



# British Nationality Act 1981

## 1981 CHAPTER 61

### PART I

#### BRITISH CITIZENSHIP

##### *Acquisition after commencement: special cases*

#### **[<sup>F1</sup>10A. Acquisition in connection with immigration rules Appendix EU**

- (1) This section applies to a person born in the United Kingdom on or after 1st July 2021 who is not a British citizen on the relevant date by virtue of any other provision of this Act.
- (2) A person to whom this section applies (“C”) is a British citizen as from the relevant date if conditions 1 to 3 are satisfied in the case of either C’s father or mother (“P”).
- (3) Condition 1 is that, on or after 1st July 2021, P is granted—
  - (a) UK related indefinite leave under paragraph EU2 of Appendix EU to the UK immigration rules;
  - (b) Isle of Man related indefinite leave under paragraph EU2 of Appendix EU to the Isle of Man immigration rules,and the date of grant of such leave is referred to in this section as “the relevant date”.
- (4) Condition 2 is that—
  - (a) P is granted the leave described in subsection (3)(a) or (b) pursuant to an application made before 1st July 2021, or
  - (b) immediately before 1st July 2021, P would have met the eligibility requirements for—
    - (i) UK related indefinite leave within paragraph EU11 or EU12 of Appendix EU to the UK immigration rules, or
    - (ii) Isle of Man related indefinite leave within paragraph EU11 or EU12 of Appendix EU to the Isle of Man immigration rules,if an application had been made at that time.

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**Changes to legislation:** British Nationality Act 1981, Section 10A is up to date with all changes known to be in force on or before 19 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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- (5) Condition 3 is that P is ordinarily resident in the United Kingdom on the relevant date.
- (6) In determining whether subsection (4)(b) applies, it is to be assumed that P was not entitled to any exemption under section 8 of the Immigration Act 1971 immediately before 1st July 2021.
- (7) Any subsequent change to the immigration status of P does not affect the status of C as a British citizen.
- (8) In this section—
- “Isle of Man immigration rules” means the rules laid down under section 3(2) of the Immigration Act 1971 as that section extends to the Isle of Man;
  - “Isle of Man related indefinite leave” means indefinite leave as defined in section 33(1) of the Immigration Act 1971 as that section extends to the Isle of Man;
  - “the relevant date” has the meaning given in subsection (3);
  - “UK immigration rules” means the rules laid down under section 3(2) of the Immigration Act 1971;
  - “UK related indefinite leave” means indefinite leave as defined in section 33(1) of the Immigration Act 1971.]

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#### **Textual Amendments**

- F1** S. 10A inserted (1.7.2021) by [The British Nationality Act 1981 \(Immigration Rules Appendix EU\) \(Amendment\) Regulations 2021 \(S.I. 2021/743\)](#), regs. 1(1), **2(3)**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 6(3)(4) inserted by [2009 c. 11 s. 40\(2\)](#) (Amending provision prospectively repealed by [2022 c. 36, s. 9\(3\)\(a\)](#))
- s. 41(1)(bc)-(be) inserted by [2009 c. 11 s. 41\(2\)](#) (Amending provision prospectively repealed by [2022 c. 36, s. 9\(3\)\(a\)](#))
- s. 41(1B)(1C) inserted by [2009 c. 11 s. 41\(3\)](#) (Amending provision prospectively repealed by [2022 c. 36, s. 9\(3\)\(a\)](#))
- Sch. 1 para. 2(1)(ba)(bb) inserted by [2009 c. 11 s. 39\(5\)](#) (Amending provision prospectively repealed by [2022 c. 36, s. 9\(3\)\(a\)](#))
- Sch. 1 para. 2(1)(ca) inserted by [2009 c. 11 s. 39\(7\)](#) (Amending provision prospectively repealed by [2022 c. 36, s. 9\(3\)\(a\)](#))
- Sch. 1 para. 2(5) inserted by [2009 c. 11 s. 39\(10\)](#) (Amending provision prospectively repealed by [2022 c. 36, s. 9\(3\)\(a\)](#))
- Sch. 1 para. 6(2)-(4) inserted by [2022 c. 36 Sch. 1 para. 3\(4\)\(d\)](#)
- Sch. 1 para. 2(1)(c) repealed by [2009 c. 11 s. 39\(6\)](#)[Sch. Pt. 2](#) (Amending provision prospectively repealed by [2022 c. 36, s. 9\(3\)\(a\)](#))
- Sch. 1 para. 2(1)(a) substituted by [2009 c. 11 s. 39\(4\)](#) (Amending provision prospectively repealed by [2022 c. 36, s. 9\(3\)\(a\)](#))
- Sch. 1 para. 2(2)-(4) substituted for Sch. 1 para. 2(2)(3) by [2009 c. 11 s. 39\(9\)](#) (Amending provision prospectively repealed by [2022 c. 36, s. 9\(3\)\(a\)](#))
- Sch. 1 para. 2(1)(d) word substituted by [2009 c. 11 s. 39\(8\)\(a\)](#) (Amending provision prospectively repealed by [2022 c. 36, s. 9\(3\)\(a\)](#))
- Sch. 1 para. 2(1)(d) words substituted by [2009 c. 11 s. 39\(8\)\(b\)](#) (Amending provision prospectively repealed by [2022 c. 36, s. 9\(3\)\(a\)](#))