
STATUTORY INSTRUMENTS

2021 No. 743

The British Nationality Act 1981 (Immigration Rules Appendix EU) (Amendment) Regulations 2021

Amendment of the British Nationality Act 1981

2.—(1) The British Nationality Act 1981⁽¹⁾ is amended as follows.

(2) In section 1 (acquisition by birth or adoption), in subsections (3), (3A) and (4), after “(1), (1A) or (2)” insert “or section 10A”.

(3) After section 10 (registration following renunciation of citizenship of UK and Colonies) insert—

“Acquisition in connection with immigration rules Appendix EU

10A.—(1) This section applies to a person born in the United Kingdom⁽²⁾ on or after 1st July 2021 who is not a British citizen on the relevant date by virtue of any other provision of this Act.

(2) A person to whom this section applies (“C”) is a British citizen as from the relevant date if conditions 1 to 3 are satisfied in the case of either C’s father or mother (“P”).

(3) Condition 1 is that, on or after 1st July 2021, P is granted—

- (a) UK related indefinite leave under paragraph EU2 of Appendix EU to the UK immigration rules⁽³⁾;
- (b) Isle of Man related indefinite leave under paragraph EU2 of Appendix EU to the Isle of Man immigration rules⁽⁴⁾,

and the date of grant of such leave is referred to in this section as “the relevant date”.

(4) Condition 2 is that—

- (a) P is granted the leave described in subsection (3)(a) or (b) pursuant to an application made before 1st July 2021, or
- (b) immediately before 1st July 2021, P would have met the eligibility requirements for—
 - (i) UK related indefinite leave within paragraph EU11 or EU12 of Appendix EU to the UK immigration rules, or
 - (ii) Isle of Man related indefinite leave within paragraph EU11 or EU12 of Appendix EU to the Isle of Man immigration rules,if an application had been made at that time.

(1) 1981 c. 61.

(2) For the meaning of “the United Kingdom”, see section 50(1) of the British Nationality Act 1981.

(3) Appendix EU to the UK immigration rules was laid before Parliament on 20 July 2018 (CM 9675). It was substituted by the statement of changes laid before Parliament on 22nd October 2020 (HC 813) and amended by the statement of changes laid before Parliament on 4th March 2021 (HC 1248).

(4) Appendix EU to the Isle of Man immigration rules was laid before Tynwald on 9th April 2019 (Statutory Document 2019/0143) and substituted by the statement of changes laid before Tynwald on 15th December 2020 (Statutory Document 2020/0497).

(5) Condition 3 is that P is ordinarily resident in the United Kingdom on the relevant date.

(6) In determining whether subsection (4)(b) applies, it is to be assumed that P was not entitled to any exemption under section 8 of the Immigration Act 1971⁽⁵⁾ immediately before 1st July 2021.

(7) Any subsequent change to the immigration status of P does not affect the status of C as a British citizen.

(8) In this section—

“Isle of Man immigration rules” means the rules laid down under section 3(2) of the Immigration Act 1971⁽⁶⁾ as that section extends to the Isle of Man⁽⁷⁾;

“Isle of Man related indefinite leave” means indefinite leave as defined in section 33(1) of the Immigration Act 1971 as that section extends to the Isle of Man⁽⁸⁾;

“the relevant date” has the meaning given in subsection (3);

“UK immigration rules” means the rules laid down under section 3(2) of the Immigration Act 1971;

“UK related indefinite leave” means indefinite leave as defined in section 33(1) of the Immigration Act 1971.”.

(5) 1971 c. 77. Relevant amendments were made to section 8 by section 39(4) and (6) of, and paragraphs 2 and 5 of Schedule 4 to, the British Nationality Act 1981, section 4 of the Immigration Act 1988 (c. 14), section 6 of the Immigration and Asylum Act 1999 (c. 33) and Part 2 of Schedule 1 to the Statute Law (Repeals) Act 1995 (c. 44). Section 8 of the Immigration Act 1971 was extended with modifications to the Isle of Man by Article 6(1) and (2)(a) of S.I. 2008/680.

(6) 1971 c. 77.

(7) Section 3(2) of the Immigration Act 1971 was extended with modifications to the Isle of Man by Article 6(2)(a) of S.I. 2008/680; there are amendments to that Order, but none are relevant.

(8) Section 33 of the Immigration Act 1971 was extended with modifications to the Isle of Man by Article 6(2)(c) of S.I. 2008/680.