

IMMIGRATION ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 6: Miscellaneous

Section 65: Persons unable to acquire citizenship: natural father not married to mother

394. This section inserts new sections 4E to 4J into the 1981 Act to provide for registration as a British citizen for persons born before 1 July 2006 to a British father, where their parents were unmarried at the time of their birth. In particular, they provide an entitlement to be registered for those who would have become British automatically had their parents been married at the time of their birth and for those who would currently have an entitlement to registration but for the fact that their parents were not married at the time of their birth.
395. Section 4E stipulates the general conditions to be met for the purposes of sections 4E to 4I.
396. Section 4F entitles a person to be registered as a British citizen if the person meets the general conditions in 4E and would be entitled to be registered as a British citizen under the specified registration provisions of the 1981 Act had the person's mother been married to the person's natural father at the time of his or her birth. Section 4F subsection (4) provides a power for the Secretary of State to waive the need for any or all of the parental consents to be given if the relevant registration provision is section 3(5) of the 1981 Act.
397. Section 4G entitles a person to be registered as a British citizen if the person meets the general conditions in 4E and if, at any time after commencement of the 1981 Act, the person would automatically have become a British citizen at birth under the 1981 Act or the British Nationality (Falkland Islands) Act 1983, had the person's mother been married to the person's natural father at the time of the person's birth. Section 4G(5) provides a power for the Secretary of State to waive the need for any or all of the consents required under subsection (3) as read with subsection (4) to be waived in a particular case.
398. Section 4H entitles a person to be registered as a British citizen if the person meets the general conditions in 4E, was a citizen of the United Kingdom and Colonies immediately before commencement of the 1981 Act and would automatically have become a British citizen under the 1981 Act had the person's mother been married to the person's natural father at the time of the person's birth.
399. Section 4I entitles a person to be registered as a British citizen if the person meets the general conditions in 4E, is an eligible former British national or non-British national and would have automatically become a British citizen under the 1981 Act had the person's mother been married to the person's natural father at the time of the person's birth.

*These notes refer to the Immigration Act 2014 (c.22)
which received Royal Assent on 14 May 2014*

400. Section 4J contains supplementary provisions, in particular to stipulate that a person's "natural father" is someone who satisfies the requirements as to proof of paternity prescribed in regulations under section 50(9B) of the 1981 Act.