HM Passport Office

Independence Legislation

Presented by: Learning and Development
Date: May 2014

Domestics

- Introductions
- Fire exits
- Bathrooms
- Mobile phones
- Course timings
- Courseware

Objectives

By the end of this module you will be able to:

- Deal with applications with a connection to an independent Commonwealth country, where the applicant was born before the date of independence
- Confidently reference Order Books for independence legislation information

Independent Commonwealth Countries

Where independence was gained on or after 01 Jan 1949

Relates to former

- Colonies
- Protectorates
- Protected States
- Trust Territories

- Added to the list of 1(3) countries upon independence
- BSUKC/BPPs at risk of losing status due to acquisition of citizenship in the independent country

How independence affects BSUKC & BPP

On independence, one of three things would occur:

i. You became a citizen of the new country and lose BSUKC/BPP

ii. You become a citizen of the new country but retain BSUKC through a connection with the UK or a remaining Colony (lose BPP)

iii. You do not acquire citizenship of the new country therefore your BSUKC/BPP will be unaffected

Acquisition of Citizenship

There are three main categories of acquisition:

i. By birth in the country

ii. By birth <u>and</u> either parent born there

iii. By birth <u>and</u> either parent <u>or</u> grandparent also born there

Excepted from Loss

There are three main categories of exception:

i. Birth, Registration, Naturalisation in the UK or a place which remains a colony after the date of independence of the country concerned

ii. Father or Paternal Grandfather falls into (i)

iii. A woman married to a man who remains a BSUKC after date of independence providing marriage was subsisting

Points to consider

Is App't BSUKC or BPP before Independence?

Is App't a citizen of newly independent country?

If they are a citizen are they excepted from loss?

Are they affected by subsequent independence act?

Independence after IA 1971

Bahamas	10 July 1973
Grenada	07 February 1974
Dominica	03 November 1978
St Lucia	22 February 1979
St Vincent	27 October 1979
Belize	21 September 1981
Antigua	01 November 1981

- Introduction of IA1971 gave ROA to entitled BSUKCs in Colonies et al
- Usually at independence where BSUKC lost, so was ROA
- Belize and Antigua added an additional exception to loss in their legislation
- Those who had ROA prior to independence could keep their BSUKC + ROA

Effects of Independence – Example 1

	BNSAA '14	BNA '48	JAM IND 6/8/62
App't born Jamaica 1954	----	~~1~~	Jam Cit & Lose BSUKC
Father born Jamaica 1920	BSBB	~~12(1)(a)~~	Jam Cit & Lose BSUKC
Mother born Jamaica 1928	BSBB	~~12(1)(a)~~	Jam Cit & Lose BSUKC

All became Jamaican citizens on 6th August 1962
All lose BSUKC status – not excepted from loss, from information given

Effects of Independence – Example 2

	BNSAA '14	BNA '48	JAM IND 6/8/62
App't born Jamaica 1952	----	4	Jam Cit & retains BSUKC
Father born Jamaica 1920	BSBB	12(1)(a)	Jam Cit & Retains BSUKC
PgF born London 1890	BSBB	12(1)(a)	12(1)(a)

App't & Father became Jamaican citizens on 6th August 1962
App't & Father retain BSUKC status –excepted from loss through PGF born in London

Full Status of Applicant:
BSUKC 4 BNA 48, ROA 2(1)(b)(ii) IA 71, BC 11(1) BNA 81 BD

Effects of Independence – Example 3

	BNA'48	MTA IND 21/9/64	BNA '81
App't born Malta 1950	4	Non Acq & Retains BSUKC	BOC 26
Father born Spain 1926	----	----	----
Mother born Spain 1926	----	----	----

Applicant does not become a citizen of Malta as neither parent born there (non acquisition)

Full Status of Applicant:
BSUKC 4 BNA 48, no ROA therefore on 1.1.83 would become a BOC

Exercise

Instructions:

- Working in pairs, complete the exercises in your classroom packs
- Use Order Book 2 Part 3 to help with this activity
- Be prepared to discuss your answers with the group
- Time allowed: 30 minutes

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Any Questions?

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