

Nationality act is now in force

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Nationality Act is now in force

AS most of our readers may already know, the British Nationality Act 1981 came into force this month.

From a Swiss viewpoint this Act is relevant insofar that a child born to Swiss parents in this country will no longer become automatically a dual national.

If both parents are Swiss and live in the UK only temporarily, i.e. as students or temporary workers, the newly born child will be Swiss but not British.

If either the child's father or mother is British and the other Swiss, according to the new Act the child becomes British; according to the Swiss Nationality Law the child becomes Swiss at birth if the father is Swiss.

If the mother is Swiss and married to a foreigner, the child becomes Swiss only if both parents, although living temporarily in the UK, have their domicile in Switzerland at the time of their birth.

A child born to Swiss parents permanently settled in the UK will automatically become a dual national. (A person is settled if he/she is lawfully in Great Britain, ordinarily resident and not subject to a time limit on his/her stay.)

However, Article 10 of the Swiss Nationality Law states: "A person, born abroad and having both Swiss and foreign citizenship, whose father was also born abroad, loses Swiss citizenship upon attaining age 22 unless his/her birth has been duly registered with a Swiss authority in Swit-

zerland or abroad before that date."

The table below summarises consequences of the new British Nationality Act.

The Home Office, where precise information on the British Nationality Act may be obtained, has stated the following:

"As a consequence of the British Nationality Act 1981, which came into force on January 1, 1983, children born in the United Kingdom after that date will not become British citizens unless at the time of birth one of the parents is a British citizen or settled here.

"This means that, under the United Kingdom's immigration law, although a child born here to parents who are not citizens or settled here would not require permission to stay here, he would require permission to return to this country if he went abroad."

In order to overcome difficulties at ports if such a child seeks to be re-admitted after an absence abroad, particularly if he is not accompanied by his parents, the Home Office is anxious that children born here should have their position regularised before they leave the UK. Parents who themselves have a current permission to be here will be able to apply to the Home Office to do this.

The Home Office has prepared a guidance leaflet to tell parents how to apply for leave for their children born in the United Kingdom on or after January 1, 1983.

	Parents on temporary stay in Britain	Parents permanently settled in Britain
Father Swiss, mother Swiss	Child Swiss	Child Swiss and British
Father Swiss, mother British	Child Swiss and British	Child Swiss and British
Father British, mother Swiss	Child British (can also be Swiss if parents have kept permanent domicile in Switzerland)	Child British

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