
Changes to legislation: Nationality and Borders Act 2022, Paragraph 3 is up to date with all changes known to be in force on or before 10 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

SCHEDULES

SCHEDULE 1

WAIVER OF REQUIREMENT OF PRESENCE IN UK ETC

Amendments to the British Nationality Act 1981

- 3 (1) Schedule 1 (requirements for naturalisation) is amended as follows.
- (2) In paragraph 2 (naturalisation as a British citizen under section 6(1): waiver of requirements in special circumstances)—
- (a) in sub-paragraph (1), before paragraph (a) insert—

“(za) treat the applicant as fulfilling the first requirement specified in paragraph 1(2)(a) although the applicant was not in the United Kingdom at the beginning of the period there mentioned;”;
 - (b) in that sub-paragraph, in paragraph (a), for “requirement specified in paragraph 1(2)(a) or” substitute “second requirement specified in paragraph 1(2)(a) or the requirement specified in”;
 - (c) after that sub-paragraph insert—

“(1A) Sub-paragraph (1B) applies where the applicant has indefinite leave to enter or remain in the United Kingdom.

(1B) The Secretary of State may for the purposes of paragraph 1 treat the applicant as fulfilling the requirement specified in paragraph 1(2)(d), without enquiring into whether or not the applicant was in the United Kingdom in breach of the immigration laws in the period there mentioned.

(1C) The reference in sub-paragraph (1A) to having indefinite leave to enter or remain is to be construed in accordance with the Immigration Act 1971.”;
 - (d) omit sub-paragraphs (2) and (3).
- (3) In paragraph 4, in paragraph (a)—
- (a) for “the reference” substitute “the references”;
 - (b) for “a reference” substitute “references”.
- (4) In paragraph 6 (naturalisation as a British overseas territories citizen under section 18(1): waiver of requirements in special circumstances)—
- (a) the existing text becomes sub-paragraph (1);
 - (b) before paragraph (a) of that sub-paragraph insert—

“(za) treat the applicant as fulfilling the first requirement specified in paragraph 5(2)(a) although the applicant was not in the relevant territory at the beginning of the period there mentioned;”;

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- (c) in paragraph (a) of that sub-paragraph, for “requirement specified in paragraph 5(2)(a) or” substitute “second requirement specified in paragraph 5(2)(a) or the requirement specified in”;
- (d) after that sub-paragraph insert—
 - “(2) Sub-paragraph (3) applies where the applicant has indefinite leave to enter or remain in the relevant territory.
 - (3) The Secretary of State may for the purposes of paragraph 5 treat the applicant as fulfilling the requirement specified in paragraph 5(2)(d), without enquiring into whether or not the applicant was in the relevant territory in breach of the immigration laws in the period there mentioned.
 - (4) The reference in sub-paragraph (2) to having indefinite leave to enter or remain is to be construed as a reference to any status formally granted under the immigration laws in force in the relevant territory which is broadly equivalent to the status of having indefinite leave to enter or remain under the Immigration Act 1971.”
- (5) In paragraph 8, in paragraph (a)—
 - (a) for “the reference” substitute “the references”;
 - (b) for “a reference” substitute “references”.

Commencement Information

- I1** Sch. 1 para. 3 not in force at Royal Assent, see **s. 87(1)**
- I2** Sch. 1 para. 3(1)-(3)(4)(a)-(c)(5) in force at 28.6.2022 by S.I. 2022/590, regs. 1(2), 2, **Sch. 1 para. 8** (with Sch. 2 para. 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. 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\(12\)](#)