

To Nationality Group caseworkers,  
NPT, NSCU, NQET, Call Centre, IND (Islands),  
IPS Policy, FCO-Consular

Nationality Notice 12/10

**CHILDREN BORN ABROAD BEFORE 13 JANUARY 2010 TO FOREIGN  
AND COMMONWEALTH MEMBERS OF THE UK ARMED FORCES ON AN  
OVERSEAS POSTING**

1. Section 4D of the British Nationality Act 1981 came in to force on 13 January 2010. This provision gave a new registration route to those born to a parent in the armed forces. However, only those born on or after 13 January 2010 are eligible to apply for citizenship under section 4D.
2. The Secretary of State has therefore agreed to routinely exercise her discretion and register a child under section 3(1) of the British Nationality Act 1981 where:
  - The child was born outside the United Kingdom and the qualifying territories before 13 January 2010; and
  - At the time of the birth, their father or mother was:
    - i. a foreign and Commonwealth member of the UK Armed Forces; and
    - ii. serving outside the United Kingdom and the qualifying territories
  - We have the consent of both parent's; and
  - If the person is aged 10 or over on the date of application, the Secretary of State is satisfied that they are of good character
3. The Nationality Staff Instructions and the UKBA website are being updated. Any applications received before this guidance has been updated should be treated sympathetically in accordance with this Notice.
4. Any queries about this notice should be addressed to Nationality Policy Team – Jane Whitehead (0151 213 1870) or Claire Bennett (0151 213 1872).

Claire Bennett  
Nationality Policy Team  
1 September 2010