

Immigration and Refugee Board of Canada

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Responses to Information Requests

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Hong Kong/Pakistan/United Kingdom: Whether a Hong Kong-born person holding a British National (Overseas) Passport, whose parents are naturalized Pakistani citizens, is entitled to British citizenship; the procedures and regulations associated with granting British citizenship to such a person; the rights held by such a person to travel to, and to work and remain in, the United Kingdom (2006)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

British laws regarding citizenship

According to the Web site of the Immigration and Nationality Directorate (IND) of the United Kingdom (UK) Home Office, [g]enerally speaking, a person became a British Dependent Territories citizen ... on 1 January 1983 if on 31 December 1982 he or she was a citizen of the United Kingdom and Colonies by reason of his or her own, or a parent's or a grandparent's birth, naturalisation or registration in a place which was a United Kingdom dependent territory on 1 January 1983... (UK n.d.a)

On 1 January 1983, Hong Kong was a British Dependent Territory, but ceased to be such a territory on 30 June 1997 (*ibid.*). The *Hong Kong (British Nationality) Order 1986* states that a British Dependent Territories citizen who had acquired this citizenship only by virtue of his or her connection to Hong Kong would lose the citizenship on 1 July 1997 (UK 5 June 1986, Art. 3). Article 2(1) of the *Order* describes a connection to Hong Kong as being established if, among other things, the person or the person's mother or father was born, naturalized or registered as a British Dependent Territories citizen in Hong Kong (*ibid.*, Art. 2(1)).

The 1986 *Order*, however, makes provisions for the creation of a new form of British citizenship known as British Nationals (Overseas), effective 1 July 1987 (*ibid.*, Art. 4(1)). Persons who held British Dependent Territories citizenship on 30 June 1997 solely because of his or her connection to Hong Kong, were eligible to be registered as British Nationals (Overseas) before 1 July 1997 or by 31 December 1997, in the case of persons born on or after 1 July 1997 (*ibid.*, Art. 4(2)).

According to a document on the entitlements of British nationals provided to the Research Directorate by the British High Commission in Ottawa, a Hong Kong-born person holding British National (Overseas) citizenship may be eligible for British citizenship if he or she fulfills a number of criteria set out by the *British Nationality (Hong Kong) Act 1990* and the *British Nationality (Hong Kong) Act 1997* (18 July 2006). Article 1 of the *1997 Act* stipulates that persons eligible for British citizenship include those who were "ordinarily resident" in Hong Kong at the time of application for British citizenship and satisfied the requirements that follow: that the person was, immediately before 4 February 1997, "ordinarily resident" in Hong Kong, and a British Dependent Territories citizen as a result of his or her connection to Hong Kong; and that he or she would have been rendered stateless if he or she had lost that citizenship (UK 19 Mar. 1997, Art. 1(1, 2)). The *1997 Act*, however, specifies that persons who held British Dependent Territories citizenship solely on the basis of his or her connection to Hong Kong would not be eligible for British citizenship if they had renounced the citizenship of another country on or after 4 February 1997 (*ibid.* n.d.b.; UK 19 Mar. 1997, Art. 1(6)).

The British High Commission, in 18 July 2006 correspondence to the Research Directorate, commented that British Nationals (Overseas) may also be eligible for British citizenship by meeting the requirements for naturalization under the *British Nationality Act 1981*, requirements which include residing in Britain for at least three consecutive years.

The *Hong Kong (British Nationality) Order 1986* states that those who had no other nationality and would have been rendered stateless by the loss of British Dependent Territories citizenship would automatically become British Overseas Citizens (BOCs) on 1 July 1997 (*ibid.*, Art. 6(1)).

This Web page has been archived on the Web.

Pakistani laws regarding citizenship

The information in the following paragraph was provided by the head of consular services at the High Commission of Pakistan in Ottawa in a 3 August 2006 telephone interview with the Research Directorate. Children born outside of Pakistan to naturalized Pakistani citizens are entitled to Pakistani citizenship. The parents would have to submit an application to the diplomatic mission in the country of birth for children 12 years or younger. If a child had not been registered with the mission by the age of 12, he or she could apply directly to the authorities in Pakistan in order to be registered as a citizen. His or her application would have to include documents attesting to the citizenship of his or her parents.

While Pakistan has a dual citizenship agreement with the UK allowing British citizens to also hold Pakistani citizenship (Pakistan 3 Aug. 2006; UK 16 May 2006), this agreement does not apply to persons who hold other types of British nationality (ibid.; Pakistan 3 Aug. 2006).

Entitlements of a British National (Overseas) to reside and work in Britain

A document sent to the Research Directorate by the British High Commission in Ottawa indicates that British Nationals (Overseas) are entitled to full consular protection from the UK government but are subject to British immigration control under the *Immigration Act 1971* (UK n.d.c). In 21 July 2006 correspondence with the Research Directorate, an official at the British High Commission in Ottawa explained that British Nationals (Overseas) do not have the right of abode in the UK and would be required to obtain appropriate visas in order to live or work there. It is not necessary, however, for British Nationals (Overseas) to obtain a visa for tourist purposes (UK 21 July 2006).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection.

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