

These notes refer to the Borders, Citizenship and Immigration Act 2009 (c.11) which received Royal Assent on 21 July 2009

BORDERS, CITIZENSHIP AND IMMIGRATION ACT 2009

EXPLANATORY NOTES

COMMENTARY

Part 2: Citizenship

Acquisition of British citizenship by birth

Section 42: Children born in UK etc. to members of the armed forces

165. [Section 42](#) amends section 1 of the BNA 1981 to provide that a child born in the UK or a qualifying territory (as defined in section 50(1) of that Act) on or after the commencement of the section will automatically become a British citizen if their father or mother is a member of the armed forces at the time of their birth. Where that is not the case when the child is born but a parent subsequently becomes a member of the armed forces while the child is still a minor, the child is entitled to be registered as a British citizen. There is also a requirement that the Secretary of State must be satisfied that the applicant is of good character – see section 41A(1) of the BNA 1981 (which is inserted by section 47).