Claims to British Nationality
Our Presentation

• Introduction
• Claims to British Nationality
• Further Research
• Q&A
Our Business
Internationalising yourself, your wealth and your business

**Forex**
Transfer of one currency into another

**Wealth**
Safe-keeping and managing your wealth in the UK

**Accounting & Tax**
UK company formation, accounting and tax returns

**Immigration**
Immigration and family visas to the UK and Australia

**Citizenship**
British, Irish and Portuguese citizenship applications
Citizenship and Immigration Seminars

Johannesburg: Mon, Tues & Wed

Cape Town: Thurs, Fri & Sat

✓ Claims to British Nationality
✓ Children under 18
✓ Relocation to the UK and Australia
✓ Citizenship by Investment
Can I claim British Nationality?

We’ll use three classifications:

- No
- Not sure
- Yes
Alert!

✓ Time to concentrate
✓ This might be you!
Here is an interesting consequence in British Nationality law!
What you will learn today

✓ Whether you are British

OR

✓ How to get the answer
Complexity in British Nationality Law

Fixing gender discrimination in the past: Defining who the father is:

The father is the married partner of the birth mother

- **Australian**
  - Born in UK
  - 55 years old
- **Philippine-Born**
  - 25 years old
- **Indian-Born**
  - Former Husband

- **2 young Children**
  - Born in Thailand
127 territories where birth can lead to British Nationality

These include ...

- Transvaal
- Nyasaland
- Northern Rhodesia
- (Southern) Rhodesia
- Bechuanaland
- South West Africa
- South Africa
- Tanganyika
- Kenya
- Uganda
- St Helena
- Seychelles
- Mauritius
- India
Can I claim British Nationality?

Circumstances where you have **DEFINITE** claim to British Nationality:

- Born in UK before 1 Jan 1983
- Parent (mother or father*) born in UK before 1 Jan 1983
- Parent naturalised in UK before your birth
- Residency and naturalisation in UK

* Married at time of birth
Can I claim British Nationality?

Circumstances where you have a REMOTE claim to British Nationality:

× 3\textsuperscript{rd} generation country of birth and nationality (you, parents & grandparents)

✓ You or your mother were \textit{Previously Married}
✓ You or parent were \textit{Adopted}
✓ You or parent worked in \textit{Federal Rhodesia}
Can I claim British Nationality?

Circumstances where you have a **POSSIBLE** claim to British Nationality:

- ✓ Your country of birth is different to that of either parent or any grandparent
- ✓ UK-born Grandparent
- ✓ British parent / grandparent
- ✓ You (or a parent) were born in a former British territory
Introducing Philip Gamble

- Former Home Office Executive
- Senior Partner of Nationality and Immigration at Sable International
- 25 years of British Nationality law experience
- Widely regarded as world-leading authority on British Nationality
Applicant
Born before 1983

Father
Born in Northern Rhodesia

Paternal Grandparent
Born in Swaziland

Paternal Great Grandparent
Born in Hong Kong

How do we deal with complexity?
Undertake a Status Trace
This person qualifies for British Nationality!
Born in the UK

Born before 1 Jan 1983  Qualifies for British Nationality

Born after 1 Jan 1983  Qualifies for British Nationality only if:

✓ parent held British Nationality
✓ parent was “Settled” in UK
✓ under 18 and parent later became “Settled” in UK
✓ born “Stateless”; OR
✓ resident in UK for first 10 years

✓ Can pass British Nationality to children
Citizenship through UK Residence

• Naturalisation after holding Indefinite Leave to Remain (ILR)
  ✓ 5 years Residence
  ✓ 3 years Residence if married to British Citizen

• UK English & Culture Test required
• Absences from UK limited to 90 days per annum

✓ British Nationality after Naturalisation in UK
✓ Can pass British Nationality to children
Passing British Nationality to a child

**Grandparent**
Born in UK

**Parent**
Born outside UK

**Grandchild**
Born outside UK

- **Grandparent is British BY BIRTH**
- **Parent is British BY DESCENT**
- **Grandchild is not normally British**
- **Grandchild could be British by DOUBLE DESCENT**
Born outside of UK to British Parent

Not enough to know that parent was “British”

Must determine HOW they acquired that status and whether they can pass it on

British otherwise than by Descent

✔️ Passes Nationality from parent

British by Descent

❌ Does NOT pass Nationality from parent

But lots of exceptions!
Alert!

✓ Mother born in UK; or
✓ Grandmother born in UK, and parent born before 1 Jan 1983
Parent Born in UK
British by Descent

Born after 1 Jan 1983
  Automatic Nationality from either parent
   (mother or father*)

Born before 1 Jan 1983
  Automatic Nationality from father*
  Applications for Nationality from mother

✓ Those registered between 7 Feb 1979 and 1 Jan 1983
   can pass British Nationality to children

* Must have been legally married to mother
Grandfather
Born outside of UK

Grandmother
Born in UK

Parent
Born between 7 Feb 1961 and 31 Dec 1982
Registered as British between 7 Feb 1979 and 31 Dec 1982

Grandchildren

✓ Children to born this parent have a claim to British nationality
Marriage to British Citizen

- Women married before 1949
  - British Nationality
- Women married between 1949 and 1983
  - Right of Abode
- Currently married
  - Spousal Visa
Alert!

✓ UK-born Paternal Grandfather (i.e. father’s father)

✓ You were born after 1948

✓ Parents married before 1949
Grandfather
Born in UK

Father

Mother

Married Before 1949

Alert!

✓ Your mother acquired British Nationality
✓ British Nationality could be passed down to children

Applicant
Born after 1948
Alert!

✓ Your mother was previously married
Applicant
Born after 1948

Father
Born in UK

Previous Husband

Father

Second Marriage

Marriage before 1949

Mother

Alert!

✓ British Nationality passes to children of second marriage!
Alert!

✓ Woman married before 1983
Father  
Born in UK

Husband  
Married 1949 to 1983

Wife

- Woman must be Commonwealth citizen on 1 Jan 1983
- Woman acquires Right of Abode
- Next best thing to a British Passport
British Nationality from UK-born Grandfather*

- Crown Service
- Former British Territories
- Exceptions

* UK-born Grandmother under review
Alert!

✓ Grandfather* or parent worked in Crown Service

* Under review (could be Grandmother)
Crown Service

Crown Service is meant as work in:

- War Service
- British Military
- Overseas Civil Service
- Colonial Service
- Diplomatic Service
- Police and Defence Force
- Public Utilities (power, water, telecoms, mail)
- Railways

Born before 1 Jan 1983

- UK-born Grandfather with parent in Crown Service at time of your birth

Born after 1 Jan 1983

- UK-born Grandfather was in Crown Service at time of your parent’s birth
Alert!

✓ You (or a parent) born in former British Territory
You or Parent born in former British Territory

- British Protectorate
- British Protected State
- UK Trust Territory
- UK Mandated Territory
- Post 1949 British Colony
- Foreign country where British exercised Extra-Territorial Jurisdiction (ETJ) over British Subjects

- UK-born Grandfather (sometimes Grandmother) gives British Nationality
Grandfather*  
Born in UK

Parent  
Born in British Territory

Parent  
Applicant  
Born in British Territory

✓ British Nationality depends on Dates and Places of Birth of parent and applicant

* Under review – could be Grandmother
Alert!

✓ Grandfather* born in UK

✓ You born in South Africa between 31 May 1962 and 1 Jan 1983

Test Case: awaiting Home Office decision

* Under review (could be grandmother)
Applicant
Born in South Africa
Between 31 May 1962 and 1983

Parent
Born in South Africa
After 31 May 1962

Grandfather*
Born in UK

* Under review (could be grandmother)

✓ Based on “Foreign Country” status of South Africa with ETJ

Test Case: awaiting Home Office decision
Alert!

✓ Family link to:

• Rhodesia
• Northern Rhodesia
• Transvaal
Federation of Rhodesia & Nyasaland

✓ You (or parent) born outside Federal Rhodesia (now Zambia, Malawi and Zimbabwe)

✓ Moved to Federation between 1950 and 1963

✓ To work, had to be Registered as “Federal Citizen” if not born there.

✓ Upon dissolution, those registered became British if they didn’t become Rhodesian citizens

✓ You (or your parent) became British Citizen on 1 Jan 1983 provided that you did NOT get citizenship of Southern Rhodesia

✓ British Nationality passes to children
Applicant
Born in Northern Rhodesia or Nyasaland
After 1948

Parent
Born in Northern Rhodesia or Nyasaland

Grandfather*
Born in UK

Parent
Born in Northern Rhodesia or Nyasaland

Applicant
Born in Northern Rhodesia or Nyasaland
After 1948

✓ British Nationality based on Northern Rhodesia
   and Nyasaland being a British Protectorate

* Under review (could be Grandmother)
Grandfather*
Born in UK

Father
Born in Transvaal
Before 1900

Applicant
Born between 1948 and 1983

 ✓ British Nationality based on Transvaal
    being a British Protectorate

* Under review (could be Grandmother)
Grandfather*
Born in UK

Parent
Born in Rhodesia
Before 23 Sep 1923

Alert!

Applicant
Born between 1948 and 1983

✓ British Nationality based on ETJ with Southern Rhodesia

* Under review (could be grandmother)
Grandfather*  
Born in UK  

Parent  

Applicant  
Born in Rhodesia  
Between 2 Mar 1970 and 18 Apr 1980  

Test Case: awaiting Home Office decision  

Alert!  

- British Nationality based on definition of “Rhodesia” and “Southern Rhodesia”  
* Under review (could be grandmother)
Alert!

✓ Parent or Grandparent born in Ireland or Northern Ireland
Irish Nationality

- Parent or grandparent born* in:
  - Republic of Ireland, or
  - Northern Ireland

✓ Application for Irish Nationality

✓ Registration of your foreign birth BEFORE birth of children conveys Irish Nationality to children

* Does not apply in cases of adoption
Adoption

Adoption In UK
✓ Nationality follows adopted parents

Adoption Outside UK
✓ Nationality follows natural (biological) parents
✓ Exceptions can apply

UK Immigration
✓ Visa rights as a minor flow from adopted parents
✓ Ancestry Visa from adoptive grandparent
Exceptions and Anomalies

- **Included** in parent’s British Passport
- **You (or parent) was** Previously British
- **Your (or parent’s) birth was** Registered
- **Abandoned** or **Refused** nationality claims
- **Illegitimacy** (laws changed in 2016)
6 Forms of British Nationality

- British Citizen
- British National Overseas (BNO) – Hong Kong
- British Overseas Territories Citizen (BOTC) – Island Territories
- British Protected Person (BPP) – Protectorates & Protected States
- British Overseas Citizen (BOC) – Former Colonies
- British Subject – India & Ireland

✓ These can be upgraded to full British Citizenship in some circumstances
Proving your Claim

“Balance of Probabilities”, not “Beyond Reasonable Doubt”

✓ Circumstantial evidence is accepted
  Old Photographs and Letters, last Will & Testament, Baptism Documents, old Passports, signed Affidavits, etc.

✓ Home Office approval required first

Lost Documents

✓ Sable International can assist with locating documents in:
  • UK
  • Ireland
  • South Africa
  • Zimbabwe
Submitting your Application

Four key requirements

• Addressed to correct authority
• Signed by applicant as being correct
• Application fee
• Evidence to prove claim

Nationality Application form

• One form covers all Nationality applications
• All complex claims will require explanations, including:
  ✓ Copies of relevant Nationality Law
  ✓ Detailed reasoning as to how nationality is gained
Summary

If your FAMILY TREE has ANY differences in places of birth...

... it MIGHT BE POSSIBLE to claim British Nationality!
I’m still not sure!

• Do your own research ...

• Call the British Embassy ...

• Ask an expert ...
Philip Gamble’s 4 Step Process

✓ Designed to avoid fees for rejected applications
✓ Steps 1 - 3 are FREE (4th step has costs)
STEP 1  What Claim Do You Have?

- Born in UK before 1 Jan 1983
- Parent (mother or father) born in UK before 1 Jan 1983
- Naturalisation through UK residency
- Born in UK before 1 Jan 1983
- Married Parent (mother or father) born in UK before 1 Jan 1983
- Resident in the UK for qualifying period
- Child under 18 of a parent who is
  - British Citizen, and
  - Spent 3 years in the UK

*Except if:*
- You (or a parent) were adopted
- Your mother was previously married
- You or parent worked in Rhodesia

Standard

Non Standard

No Claim

British Nationality Application

Step 2

UK Visa Other Nationality
STEP 2

Complete our FREE Online Assessment

1 or more Non-Standard Solutions

Step 3

No Solutions

UK Visa Other Nationality
STEP 3
Philip Gamble reviews your Family Tree

BRITISH PASSPORT REVIEW

Definite
> 95%

Likely
(75% – 95%)

Possible
(10% - 75%)

Unlikely
(5% - 10%)

Remote
< 5%
STEP 4
Philip Gamble gives a Yes/No answer

Research your claim
STATUS TRACE

- British Nationality
- No Claim UK Visa
- No Claim
Status Trace
What & why?

✓ Research and Report by Nationality Specialist

✓ ONLY way to accurately answer the question “Am I British?” if claim is Non-Standard

✓ Positive Status Trace is necessary step before non-standard application for British Nationality

✓ Status Trace used to justify and explain to Home Office how you qualify

3 months to Oct 2016*:
✓ 243 Status Traces written
✓ 53% Success Rate

* Accurate as of October 2016
Standard Route to British Nationality

- Born in UK before 1983
- Married Parent born in UK pre 1983
- Naturalisation through UK residency

Direct Application for Nationality

Sable International acts on your behalf

Fees apply
Non-Standard Route to British Nationality

All other situations have complexity, and classified as:

- Likely
- Possible
- Unlikely

Status Trace = £350
Fast Track (48 hours) = £650
What are your next steps?

- FREE online Nationality Assessment
- FREE British Passport Review
- Status Trace (if Likely or Complex)
- Email or call our team of specialists to start the Status Trace process
citizenship@sableinternational.com

Cape Town: 27 (0)21 657 2180
London: 44 (0) 20 7759 7581
www.sableinternational.com

✓ Slide Show on our website and can be emailed to you (for FREE!)
A FINAL WORD of advice....

If you want good tax advice, DON’T ask the tax man...

If you want good nationality advice, DON’T ask your Embassy!
We hope you enjoyed our presentation 😊
Philip Gamble reviews your Family Tree

Definite > 95%

Remote < 5%

Likely (75% – 95%)

Possible (10% - 75%)

Unlikely (5% - 10%)