



## **Ministry of Border Control and Labour**

### **Do I Need to Naturalise or Register as a British Overseas Territories Citizen (BOTC)?**

This guidance document has been provided by the Ministry of Border Control and Labour to assist applicants who are considering naturalisation or registration as a British Overseas Territories Citizen (BOTC) in the Turks and Caicos Islands.

This guide will assist applicants in assessing whether or not they qualify for naturalisation or registration in the islands.

It also explains which citizens born after 1983 are automatically BOTC and don't need to naturalise or register.

At the back of this document are some extra pieces of information to help members of the public understand the criteria.

Self-assessment using this guidance does not guarantee a successful application.

The criteria within this document is simply an aide for the general public to know what the naturalisation and registration criteria are. Any application submitted will need to be processed by a caseworker, and approved by the Governor's Office.

For More Information please contact one of the Ministry's On-Stop shops:

**Grand Turk (Church Folley)**

Mon-Thurs: 8.30am to 3.30pm

Fri: 8.30am to 3pm

Tel: 946-2801

(ask for extension 10606)

**Providenciales (Sam's Building, Downtown)**

Mon-Thurs: 8.30am to 3.30pm

Fri: 8.30am to 3pm

Tel: 946-2801

(ask for extension 81444)

Last updated 27th August 2012



Ministry of Border Control  
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## Born After 1st January 1983

If you or your child were born **after** 1st January 1983, you might be a British Overseas Territories Citizen (BOTC) through 3 main routes:

an automatic entitlement

an entitlement to register as a BOTC

an ability to make a request to His Excellency The Governor to naturalise or register as a BOTC, at his **discretion**

If you or your child have an **automatic entitlement**, there is nothing you need to do. Birth certificates and other documents are enough to prove that you are a BOTC.

You may wish to apply for a BOTC Passport if you wish to travel outside of the islands. If this is the case, you will need to submit a passport application and pay a fee. The application form will explain which documents you will need to submit with your application.

If you or your child have an entitlement to register as a BOTC, or you meet the criteria to make an application to His Excellency The Governor to register or naturalise as a BOTC at his discretion, you will need to submit an application.

This involves you checking firstly that you meet the criteria listed on the following pages. You will then submit an application form to the Ministry of Border Control and Labour.

Extra information is provided at the back of this document to explain legitimacy and descent. You may need to understand this to assess if you meet the criteria described on the following pages.

We recommend that you read these pages before seeing if you or your child meet the criteria.

You may wish to ask for more information from the One-Stop Shop in Grand Turk or Providenciales if you do not understand this.

You may also wish to use a professional service to assist you with your application.



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## Born in Territory and Automatic

### Section 15(1) of the British Nationality Act 1981

You are an automatic British Overseas Territories Citizen (BOTC) if you meet the criteria below:

I was born in TCI on or after 1st January 1983,

AND

at the time of my birth, my mother or father was a British Dependent Territories Citizen (BDTC) or a BOTC if I was born on or after 21st May 2002,

OR

at the time of my birth, my mother or father was settled in TCI. *This means that they were normally resident here and were free of immigration time restrictions. To be free of immigration time restrictions, they would need to be a PRC holder, a Belonger or registered or naturalised as a BOTC.*

If your parent was a work permit holder, or on a residence permit, they could not be considered settled. This is because they were subject to immigration time restrictions. Your parent's status is considered at the time of your birth. For this scenario, it does not matter if they became settled or a BDTC/BOTC at a later stage.

**If you are claiming this automatic entitlement through your father, you must consider what is explained on the parent test pages at the back of this document.**

### What do I Need to do Now?

Nothing. There is no requirement to register or to naturalise to prove that you are BOTC. Your birth certificate and the evidence of your parent's BDTC/BOTC or settled status is enough to prove that you are BOTC.

The fact that you were born in the islands, also makes you **BOTC otherwise than by descent**. What this means is that you can pass your citizenship on to your children, provided they meet the criteria.

If you wish to apply for a passport, then contact the Ministry for an application form which will detail the documents you need to submit to prove your BOTC status and be granted a BOTC passport.



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## Adopted in Territory and Automatic

### Section 15(5) of the British Nationality Act 1981

You are an automatic British Overseas Territories Citizen (BOTC) if you meet the criteria below:

I was adopted in TCI on or after 1st January 1983,

AND

the adoption order was granted through a TCI court,

AND

at the time of my adoption, my adoptive mother or father was a British Dependent Territories Citizen (BDTC) or a BOTC.

**Legitimacy or the parent test does not apply in this case, because a court of law has now defined who your mother or father is.**

### What do I Need to do Now?

Nothing. There is no requirement to register or to naturalise to prove that you are BOTC. Your adoption certificate and the evidence of your parent's BDTC/BOTC status is enough to prove that you are BOTC.

The fact that you were adopted in the islands, also makes you **BOTC otherwise than by descent**. What this means is that you can pass your citizenship on to your children, provided they meet the criteria.

If you wish to apply for a passport, then contact the Ministry for an application form which will detail the documents you need to submit to prove your BOTC status and be granted a BOTC passport.



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## Born Outside Territory and Automatic

### Section 16(1) of the British Nationality Act 1981

You are an **automatic** British Overseas Territories Citizen (BOTC) if you meet the criteria below:

I was born outside TCI on or after 1st January 1983,

**AND**

at the time of my birth, my mother or father was a British Dependent Territories Citizen (BDTC) otherwise than by descent, or a BOTC otherwise than by descent if I was born on or after 21st May 2002,

You **do not** need to be residing in TCI to qualify for this route, as long as you meet the criteria above.

It is very important to note that if your parent was BDTC/BOTC by descent, you **do not** qualify automatically under this route. This is because the way in which they got their citizenship does not allow them to pass this citizenship on to you. It is probable (but not in all cases) that if your parent was born outside of the TCI, they are likely to be BDTC/BOTC by descent.

**If you are claiming this automatic entitlement through your father, you must consider what is explained on the parent test pages at the back of this document.**

### **What do I Need to do Now?**

Nothing. There is no requirement to register or to naturalise to prove that you are BOTC. Your birth certificate and the evidence of your parent's BDTC/BOTC status is enough to prove that you are BOTC.

The fact that you were born outside the islands, makes you **BOTC by descent**. What this means is that you cannot normally automatically pass your citizenship on to your children. They may be able to register or naturalise based on their individual circumstances. They would need to follow the guidance in this document.

If you were born outside of TCI because your parent was in Crown Service or special service for the TCI government, you may be entitled to be considered **BOTC otherwise by descent**, which will allow you to pass your citizenship on to your children.

If you wish to apply for a passport, then contact the Ministry for an application form which will detail the documents you need to submit to prove your BOTC status and be granted a BOTC passport.



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## Born in Territory and Entitled 15(3)

### Section 15(3) of the British Nationality Act 1981

You are entitled to register as a British Overseas Territories Citizen (BOTC) if you meet the criteria below:

I was born in TCI on or after 1st January 1983,

AND

I am under 18 at the time that I make the application,

AND

my mother or father has become BOTC since my birth

OR

my mother or father has become settled in TCI since my birth. *This means that they are normally resident here and are free of immigration time restrictions. To be free of immigration time restrictions, they would need to be a PRC holder, a Belonger or registered or naturalised as a BOTC.*

If your parent is a work permit holder, or residence permit holder they could not be considered settled. This is because they are still subject to immigration time restrictions. Your parent's status is considered since your birth. For this scenario, they must not have been settled or BOTC at the time of your birth. If they were, you do not qualify for this route.

**If you are claiming this automatic entitlement through your father, you must consider what is explained on the parent test pages at the back of this document.**

### What do I Need to do Now?

Apply for registration using application form 15(3). This will detail the documents you will need to submit to prove your entitlement under this route. You will need to pay a fee for this registration. If you delay and turn 18 before you submit the application, you will not be able to apply under this route.

Once registered, this will make you **BOTC otherwise than by descent**. What this means is that you will be able to pass your citizenship on to your children, provided they meet the criteria.



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## Born in Territory and Entitled 15(4)

### Section 15(4) of the British Nationality Act 1981

You are entitled to register as a British Overseas Territories Citizen (BOTC) if you meet the criteria below:

I was born in TCI on or after 1st January 1983,

AND

I am of good character,

AND

I spent the full first 10 years of my life in the TCI without absence for more than 90 days in each of those year,

AND

my mother or father has not become settled in TCI since my birth. *This means that they cannot be normally resident here and free of immigration time restrictions. If they are a PRC holder, a Belonger, or registered or naturalised as a BOTC, they are settled and you do not qualify.*

We will need to see evidence that you have definitely spent the full first 10 years of your life in TCI. This will include medical records/immunisation charts to prove that you were present from 0 to 5 years, and school letters to prove that you were present from 5 to 10 years. If you spent more than 90 days outside of the islands in any year during this time, you will not qualify. You will also need to submit your original travel document/passport (if you have one), along with a copy.

### What do I Need to do Now?

Apply for registration using application form 15(4). This will detail the documents you will need to submit to prove your entitlement under this route. You will need to pay a fee for this registration.

Once registered, this will make you **BOTC otherwise than by descent**. What this means is that you will be able to pass your citizenship on to your children, provided they meet the criteria.



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## Born Outside Territory and Entitled 17(2)

### Section 17(2) of the British Nationality Act 1981

You are entitled to register as a British Overseas Territories Citizen (BOTC) if you meet the criteria below:

- I was **born outside** TCI on or after 1st January 1983,  
**AND**
- I am aged 0 to 12 months,  
**AND**
- my mother or father is BOTC **by descent** (meaning that they would not normally be able to pass citizenship on to me),  
**AND**
- the parent above has lived in TCI for **at least 3 years continuous** at any time **before** my birth and **was not absent** for more than 270 days in that 3 year period

If your parent is BOTC **otherwise than by descent** you cannot make an application under this route. This is because you are likely to qualify automatically anyway under 16(1).

If you qualify automatically under 16(1), you can just apply for a BOTC passport if you require one. Please see the 16(1) page.

### What do I Need to do Now?

Apply for registration using application form 17(2). This will detail the documents you will need to submit to prove your entitlement under this route. You will need to pay a fee for this registration.

Once registered, this will make you **BOTC by descent**. What this means is that you will not be able to automatically pass your citizenship on to your children. Because of this, you may wish to firstly consider the criteria under 17(5). If you meet this criteria (or you are likely to meet this criteria soon and you are able to wait) this may be a better option for you, because this would make you **BOTC otherwise than by descent**. You would then be able to pass citizenship on to your children.

Remember, if you are registered under 17(2) you will not be able to switch into 17(5) at a later stage. You would have to pay to renounce your citizenship and then re-apply for 17(5).





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## Born Outside Territory and Entitled 17(5)

### Section 17(5) of the British Nationality Act 1981

You are entitled to register as a British Overseas Territories Citizen (BOTC) if you meet the criteria below:

I was born outside TCI on or after 1st January 1983,

AND

I am under 18 at the time of the application and both my parents have signed my application (unless deceased),

AND

my mother or father is BOTC by descent (meaning that they would not normally be able to pass citizenship on to me),

AND

my parents and I have lived in TCI for the full 3 years prior to my application being submitted and we were not absent for more than 270 days in that 3 year period.

If your parent is BOTC otherwise than by descent you cannot make an application under this route. This is because you are likely to qualify automatically anyway under 16(1).

If you qualify automatically under 16(1), you can just apply for a BOTC passport if you require one. Please see the 16(1) page.

### What do I Need to do Now?

Apply for registration using application form 17(5). This will detail the documents you will need to submit to prove your entitlement under this route. You will need to pay a fee for this registration.

Once registered, this will make you **BOTC otherwise than by descent**. What this means is that you will be able to pass your citizenship on to your children, provided they meet the criteria.



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## Born Outside Territory and Entitled 17(1)

### Section 17(1) of the British Nationality Act 1981

You are able to ask His Excellency The Governor for **discretion to register** as a British Overseas Territories Citizen (BOTC) if you meet the criteria below:

I was **born outside** TCI on or after 1st January 1983,

**AND**

I am under 18 at the time of the application and both my parents have signed my application (unless deceased),

**AND**

I am of good character,

**AND**

I have a very special link to the islands (which is explained below).

**HE** The Governor will only consider the discretionary granting of a registration certificate under this route if you have very special links with the island. He will be considering evidence to show that you are settled here and that your special links to the island show a history within the islands. He may also consider you suitable if you are stateless with a link to the islands. But remember, very few people in the world are actually stateless. If you come from the Dominican Republic, Haiti or any of the islands in this region, you are unlikely to be stateless.

### What do I Need to do Now?

Apply for registration using application form 17(1). This will detail the documents you will need to submit to prove your entitlement under this route. You will need to pay a fee for this registration. You are not guaranteed to be granted discretion by His Excellency The Governor. You will not be refunded the application fee, if His Excellency does not wish to grant discretion.

Once registered, this will make you **BOTC by descent**. This will mean that you will not be able to pass your citizenship on to your children. However, if your parents were BOTC at the time of your birth, this will make you **BOTC otherwise than by descent**. What this means is that you will be able to pass your citizenship on to your children, provided they meet the criteria.



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## Born Outside Territory and Discretion 18(1)

### Section 18(1) of the British Nationality Act 1981

You are able to ask His Excellency The Governor for **discretion to naturalise** as a British Overseas Territories Citizen (BOTC) if you meet the criteria below:

- I am over 18 at the time of my application,  
**AND**
- I am of full capacity and I am of good character,  
**AND**
- I have been in TCI for at least 5 years continuous at the time of my application and **I have not breached** immigration laws during that time,  
**AND**
- I have been free from any immigration time restrictions on stay for at least 12 months on the date I submit my application,  
**AND**
- I have not been absent for more than 450 days in those 5 years, and I have not been absent for more than 90 days in the last 12 months,  
**AND**
- I am married to a British Overseas Territories Citizen (BOTC).

**Full capacity means that you are of sound mental ability and that you are fully aware of what you are applying for. To have been free of immigration time restrictions, you must be a PRC holder or a Belonger. This means that if you are here either illegally, on a work permit or on a residence permit, you will not qualify. Remember that if you do not qualify, we will not refund your application fee.**

### What do I Need to do Now?

Apply for naturalisation using application form 18(1). This will detail the documents you will need to submit to apply under this route. You will need to pay a fee for this application. You are not guaranteed to be granted discretion by His Excellency The Governor. You will not be refunded the application fee, if His Excellency does not wish to grant discretion.

Once naturalised, this will make you **BOTC otherwise than by descent**. What this means is that you will be able to pass your citizenship on to your children, provided they meet the criteria.



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## Born Outside Territory and Discretion 18(2)

### Section 18(2) of the British Nationality Act 1981

You are able to ask His Excellency The Governor for **discretion to naturalise** as a British Overseas Territories Citizen (BOTC) if you meet the criteria below:

- I am over 18 at the time of my application,  
**AND**
- I am of full capacity and I am of good character,  
**AND**
- I have been in TCI for at least 3 years continuous at the time of my application and **I have not breached** immigration laws during that time,  
**AND**
- I am free from any immigration control (time restrictions on stay) on the date I submit my application,  
**AND**
- I have not been absent for more than 270 days in those 3 years, and I have not been absent for more than 90 days in the last 12 months.

Full capacity means that you are of sound mental ability and that you are fully aware of what you are applying for. To have been free of immigration time restrictions, you must be a PRC holder or a Belonger. This means that if you are here either illegally, on a work permit or on a residence permit, you will not qualify. Remember that if you do not qualify, we will not refund your application fee.

### What do I Need to do Now?

Apply for naturalisation using application form 18(2). This will detail the documents you will need to submit to apply under this route. You will need to pay a fee for this application. You are not guaranteed to be granted discretion by His Excellency The Governor. You will not be refunded the application fee, if His Excellency does not wish to grant discretion.

Once naturalised, this will make you **BOTC otherwise than by descent**. What this means is that you will be able to pass your citizenship on to your children, provided they meet the criteria.





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**Extra Information that may  
Assist You with Your Application  
For Naturalisation or Registration**



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## British Subjects - Before 1949

People born **in** the United Kingdom or one of its Dominions before 1949 were called:

### British Subjects

The Turks and Caicos Islands, the Bahamas, Jamaica, Canada, and lots of other places were called:

### Dominions

The Dominican Republic, Haiti and Cuba were not British Dominions.

We sometimes call this the:

### British Empire

Some people who were born **outside** of the UK or one of its Dominions were also British Subjects.

They may have received this status because:

Their father was  
a British Subject  
(we call this  
DESCENT)

They married a  
British  
Subject

They were born  
in a place that  
Britain protected  
or governed

They were  
naturalised

Some people who were born outside of the British Empire and at the same time did not have a link through their father, were allowed to:

### Naturalise

People who naturalised swore an oath of allegiance to the British monarch. They then became a British Subject.



## British Subjects - Before 1949

If your father was a British Subject when you were born, he could pass this nationality on to you.

But if you were born outside of Britain or one of its dominions, this made you a:

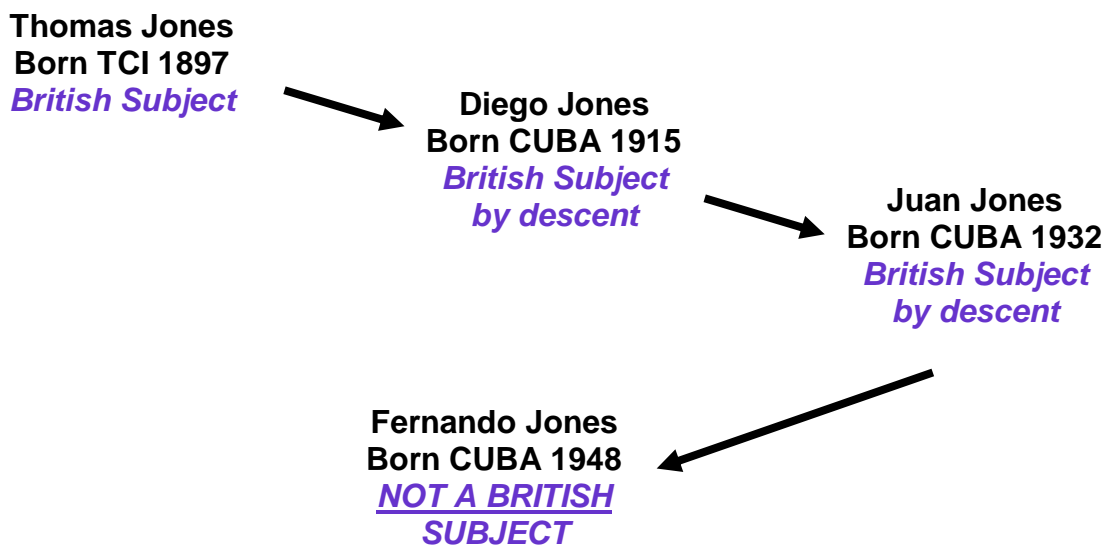
### British Subject By Descent

Your father had to be married to your mother to pass this citizenship on to you. If they were not married, this would make you:

### Illegitimate

Your mother could not pass British citizenship on to you, even if she was a British Subject. Only your father could give you this citizenship.

People who were **British Subjects by descent** could pass this status on to their children. This would happen if their children were born outside of the British Empire. But this could only happen for one generation. Look at the example below:



Because Diego was born outside of the UK and its Dominions, he became a British Subject **by descent**. He was able to pass this on **one Generation only**. This meant that when Juan had a child (Fernando), he could not pass the citizenship on. The one generation rule had already been used.





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## From 1949

A new category of citizenship was introduced on 1st January 1949. Many people who were British Subjects now became known as:

### Citizens of the United Kingdom and Colonies

Because this was a long title, a shorter name was given:

### CUKC

Not all British Subjects became CUKC on 1st January 1949, but many did. The Home Office in the UK has more guidelines on who became CUKC on that date.

The new law stated that if you were born on 1st January 1949 or later, you became a CUKC if you:

You were born outside the United Kingdom or a UK colony but your father was born in the UK or a colony **(This made you CUKC by descent)**

You were born outside the United Kingdom or a UK colony but your father was a CUKC who was in Crown service (for example a diplomat or in the armed forces)

You were born in a foreign country to a father who was CUKC by descent and your birth was registered at a UK consulate within 12 months **(This made you CUKC by descent)**

You were born in a part of the world that the Crown was in charge of **(This made you CUKC by descent)**

or if you were born in the United Kingdom or a UK colony

In addition to the scenarios above, it was also possible to become a CUKC if you were born in one of the following countries but didn't become a citizen of that country when you were born:

Australia, Canada, Ceylon (Sri Lanka), South Africa, South Rhodesia (Zimbabwe), New Zealand.  
**(This made you CUKC by descent)**



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## Independence

When some countries became independent, the citizens of the newly independent country lost their CUKC status.

For example, when the Bahamas became independent in 1973, the citizens became Bahamian. However, there were some that were able to keep their CUKC status:

Those that were born in a territory that was still a part of the UK and Colonies

*For example a child born in the TCI to a Bahamian mother and father , brought up in the Bahamas - may have become Bahamian but still kept his CUKC status because he had been born in TCI.*

Someone whose father or grandfather was a British Subject or CUKC and born in a territory that was still part of the UK and Colonies

*For example a child born in the Bahamas to a father who was born in TCI. The child became Bahamian when the Bahamas became independent in 1973, but still kept CUKC status because the father was born in the TCI.*

A woman who is married to a man who is still CUKC after dependence

*For example a Bahamian woman who marries a man from TCI. She became Bahamian after independence, but because she was still married to a citizen of the UK and Colonies, she still kept her CUKC status.*

If you were able to keep your CUKC status because of one of the conditions listed above, the status did not change. This meant that if you were **CUKC by descent**, you still remained **CUKC by descent**. If you were **CUKC by birth**, you still remained **CUKC by birth**.



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## British Nationality Act 1981

A new law was introduced in 1981 called the:

### British Nationality Act (BNA) 1981

The law did not come into effect until **1st January 1983**. The changes in the law meant that some CUKCs became a:

### British Dependent Territories Citizen

The Turks and Caicos Islands became known as a **British Dependent Territory**. The following people who were CUKCs became **British Dependent Territories Citizens**:

on 1st January 1983

A CUKC who had been born, registered or naturalised in a British Dependent Territory (BDT)

*For example someone who had been born in TCI in 1978 would automatically become BDTC on 1st January 1983.*

A CUKC because their parent was born in the territory

*For example, a child born in the Bahamas in 1978, but was CUKC because his father was born in TCI, became BDTC on 1st January 1983.*

A CUKC because their parent was a CUKC **and** their grandparent was born in the territory

*For example, a child born in the Bahamas in 1978, whose father was born in the Bahamas, but the grandfather was born in TCI. The father had been passed CUKC status from the grandfather, who then passed this on to the child.*

A female CUKC who has at any time been married to a man who then became BDTC (or would have become BDTC if he hadn't have deceased) on 1st January 1983

*For example a woman born in the Dominican Republic in 1955, married to a man who was born in TCI in 1955, was a CUKC by marriage. When her husband became BDTC on 1st January 1983, she becomes BDTC.*

The list above includes the main categories of citizens who became BDTC because they were **born before** 1st January 1983.



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## BDTC becomes BOTC

On 21st May 2002, an act came into force which meant that anyone that was a **British Dependent Territories Citizen (BDTC)** became known by a new name:

### British Overseas Territories Citizen (BOTC)

We still sometimes refer to people as BDTC when we are tracing their family history.

We do this because it is important to understand where an individual's entitlement to be a BOTC comes from.

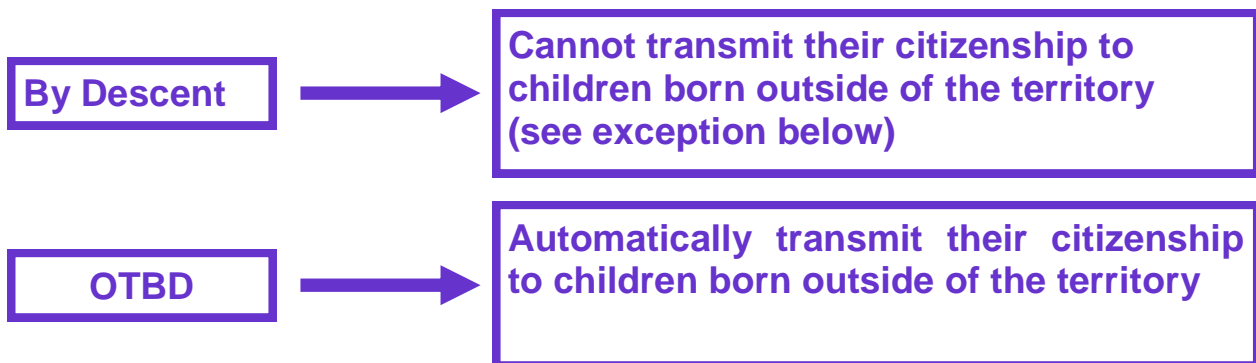
However, in the main, all legal citizens of the Turks and Caicos Islands are **now referred to** as **British Overseas Territories Citizens** for nationality purposes.



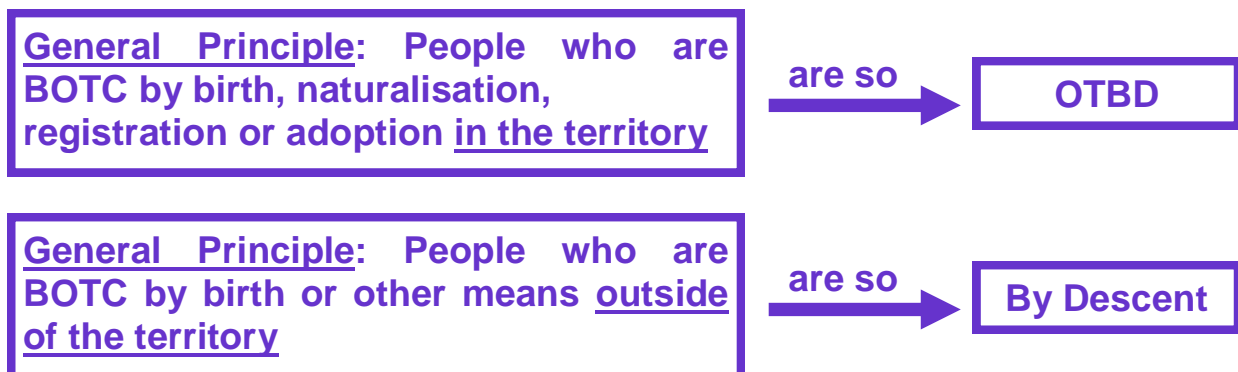
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## By Descent and Otherwise Than By Descent

All British Overseas Territories Citizens (BOTCs) are citizens “by descent” or “otherwise than by descent (OTBD)”. This affects their ability to transmit citizenship to any children born outside of the territory.



When using the information on the previous pages, you may need to calculate whether you/your child’s parent has obtained citizenship by descent or otherwise than by descent. In some cases, it is not enough to simply say that the parent is a British overseas territories citizen (BOTC). How they got that citizenship will need to be considered. They will always be BOTC either by descent, or otherwise than by descent (OTBD).



**Exception to the By Descent Rule:** Some individuals who are born outside the territory because their parent was in service outside the territory, then become BOTC “OTBD” instead of the usual “By Descent”. This is probably out of fairness to the child who would have normally been born in the territory and therefore would have been able to pass citizenship on to their children, had the parent not been in service for the territory.



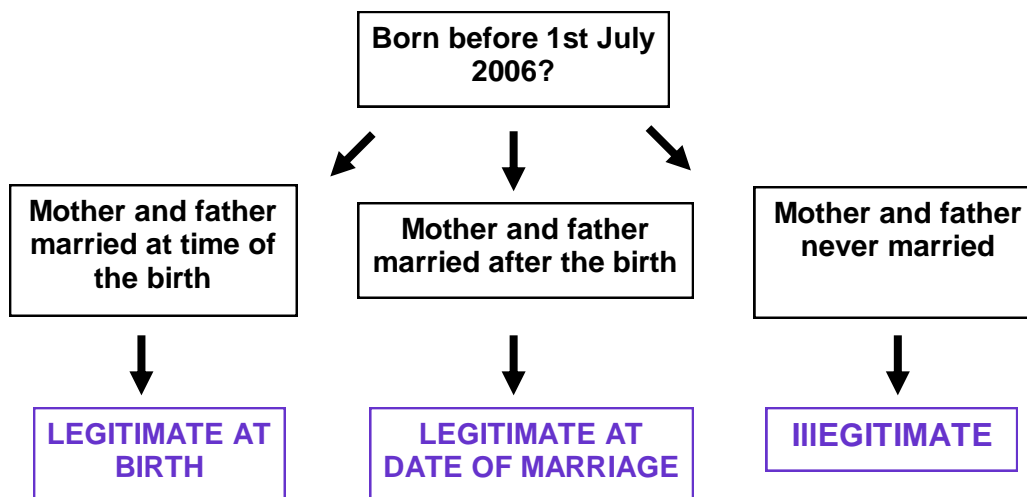
## Parent Test (1)

### Mothers Can Now Pass on Citizenship

The changes made on 1st January 1983 meant that for the first time, **mothers could pass on citizenship**. This means that when looking at the criteria on the previous pages, where we have referred to “parent”, we are referring to a mother or a father. However, if you or your child wish to claim British Overseas Territories Citizenship (BOTC) through the father, you must consider the Parent Test.

### Parent Test - Born BEFORE 1st July 2006 - Legitimacy

The following chart explains what is legitimacy in a little more detail.



The legitimacy considerations above only apply where you or your child are claiming citizenship through the father. If you are claiming legitimacy through the mother, legitimacy would only be relevant when you are working out the mother’s status.

To be clear, for a father to pass on citizenship to a child **born before 1st July 2006**, the child must have been **legitimate** to be entitled to receive their father’s citizenship.

**The mother is the person who gave birth to the child.**



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## Parent Test (2)

### **Parent Test - Born AFTER 1st July 2006 - Legitimacy**

From the 1st of July 2006, rule changes meant that for a father to pass citizenship on to his child, we no longer need to consider legitimacy. In other words, your mother or father did not need to be married for your father to pass citizenship on to you.

If you were born on or after 1st July 2006, your father was:

1. your mother's husband at the time of birth (they must have been married at the time of your birth).

**If the above did not apply**, then you could class your father as:

1. the father on your birth certificate (if your birth was registered within 12 months of your birth), **or**
2. other evidence proving who your father was, for example a court order or a DNA test.

**The mother is the person who gave birth to the child.**

There is also some legislation that defines who a mother or father is where IVF treatment was involved. If you or your child were conceived through IVF treatment, you may wish to seek more advice.