wish to apply for naturalisation *after* discharge, the old rules will apply and you will still need to obtain ILR first. Spouses and civil partners of Service personnel will in all cases first need to obtain ILR if applying for naturalisation from within the UK.

How long will the application process take?

The Home Office will send an acknowledgement when they receive your application. Enquiries are made into every application and the police or another representative may interview you. The time it takes to deal with an application varies according to individual circumstances but currently applications including checks and where necessary interviews are taking between 4 and 5 months.

The Home Office criteria state that I must have been in the UK at the date immediately 5 years prior to applying. Will this be waived if I was absent for Service reasons?

No. The applicant must, at minimum, have been in the UK on the first day of the 5 year (3 year where married to, or the civil partner of, a British citizen) period ending on the date of the application. There is no discretion to waive this minimum requirement. In reality, this is unlikely to be an issue since the start of the 5 year qualifying period for most will coincide with the beginning of military Service, which will be during training in the UK.

I am stationed overseas. To whom do I apply for naturalisation and will I be able to take the citizenship test without having to travel to UK?

The office authorised to receive the application is dependent on the location of the applicant at the time of application.

- If the applicant is in the UK, the application must be made directly to the Home Office.
- If the applicant is in the Channel Islands or the Isle of Man, the application should be made to the relevant Lieutenant-Governor.
- If the applicant is in a British Overseas Territory (Bermuda, the Falkland Islands, Gibraltar etc), the application should be made to the relevant Governor.
- If the applicant is in an independent Commonwealth country (Australia, India, Kenya etc), the application should be made to the British High Commission in that country.
- If the application is elsewhere (such as Germany), the application should be made to the relevant British Embassy or Consulate in that country.

Applicants who are outside the UK are encouraged, where possible, to visit the UK in order to take the test of knowledge of life in the UK. Where this is not possible, a similar test may be administered by an official at the relevant British Embassy, Consulate or High Commission. Advice about this should be sought from the relevant Embassy, Consulate or High Commission.

What dual nationality considerations should I think about?

There are a number of issues and you are strongly advised to take appropriate advice. In general, there is no restriction in UK law on a citizen of another country being a British national as well. So you may not have to give up any other nationality when you become British. However, some other countries will not let you have dual nationality (two nationalities). So if you get British nationality, and are also a national of a country which does not allow dual nationality, the authorities of that country may either regard you as

having lost that nationality or may refuse to recognise your new nationality. The Embassy, Consulate or High Commission of the country whose nationality you also hold will be able to tell you whether that country allows dual nationality.

Under international law, a State may not give diplomatic protection to one of its nationals in a country whose citizenship that person also holds. For example, if you are British and have another nationality, for example, South African, and are visiting South Africa, the British representative in South Africa cannot give you diplomatic help. Under the nationality laws of some countries, a married person automatically has his or her partner's nationality and children have a parent's nationality wherever they were born. So, if your wife, husband, civil partner or child is visiting the country of your nationality, this advice may apply to them also. Although being a citizen of more than one country can be helpful as it affords two or more passports, it is prudent to realise that each citizenship carries responsibilities. For instance, it may impact on liability to military service, travel and property ownership and inheritance rights and have tax implications. All of these issues **MUST** be carefully considered.

What impact will acquiring UK nationality have on my Terms of Service?

Normally a naturalised British citizen has the same Terms of Service as a UK citizen by birth. There may however be restrictions on employment in certain cap badges or career employment groups for those who are dual nationals. Each case will be treated on its merits and individuals should seek unit career management and or vetting advice in the first instance.

What impact will acquiring British nationality have on my Conditions of Service(CoS)?

Acquiring British nationality (which is regulated by the Home Office and is not an Army Condition of Service) implies having a main home and being settled in the UK. So, although Commonwealth soldiers serve on the same CoS as their UK counterparts, the additional eligibility they have to Domiciled Collective Leave (DOMCOL) and the proposed Get You Home (Early Years) (Overseas Assistance) allowances cease upon acquiring UK nationality.

Does this apply to the Territorial Army?

No, this only applies to Commonwealth soldiers serving in the Regular Army.

Do I automatically get a British passport?

No. Once you have been granted citizenship if you want a UK passport you must apply for it separately. More information can be found on the UK Passport Office website at http://www.passport.gov.uk/passport_index.asp. If your passport is required for Service reasons then it may be possible to recover the cost from public funds in accordance with JSP 764. Seek further guidance from your unit pay and administration staff.

Once granted, can UK citizenship be taken away?

Yes. The Home Secretary may by order under Section 40 of the British Nationality Act 1981 withdraw a person's British citizenship either on the basis that it was obtained by fraud, false representation or the concealment of relevant information or on the basis that it would, for other reasons, be in the public interest to do so and the person would not, as a consequence of this, be left stateless.

British citizenship, once acquired, may in some cases be given up voluntarily by making a declaration of renunciation under Section 12 of the 1981 Act. Further advice about this may be obtained from the Immigration and Nationality Directorate website or by calling the Nationality Helpline.