



# Nationality and Borders Act 2022

## 2022 CHAPTER 36

### PART 1

#### NATIONALITY

##### *Registration of stateless minors*

#### 11 Citizenship: stateless minors

- (1) Schedule 2 to the British Nationality Act 1981 (provisions for reducing statelessness) is amended as follows.
- (2) In the heading before paragraph 3, after “Persons” insert “aged 18 to 22”.
- (3) In paragraph 3 (persons born in the United Kingdom or a British overseas territory after commencement), in sub-paragraph (1)(b) after “he” insert “had attained the age of eighteen but”.
- (4) After paragraph 3 insert—

*“Minors aged 5 to 17 born in the United Kingdom or a British overseas territory after commencement*

- 3A (1) A person born in the United Kingdom or a British overseas territory after commencement is entitled, on an application for the person to be registered under this paragraph, to be so registered if—
- (a) the person is and always has been stateless,
  - (b) on the date of the application, the person was a minor,
  - (c) the person was in the United Kingdom or a British overseas territory (no matter which) at the beginning of the period of five years ending with that date and (subject to paragraph 6) the number of days on which the person was absent from both the United Kingdom and the British overseas territories in that period does not exceed 450, and

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**Changes to legislation:** Nationality and Borders Act 2022, Cross Heading: Registration of stateless minors is up to date with all changes known to be in force on or before 17 August 2023. 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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- (d) the Secretary of State is satisfied that the person is unable to acquire another nationality in accordance with sub-paragraph (2).
- (2) A person is able to acquire a nationality in accordance with this sub-paragraph if—
  - (a) the nationality is the same as that of one of the person’s parents,
  - (b) the person has been entitled to acquire the nationality since birth, and
  - (c) in all the circumstances, it is reasonable to expect the person (or someone acting on their behalf) to take the steps which would enable the person to acquire the nationality in question.
- (3) For the purposes of sub-paragraph (2)(b), a person is not entitled to acquire a nationality if its acquisition is conditional on the exercise of a discretion on the part of the country or territory in question.
- (4) A person entitled to registration under this paragraph—
  - (a) is to be registered as a British citizen if, in the period of five years mentioned in sub-paragraph (1), the number of days wholly or partly spent by the person in the United Kingdom exceeds the number of days wholly or partly spent by the person in the British overseas territory;
  - (b) in any other case, is to be registered as a British overseas territories citizen.”
- (5) In paragraph 6 (supplementary), after “paragraph 3” insert “, 3A”.

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**Commencement Information**

- I1** S. 11 not in force at Royal Assent, see [s. 87\(1\)](#)
- I2** [S. 11](#) in force at 28.6.2022 by [S.I. 2022/590](#), regs. 1(2), 2, [Sch. 1 para. 9](#)

**Changes to legislation:**

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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. 54(6)(c) and word inserted by [2023 c. 37 s. 57\(11\)\(b\)](#)
- s. 63(2A) inserted by [2023 c. 37 s. 29\(3\)](#)
- s. 63(3)(fa)(fb) inserted by [2023 c. 37 s. 29\(4\)\(b\)](#)
- s. 63(5A)(5B) inserted by [2023 c. 37 s. 29\(5\)](#)
- s. 63(8) inserted by [2023 c. 37 s. 28\(9\)](#)
- s. 65(8A) inserted by [2023 c. 37 s. 28\(12\)](#)