



Nationality and Borders Act 2022

2022 CHAPTER 36

PART 1

NATIONALITY

Powers of the Secretary of State relating to citizenship etc

9 Requirements for naturalisation etc

- (1) Schedule 1 amends the British Nationality Act 1981 to allow the Secretary of State to waive the requirement that a person must have been in the United Kingdom or a relevant territory at the start of the relevant period, in relation to an application for citizenship under—
 - (a) section 4 of that Act (acquisition of British citizenship by registration: British overseas territories citizens etc),
 - (b) section 6 of that Act (acquisition of British citizenship by naturalisation), or
 - (c) section 18 of that Act (acquisition of British overseas territories citizenship by naturalisation).
- (2) Schedule 1 also amends the British Nationality Act 1981 to allow the Secretary of State to treat a person who has indefinite leave to enter or remain as meeting certain residence requirements in relation to an application for citizenship under those sections.
- (3) In the Borders, Citizenship and Immigration Act 2009—
 - (a) omit sections 39, 40, 41(1) to (3) and 49(2) and (3) (uncommenced provisions relating to requirements for naturalisation as a British citizen);
 - (b) in section 41(4), for “that section” substitute “section 41 of the British Nationality Act 1981 (regulations)”.
- (4) In the Citizenship (Armed Forces) Act 2014, in section 1, omit subsection (4) (amendments to section 39 of the Borders, Citizenship and Immigration Act 2009).

Changes to legislation: Nationality and Borders Act 2022, Section 9 is up to date with all changes known to be in force on or before 16 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](#)

Commencement Information

- I1** S. 9 not in force at Royal Assent, see [s. 87\(1\)](#)
- I2** [S. 9\(1\)\(2\)](#) in force at 28.6.2022 for specified purposes by [S.I. 2022/590](#), regs. 1(2), 2, [Sch. 1 para. 8](#) (with [Sch. 2 para. 3](#))
- I3** [S. 9\(3\)\(4\)](#) 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\(12\)](#)