



Home Office

Guide B(OTA)

Registration as a British citizen –

A guide for:

- **British Overseas Territories citizens**
- **British Overseas citizens**
- **British protected persons**
- **British subjects** (under the British Nationality Act 1981)
- **British Nationals (Overseas)**

March 2019

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Introduction to the guide

Becoming a British citizen is a significant life event. Apart from allowing you to apply for a British citizen passport, British citizenship gives you the opportunity to participate more fully in the life of your local community.

For your application to succeed you will need to show that you satisfy a number of requirements that are set out in British nationality law. This guide aims to help you to make a successful application. It will also help you to prepare for British citizenship.

The first part of this guide summarises the legal requirements for applying for registration.

You should be aware that under the nationality laws of some countries a person will automatically lose their nationality if they become a citizen of another country. If you have any questions about this, you should ask the authorities of the country of which you are a citizen through their embassy or high commission before making your application. If the country of which you are currently a citizen continues to recognise you as one of its citizens you may continue to be subject to the duties of citizens of that country, when you are in its territory. This may include obligations to undergo military service.

The law covering registration is contained in the British Nationality Act 1981, the British Overseas Territories Act 2002 and the regulations made under them. This guide is intended to help you to apply. It is not a complete statement of the law or policy. Other information about citizenship and immigration is available on our website at www.gov.uk/becoming-a-british-citizen.

You should explain any special circumstances that you feel the Home Secretary should take into account when considering your application. Applications can be made by adults or minors (children under 18).

The United Kingdom means England, Scotland, Wales, Northern Ireland, the Channel Islands and the Isle of Man.

The British Overseas Territories are currently: Anguilla; Bermuda; British Antarctic Territory; British Indian Ocean Territory; Cayman Islands; Falkland Islands; Gibraltar; Montserrat; Pitcairn, Henderson, Ducie and Oeno Islands; St. Helena, Ascension and Tristan da Cunha; South Georgia and the South Sandwich Islands; the Sovereign Base Areas of Akrotiri and Dhekelia; Turks and Caicos Islands; Virgin Islands.

OISC and Immigration Advice

You may, if you wish, use the services of an agent such as a solicitor or other competent adviser to help you with your application.

Immigration or nationality advisers acting in the course of business (whether paid or unpaid) are regulated by the Office of the Immigration Services Commissioner (OISC), an independent body. The provision of such advice is prohibited unless a person works for an organisation registered with, or exempted by, the OISC or is authorised to practise (like solicitors and barristers) by a designated professional body. Certain categories (for example public health bodies) are exempted from the regulatory scheme by Ministerial Order. It is a criminal offence to provide advice or services in contravention of the regulatory scheme. Further information about the regulatory scheme and a full list of OISC regulated advisers is available on its website at www.oisc.gov.uk.

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The requirements you must meet

- You must be:
 - a British Overseas Territories citizen,
 - a British Overseas citizen,
 - a British protected person,
 - a British subject (under the 1981 Act), or
 - a British National (Overseas),and
 - of good character, and
- *EITHER* meet the [5-year residence](#) requirements
- *OR* have at any time been in [Crown or similar service](#). (In this case you will only be registered if the Home Secretary thinks fit)
- *OR* meet the alternative requirements for British Overseas Territories citizens

Notes

- If you are a British Overseas Territories citizen, British Overseas citizen, a British subject under section 31 of the British Nationality Act 1981 or a British National (Overseas), registration as a British citizen will not cause you to lose that status. However, British Overseas Territories citizens may find their immigration status could be affected in the territory concerned and they should address any questions about this to the Governor.
- If you are a British protected person or a British subject other than under section 31 of the 1981 Act you will automatically lose that status on being registered as a British citizen. British subjects under section 31 of the Act are people who before 1949 were both citizens of Eire (as Ireland was then called) and British subjects. Nearly all British subjects other than under section 31 are either people who derived British subject status from their own or their father's

birth in former British India, or women who were registered as British subjects (under the British Nationality Act 1965) by virtue of marriage to a British subject.

The '5 years residence' requirements

The 5-year period is the period ending with the date your application is received in the Home Office.

For example, if your application is received in the Home Office on 30 December 2007, the 5 year period will be from 31 December 2002 to 30 December 2007.

You will meet the '5 years residence' requirements if:

- you were in the United Kingdom at the beginning of the 5 year period, and
- in the 5-year period you were not outside the United Kingdom for more than 450 days, and
- in the last 12 months of the 5-year period you were not outside the United Kingdom for more than 90 days, and
- in the last 12 months of the 5-year period your stay in the United Kingdom was not subject to any time limit under the immigration laws, and
- you were not at any time in the 5-year period in the United Kingdom in [breach of the immigration laws](#) .

If you are applying on the grounds of 5 years residence you must be free from any restriction under the immigration laws on the date of application and have been in the United Kingdom at the beginning of the 5 year period, unless you were settled in the United Kingdom immediately before 1 January 1983. ("Settled" means ordinarily resident in the United Kingdom without being subject under the immigration laws to any restriction on the period for which you may remain. No one can be regarded as ordinarily resident if they are in breach of the immigration laws. Certain people are not regarded as settled even though they are exempt from immigration control: these are certain members of diplomatic or consular missions, or members of visiting forces or of international organisations).

The Home Secretary may make an exception to the other residence requirements in if he thinks there are special circumstances in your case. If you believe there are special circumstances in your case you should explain what the special circumstances are when you apply.

Breach of Immigration law/time restrictions

You should not have been in breach of immigration law during the residential qualifying period. You should have been here legally. In other words you must have had the necessary permission under the immigration laws to be in the UK. You may be refused if you have been in breach of immigration laws during the residential qualifying period.

You should have been free from immigration time restrictions during the last 12 months of this period. Usually there is a stamp or sticker in your passport saying that you have indefinite leave to enter or remain or no time limit on your stay. But you may have a letter from the Home Office saying that you are free from immigration conditions. If you do not have a passport or letter which says this and you have lived here many years you may still be free from an immigration time restriction.

If you have permanent residence as a family member, or extended family member, of an EEA national you should send a document certifying permanent residence or a permanent residence card issued by the Home Office.

Absences from the UK

During the 5-year period you should not have been absent from the UK for more than 450 days of which no more than 90 days should have been taken in the last 12 months. There is discretion to allow absences above these normal limits.

Most applications that fail do so because applicants have applied even though they cannot satisfy the residence requirement to be present in the UK at the beginning of the residential qualifying period. Some discretion may be exercised over the other residence requirements if there are special circumstances. If you do not meet the residence requirements but believe that there are special circumstances in your case, you should explain them when you apply.

There is discretion to disregard absences in excess of the limits.

- We normally disregard absences up to 480 days.
- We will disregard absences of up to 900 days only if you meet all the other requirements and you have established your home, family and a substantial part of your estate here. We would also expect that:
 - If the absences are up to 730 days we would expect you to have been resident in the UK for the last 7 years,
 - If the period of absence is greater than 730 days then we expect you to have lived in the UK for the last 8 years, or
- For the absences to be due to posting abroad in Crown service for example as a member of HM Forces, or
- The excess absences are an unavoidable consequence of the nature of your work. For example if you are a merchant seaman or someone working for a UK based business which requires frequent travel abroad, or
- There are exceptional or compelling reasons of an occupational or compassionate nature such as having a firm job offer for which British citizenship is a genuine requirement.

Only very rarely would we disregard absences in excess of 900 days. If your absences are more than this limit, your application is likely to fail and your fee will not be fully reimbursed.

Absences in the final year are considered in the following way

- Total not exceeding 100 days – we normally disregard.
- Total absences of more than 100 days but less than 180 days, where the residence requirements over the full 5-year qualifying period are met – we normally consider disregarding if applicants have demonstrated links with the UK through presence of family, and established home and a substantial part of their estate.
- Total absences of more than 100 days but less than 180 days, where the residence requirements over the full 5-year qualifying period are not met
- We normally consider disregarding only if applicants have demonstrated links with the UK through presence of family, and established home and a substantial part of their estate and the absence is justified by Crown service or by compelling occupational or compassionate reasons taking account of the criteria shown above for disregarding total absences over the 5-year residential qualifying period.
- Total absences exceeding 180 days where the residence requirements over the full 5 year residential qualifying period are met-we would consider disregarding only if applicants have demonstrated links with the UK through presence of family, and established home and a substantial part of their estate and the absence is justified by Crown service or by compelling occupational or compassionate reasons, taking account of the criteria shown above for disregarding total absences over the 5 year residential qualifying period.
- Total absences exceeding 180 days where the residence requirements over the full 5-year residential qualifying period are not met, we would consider disregarding only in the most exceptional circumstances.

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Registration on grounds of Crown or similar service

British Overseas Territories citizens, British Overseas citizens, British protected persons, British subjects (under the British Nationality Act 1981) and British Nationals (Overseas) who do not meet the '5 years residence' requirements may be registered as British citizens if:

- they are or have been in Crown service under the government of a British Overseas territory, or
- they are or have been in service as a member of a body established by law in a British overseas territory, the members of which are appointed by or on behalf of the Crown.

Registration will be quite exceptional. You should show that you:

- have been the holder of a responsible post, and
- have given outstanding service, and
- have some close connection with the United Kingdom.
- You should also explain the special circumstances you feel the Home Secretary should take into account when considering your application.

If you think you might qualify, you should write in the first instance, stating your case, to the Governor of the British overseas territory concerned.

Registration is not a reward for long service under the British Crown and is rarely granted on this basis.

Additional provision for British Overseas Territories Citizens

If you are a British Overseas Territories citizen who has not become a British citizen under the British Overseas Territories Act 2002, or otherwise, you may also be registered as a British citizen unless:

- your British Overseas Territories citizenship is by connection only with the Sovereign Base Areas of Akrotiri and Dhekelia, or
- you have previously ceased to be a British citizen as a result of a declaration of renunciation.

Registration is at the discretion of the Home Secretary. He will not normally register an applicant who is not of good character.

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Good Character

To be of good character you should have shown respect for the rights and freedoms of the UK, observe its laws and fulfilled your duties and obligations as a resident of the UK. Checks will be carried out to ensure that the information you give is correct.

If you are not honest about the information you provide, and you are registered on the basis of incorrect or fraudulent information you will be liable to have British citizenship taken away (deprivation) and you may be prosecuted. It is a criminal offence to make a false declaration knowing that it is untrue.

Among the duties and obligations which you are expected to fulfil is payment of income tax and National Insurance contributions. We may ask H.M. Revenue & Customs for confirmation that your tax and National Insurance affairs are in order.

If you do not pay income tax through PAYE you must demonstrate that you have discharged your obligations towards the H.M. Revenue & Customs, by attaching a Self Assessment Statement of Account.

You must give details of all criminal convictions both within and outside the UK. These include road traffic offences.

Fixed penalty notices (such as speeding or parking tickets) must be disclosed, although will not normally be taken into account unless:

- you have failed to pay and there were criminal proceedings as a result
- you received 3 or more fixed penalty notices at any level
- in the past 3 years you received 2 or more fixed penalty notices, at least one of which was at the upper levels (fine of £200 or more).

We will consider the applications against the factors listed in the [Good Character Guidance](#) at Considering cumulative, non-custodial sentences.

Where a fixed penalty notice or fiscal fine has been referred to a court due to non-payment, or the notice has been unsuccessfully challenged by the person in court, we will consider it as a conviction and assess it in line with the new sentence imposed.

Drink driving offences must be declared. If you have any endorsements on your driving licence you must provide the paper counterpart.

A driving conviction may not be disregarded despite any penalty points being removed from your driving licence.

Criminal record checks will be carried out in all cases. If you have a conviction within the relevant sentence based threshold you are unlikely to be registered as a British citizen. Similarly, if you have been charged with a criminal offence and are awaiting trial or sentencing, you are advised not to make any application for registration until the outcome is known. If you are convicted, you should then consult the table below.

Sentence	Impact on Nationality
4 Years or more imprisonment	Application will normally be refused, regardless of when the conviction occurred.
Between 12 months and 4 years imprisonment	Application will normally be refused unless 15 years have passed since the end of the sentence.
Up to 12 months imprisonment	Application will normally be refused unless 10 years have passed since the end of the sentence.
A non-custodial offence or other out of court disposal that is recorded on a person's criminal record	Application will normally be refused if the conviction occurred in the last 3 years.

Notes:

- A person who receives a sentence of life imprisonment is included in the '4 years or more imprisonment' category.
- A person who receives a custodial sentence of exactly 4 years is included in the '4 years or more imprisonment' category.
- A person who receives a custodial sentence of exactly 12 months or exactly 1 year is included in the 'Between 12 months and 4 years imprisonment' category.
- The "end of the sentence" means the entire sentence imposed, not just the time the person spent in prison. For example, a person sentenced to 3 years' imprisonment on 1/1/2013 will normally be refused citizenship until 1/1/2031 – the 15 year 'bar' added to the 3 year sentence.
- A "non-custodial offence or other out of court disposal that is recorded on a person's criminal record" includes Fines, Cautions, Warnings and Reprimands, Community Sentences, Civil Orders, Hospital Orders & Restriction Orders and Potential Court Orders.
- A person who is subject of an extant Deportation Order will be refused citizenship regardless of when they apply.
- Some extremely short periods of imprisonment may not be included in the 'up to 12 months imprisonment' category. This will depend on whether the person was convicted & sentenced or simply committed to prison. The latter is not a sentence and the vast majority of those detained for one day– will have been committed by the court and not sentenced. The decision maker will instead treat this as a "non- custodial offence or other out of court disposal that is recorded on a person's criminal record".
- A suspended prison sentence will be treated as a "non-custodial offence or other out of court disposal that is recorded on a person's criminal record".

- The exception is where that sentence is subsequently 'activated'. This means that the person re-offended or failed to adhere to/breached the conditions of that sentence. Where this happens, the sentence length will be the one originally imposed.

Example 1: a person is sentenced to 6 months' imprisonment, suspended for two years. If they 'activate' this, the sentence should be 6 months and fall into the 'up to 12 months' imprisonment' category above.

Example 2: a person is sentenced to 12 months' imprisonment, suspended for two years. If they 'activate' this, the sentence should be 12 months and fall into the 'Between 12 months and 4 years' imprisonment' category above.

- Sentences imposed overseas will normally be treated as if they occurred in the UK.
- For concurrent sentences, the decision maker will take the longest single sentence imposed. For example, a sentence of 9 months' imprisonment served concurrently with a sentence of 6 months' imprisonment will be treated the same as one 9-month sentence.
- For consecutive sentences, the decision maker will add together the total of all the sentences imposed. For example, a sentence of 9 months' imprisonment served consecutively with a of 6 months' imprisonment will be treated the same as one 15month sentence.

You are also advised to refer to the good character policy guidance which caseworkers use to decide your application. This is available on the [website](#).

You must give details of all civil judgments which have resulted in a court order being made against you as well as any civil penalties under the UK Immigration Acts. If you have been declared bankrupt at any time you should give details of the bankruptcy proceedings. (Your application is unlikely to succeed if you are an undischarged bankrupt).

You do not need to give details of family law proceedings such as divorce decrees, dissolved civil partnerships, guardianship orders, parental responsibility orders.

You must give details of any cautions (simple or conditional), warnings or reprimands you have received in the UK or any other country. Cautions, warnings and reprimands are out of court disposals that are recorded on a person's criminal record and are taken in to account when assessing a person's character.

You must say if your details have been recorded by the police as a result of certain sexual offences, or if you are subject to one of the following orders: notification order, sexual offences prevention order, foreign travel order, risk of sexual harm order (or equivalent order made in a British overseas territory or any other country). If your details are recorded on the "sex offenders" register, even if any conviction is

spent, the Home Secretary is unlikely to be satisfied that you meet the good character requirement and so an application for citizenship is unlikely to be successful.

You must say if there is any offence for which you may go to court or which is awaiting hearing in court. This includes having been arrested for an offence and waiting to hear if you will be formally charged. If you have been arrested and not told that charges have been dropped, or that you will not have to appear in court, you may wish to confirm the position with the police. For applicants from Scotland any recent civil penalties must also be declared. You must tell us if you are arrested or charged with an offence after you make your application and while the application is under consideration. You risk prosecution under section 46 of the British Nationality Act 1981 if you do not do so.

You must also say whether you have had any involvement in terrorism. If you do not regard something as an act of terrorism but you know that others do or might, you should mention it. You must also say whether you have been involved in any crimes in the course of armed conflict, including crimes against humanity, war crimes or genocide. If you are in any doubt as to whether something should be mentioned, you should mention it.

You should refer to the definitions in this Guide on actions which may constitute genocide, crimes against humanity and war crimes.

This guidance is not exhaustive. Before you answer these questions you should consider the full definitions of war crimes, crimes against humanity and genocide which can be found in Schedule 8 of the [International Criminal Court Act 2001](#). Alternatively, copies can be purchased from The Stationery Office, telephone 0870 600 5522.

It is your responsibility to satisfy yourself that you are familiar with the definitions and can answer the questions accurately.

Genocide

Acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group.

Crimes against humanity

Acts committed at any time (not just during armed conflict) as part of a widespread or systematic attack, directed against any civilian population with knowledge of the attack. This would include offences such as murder, torture, rape, severe deprivation of liberty in violation of fundamental rules of international law and enforced disappearance of persons.

War Crimes

Grave breaches of the Geneva Conventions committed during an armed conflict. This includes an internal armed conflict and an international armed conflict. The types of acts that may constitute a war crime include wilful killing, torture, extensive destruction of property not justified by military necessity, unlawful deportation, the intentional targeting of civilians and the taking of hostages.

Terrorist Activities

Any act committed, or the threat of action, designed to influence a government or intimidate the public and made for the purpose of advancing a political, religious or ideological cause and that involves serious violence against a person; that may endanger another person's life; creates a serious risk to the health or safety of the public; involves serious damage to property; is designed to seriously disrupt or interfere with an electronic system.

Organisations concerned in terrorism

An organisation is concerned in terrorism if it:

- commits or participates in acts of terrorism,
- prepares for terrorism,
- promotes or encourages terrorism (including the unlawful glorification of terrorism), or
- is otherwise concerned in terrorism.

Deception

If you have practised deception in your dealings with the Home Office or other Government Departments (such as by providing false information or fraudulent documents) this will be taken in to account in considering whether you meet the good character requirement.

Your application will be refused if you have attempted to deceive the Home Office within the last 10 years.

Immigration Related Issues

Your application may also be refused if you have evaded immigration control in the last 10 years or helped someone else to evade immigration control or employed illegal workers, at any time. Full details of our policy can be seen on the [website](#).

Deprivation of citizenship

You may be deprived of British citizenship if it is found to have been obtained by fraud, false representation or the concealment of any material fact. The Home

Secretary may also deprive you of British citizenship if, in his opinion, it would be in the public interest for him to do so and you would not thereby be made stateless.

Ministers suggested during the passage of the Immigration, Asylum and Nationality Act 2006 that deprivation may be appropriate where the person-

- has encouraged or assisted others to commit acts of terrorism;
- has committed war crimes, public order offences or other serious crime; or
- has carried out acts seriously prejudicial to vital national interests, including espionage and acts of terrorism directed at the United Kingdom or an allied power.

A certificate of registration will, as a matter of law, be ineffective from the outset if it is obtained by means of impersonation.

What if you haven't been convicted but your character may be in doubt?

You must say if there is any offence for which you may go to court or which is awaiting hearing in court. This includes having been arrested for an offence and waiting to hear if you will be formally charged. If you have been arrested and not told that charges have been dropped, or that you will not have to appear in court, you may wish to confirm the position with the police. You must tell us if you are arrested or charged with an offence after you make your application and while the application is under consideration. You risk prosecution under section 46 of the British Nationality Act 1981 if you do not do so.

You must say whether you have been involved in anything which might indicate that you are not of good character. You must give information about any of these activities no matter how long ago this was. Checks will be made in all cases and your application may fail and your fee will not be fully refunded if you make an untruthful declaration. If you are in any doubt about whether you have done something or it has been alleged that you have done something which might lead us to think that you are not of good character you should say so.

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Biometric Enrolment

As part of your application, all applicants are required to enrol their biometric details for the purpose of identity verification.

Children under 18 applying for registration as a British citizen must also enrol their biometric details. Children under the age of 6 do not need to provide fingerprints, but must have a digital photograph taken of their face.

Up to the age of 6 the Home Office only requires a digitised image of the child's face, although the regulation does not prevent fingerprints being recorded from children aged less than 6 years. There is no upper age limit for biometric information to be taken.

Children under the age of 16 must be accompanied by a parent or legal guardian at their biometric enrolment appointment.

Where you give your biometric information depends on how you're making your visa or immigration application. You'll be told where to go after you've applied.

Your application may be rejected as invalid if you do not enrol your biometrics when requested. For more information about enrolling biometrics and the current fee, please visit the following section of our website: <http://www.gov.uk/biometric-residence-permits>.

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Documents

This section tells you the sort of documents you will need to provide for us to consider your application. We cannot consider your application unless we have supporting documents. If you do not submit your application with supporting documents and the correct fee then the application will be returned to you unprocessed.

Please provide evidence:

- that you are a British Overseas Territories citizen, a British National (Overseas), a British Overseas citizen, a British subject (under the 1981 Act) or a British protected person).
- Please send your passport or your naturalisation or registration certificate. If you cannot provide these, and your claim is through your birth and/or your parents' birth, send your birth certificate and, if possible, your parents' birth and marriage certificates.

Applications made on the basis of residence in the United Kingdom

Evidence of lawful residence during the 5 years before the date of the application

- Your passports
If you are unable to provide a passport say why you are unable to provide one
- Letters from employers, educational establishments or other Government Departments showing your residence in the United Kingdom during the relevant period OR
- If your passport is not stamped when you came into the United Kingdom, e.g. because you have the right of abode in the United Kingdom, you should send your passport and also provide alternative evidence of residence as above.

Evidence of freedom from immigration time restrictions

- Your passport showing permission to remain permanently in the UK, or
- The Home Office letter by which you were given permission to remain permanently in the UK, or
- Evidence of being freely landed, if you did not receive specific permission because you were freely landed as a Commonwealth citizen before 1971 or arrived as a child on your parent's passport, or
- Your document certifying permanent residence or permanent residence card issued by the Home Office if you have permanent residence as a family member, or extended family member, of an EEA national.

Self-employed applicants

If you do not pay tax through Pay As You Earn (PAYE) arrangements, we require the most recent HM Revenue & Customs Self-Assessment Statement of Account.

Applications made on the basis of your Crown service

A letter from the relevant employer confirming date and place of recruitment, position held, and the extent to which it would be in the employer's interests for the application to be granted.

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Citizenship Ceremonies

If your application is successful and you are living in the UK, you will be invited to attend a citizenship ceremony if you are over 18. You will receive an invitation from the Home Office and this will confirm the local authority you should contact to arrange your ceremony. We expect you to arrange to attend a ceremony within 3 months of receiving your invitation otherwise it will expire and you will have to re-apply for registration and pay a further processing fee.

If you are outside the UK, arrangements will be made for you to make the oath/affirmation and pledge at the British Embassy, High Commission, Consulate, Governor's Office or Lieutenant Governor's Office.

If you are over the age of 18 when your application is decided, you will need to attend a citizenship ceremony. At the ceremony, you will be asked to affirm or swear an oath of allegiance to Her Majesty the Queen and to pledge your loyalty to the UK. Following this you will be presented with your certificate of registration as a British citizen.

You must make immediate contact with the local authority once you have been informed that your application is successful, as you only have 90 days in which to attend the ceremony. The date by which you must attend your ceremony will be given in your Home Office citizenship ceremony invitation. If you do not attend the ceremony within 90 days without good reason, your application for citizenship will be refused and you will need to re-apply.

Making the Oath (or Affirmation) and Pledge at a citizenship ceremony is a legal requirement for adults, and the point at which you will become a British citizen. You are therefore expected to attend a ceremony. If you have special needs or concerns about saying the Oath (or Affirmation) and Pledge in English, you should bring these to the attention of the local authority once you have received your invitation.

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