

**EXPLANATORY MEMORANDUM TO**  
**THE BRITISH NATIONALITY (GENERAL) (AMENDMENT) REGULATIONS 2012**  
**2012 No. 1588**

1. This explanatory memorandum has been prepared by the Nationality Operational Policy team within the UK Border Agency and is laid before Parliament by Command of Her Majesty.

**2. Purpose of the Instrument**

2.1 This instrument amends the British Nationality (General) Regulations 2003 (“the 2003 Regulations”) to enable applications for British nationality or for renunciation of British nationality made overseas to be received directly by UKBA rather than via the Foreign and Commonwealth Office (with the exception of applications made in Hong Kong).

**3. Matters of special interest to the Joint Committee on Statutory Instruments *or* the Select Committee on Statutory Instruments**

3.1 None

**4. Legislative Context**

4.1 The 2003 Regulations set out the procedure to be followed for applications for registration as a British citizen, British Overseas citizen or British subject or for a certificate of naturalisation as a British citizen. The 2003 Regulations also set out the procedure for renouncing British nationality.

4.2 Under the 2003 Regulations applicants outside the UK and Islands and the British Overseas Territories must submit applications for registration, naturalisation or renunciation to the Foreign and Commonwealth Office (via a High Commissioner in the case of Commonwealth countries).

4.3 These Regulations amend the 2003 Regulations so that from now on all applications made outside of the UK and Islands and the British Overseas Territories, except those made in Hong Kong, will be made to the Home Secretary via the United Kingdom Border Agency instead of to the Foreign and Commonwealth Office.

4.4 The changes made by these Regulations shall take effect on 16th July 2012.

**5. Territorial Extent and Application**

5.1 This instrument applies to the United Kingdom, the Islands and the British Overseas Territories.

## **6. European Convention on Human Rights**

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

- *What is being done and why*

7.1 Approximately 6,000 applications for registration or naturalisation as a British citizen and declarations of renunciation of British citizenship are made annually via the Foreign and Commonwealth Office from overseas. This arrangement enables applicants to submit their application in person, before it is then forwarded to the UK Border Agency. Under the amendments to regulations 4(1)(d), 4(1)(e), 9(d) and 9(e) of the British Nationality (General) Regulations 2003, these applications (excluding applications made in Hong Kong) must be made to the Home Office rather than consular officers or other representatives of the Foreign and Commonwealth Office.

7.2 The reason behind the change to the Regulations is to enable the Foreign and Commonwealth Office to rationalize their resources and so concentrate on their consular services around the world. It also enables direct control of applications by UKBA as the key representative on immigration matters for the Secretary of State for the Home Department.

7.3 The change in the receiving authority will not affect nationality applications from Hong Kong, which will continue to be dealt with by the Foreign and Commonwealth Office. This is because the Foreign and Commonwealth Office provides a service on behalf of the Secretary of State for the Home Department which includes verification of some types of documents connected to the acquisition of Chinese nationality.

7.4 The amendments are supported by the Foreign and Commonwealth Office and are unlikely to lead to high-profile press or media attention.

## **8. Consultation outcome**

8.1 The Foreign and Commonwealth Office was consulted in respect of these amendments, but given the changes were restricted to application processes and the negligible impact these would have on the public, no public consultation was carried out.

## **9. Guidance**

9.1 Guidance will be made available publicly on the UK Border Agency website to explain in further detail the operation of this change to the 2003 Regulations.

## **10. Impact**

10.1 There is no impact on business, charities or voluntary bodies.

10.2 There is no impact on the public sector.

10.3 An Impact Assessment has not been prepared for this Instrument

**11. Regulating small business**

11.1 The legislation does not apply to small business.

**12. Monitoring & review**

12.1 The outcome will be monitored internally by the UK Border Agency.

**13. Contact**

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