Ad-Hoc Query on residence permits for British citizens who are not nationals of the UK

Requested by ES EMN NCP on 21st September 2015

Compilation produced on 22nd October 2015

Responses from Austria, Belgium, Croatia, Czech Republic, Estonia, Finland, France, Germany, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom plus Norway (22 in Total)

Disclaimer: The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

1. Background Information

When issuing residence permits to British citizens who are not nationals of the United Kingdom of Great Britain and Northern Ireland, Spanish authorities are faced with the problem of finding uniform criteria to fill in the box concerning „nationality". This concerns:
- British Nationals (Overseas)
- British Overseas Territories Citizens
- British Overseas Citizens

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- British Subjects
- British Protected Persons

In order to find an optimal solution, the ES EMN NCP is interested in receiving information from the other Member States on how they fill in the box for „nationality" in the residence permits issued to the above mentioned categories of British citizens (either using all the words for each category, or with a common denomination for all of them, or just with the ICAO code, etc).

We would very much appreciate your responses **by 20th October 2015**.

2. **Responses**[1]

		Wider Dissemination?[2]	
🇦🇹	**Austria**	**Yes**	As these „British passport holders" in fact <u>are not nationals</u> of the United Kingdom of Great Britain and Northern Ireland, the box concerning nationality is filled in with the real nationality of the applicant. Source: Federal Ministry of the Interior
🇧🇪	**Belgium**	**Yes**	The following codes were created in the National Register in order to deal with the registration of these persons. 905 Citoyen des territoires britannique d'outre mer — Burger van de Britse overzeese gebieden — British Overseas Territories Citizen 906 Sujet Britannique — Brits onderdaan — British Subject 907 Citoyen britannique d'outre-mer — Brits Overzees Burger — British Overseas Citizen 908 Sous la protection britannique — Onder Britse bescherming — Under British Protection 909 Ressortissant britannique(outre-mer) — Britse nationaal (Overzees) — British National (Overseas) 180 Gibraltar (R.U.) — Gibraltar (V.K.) — Gibraltar (U.K.) 389 Sainte-Hélène (R.U.) — Sint-Helena (V.K.) — Saint Helena (U.K.) 479 Iles Vierges britanniques (R.U.) — Britse Maagdeneilanden (V.K.) — British Virgin Islands (U.K.)

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[1] If possible at time of making the request, the Requesting EMN NCP should add their response(s) to the query. Otherwise, this should be done at the time of making the compilation.

[2] A default "**Yes**" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "**No**" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "**No**" and wider dissemination beyond other EMN NCPs, then for the <u>Compilation for Wider Dissemination</u> the response should be removed and the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."

485	Bermudes (R.U.)	Bermuda (V.K.)	Bermuda (U.K.)
488	Iles Turks et Caïques (R.U.)	Turks- en Caicoseilanden (V.K.)	Turks and Caicos Islands (U.K.)
490	Anguilla (R.U.)	Anguilla (V.K.)	Anguilla (U.K.)
491	Antigua (R.U.)	Antigua (V.K.)	Antigua and Barbuda
492	Iles Caïmanes (R.U.)	Kaaimaneildanden (V.K.)	Cayman Islands (U.K.)
493	Montserrat (R.U.)	Montserrat (V.K.)	Montserrat (U.K.)
580	Iles Falkland (R.U.)	Falklandeilanden (V.K.)	Falkland Islands (U.K.)
692	Iles Pitcairn (R.U.)	Pitcairneilanden (V.K.)	Pitcairn Islands (U.K.)

Other less common codes may be used mainly in historical data (Hong-Kong for instance).

The first 5 codes should be used to classified the citizenship. The other codes should be used when dealing with the place of birth.
For statistical purposes, the Immigration Office usually uses a generic citizenship for this type of citizenship based on Eurostat practices "British overseas countries and territories - UK_OCT".

	Croatia	Yes	No uniform criteria has been defined.
	Czech Republic	Yes	Although there are special categories for above mentioned British citizens in our Foreigner Information System (it is possible to insert territories such as Man, Gibraltar, Bermuda etc. in the box for nationality"), all foreigners coming from these areas are filled in the system as "British citizen". This is according to the nationality stated in their passports. In compliance with the law, the foreigner´s passport is the key document and the authorities have to follow the information provided in it.
	Estonia	Yes	In the course of processing application for temporary residence permits in Estonia the nationality is not being asked, only citizenship is required to be marked in the application form. For British Nationals (Overseas) who own the relevant passport and have applied for residence permit in Estonia, the processing procedure is the same as for any other third country citizen.
	Finland	Yes	British National (Overseas); BNO
	France	Yes	The nationality mentioned on the residence permits issued to the above mentioned categories of British citizens is : "BRITANNIQUE HORS C.E.E". (British non UE nationals).
	Germany	Yes	The registration in the Central Register of Foreigners follows the official states and key area of the Federal Statistical Office, the entry reads "British (BOTC)". Nevertheless, for technical reasons the corresponding entry in the residence permits is not yet possible.
	Hungary	Yes	Hungary has not been faced with this problem indicated in the query yet because we have not met all of these categories in practice. In our opinion – regarding the Hungarian practice as well - it is reasonable if the ICAO code is marked on the residence permit according to the client's real nationality.
	Italy	Yes	Italy does not have specific indications for distinguishing UK nationals. However, when filling in the relevant application form (Form 1) for obtaining or renewing a residence permit, in Section 3 about personal particulars, there are two boxes: "State of Birth Code" and "State of

			Nationality Code". A foreign national filling in the form can find his/her codes in a Table of Country Codes at his/her disposal.
	Latvia	**Yes**	Latvia uses ICAO codes for residence permits and for national Population register: British Dependent territories citizen GBD — National (Overseas) GBN — Overseas citizen GBO — Protected person GBP — Subject GBS.
	Lithuania	**Yes**	Such case has never occurred in practice in Lithuania so far. The common rule is the box for "nationality" in the residence permit is filled according to the box for "nationality" in travel document provided by TCN.
	Luxembourg	**Yes**	In Luxembourg, these individuals are registered under the country code GBN.
	Malta	**Yes**	In the nationality field assigned to "nationality" in residence permits issued by Malta, these international codes are used for the following nationalities: - GBN: British Nationals (Overseas) - GBD: British Overseas Territories Citizens - GBO: British Overseas Citizens - GBR: British Subjects - GBP: British Protected Persons
	Netherlands	**Yes**	The Netherlands Immigration and Naturalisation Service registers the following categories of British citizens: *table below*

For the Netherlands entry:

Category I: visible for immigration officers	Morpho code	Category II: visible on residence permit (Dutch)	Category II: visible on residence permit (English translation*)
British National (overseas)	GBN	British National (Overseas)	British National (Overseas)
Brits burger/British citizen	GBR	*Brits burger*	British Citizen
Britse Afh. Gebieden, burg v./British Overseas Territories Citizen	GBD	*Burger van Britse afhankelijke gebieden*	British Overseas Territories Citizen
Brits onderdaan/British subject	GBS	*Brits onderdaan*	British subject
Brits overzees burger/British overseas citizen	GBO	*Brits overzees burger*	British overseas citizen

* The residence permit is written in Dutch.

The left column shows the nationalities (in Dutch and in English) visible for immigration officers in the digital archive. The right columns show the names (in Dutch and in English) visible on the residence permit.

As illustrated in the table above, the third nationality on the list (British Overseas Territories Citizen) is named differently in Dutch in the left and

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			right column. In the left column, the name is abbreviated to meet the requirements of the digital archive. Nationalities are <u>not</u> abbreviated on the actual residence permit. The morpho code is the ICAO-code. The ICAO-code is located on the back of the permit, and is readable for digital passport readers.
	Portugal	**Yes**	PT does not register this situation so far.
	Slovak Republic	**Yes**	The Slovak Republic uses in such cases the common denominations pursuant to ICAO codes.
	Slovenia	**Yes**	Regarding identification of the British citizens at the residence permits we are using ISO 3166 standard with code&acronym of the city.
	Spain	**Yes**	So far, no uniform criteria have been defined.
	Sweden	**Yes**	Sweden has very few cases concerning the categories mentioned above and no uniform criteria are defined.
	United Kingdom	**Yes**	The UK does not issue EU residence permits to British Nationals, however the UK records the nationality in full on the passports in the following way. The code is recorded separately on the passport. **British national category**　　**Nationality recorded on passport as:**　　**Code** British National Overseas – **British National(overseas)**　　(Code=GBN) British Overseas citizens – **British Overseas Citizen**　　(Code=GBO) British Subjects – 　　**British Subject**　　(Code=GBS) British Protected Persons – **British Protected Person**　　(Code =GBP) British Overseas Territories –**British Overseas Territories Citizen**　　(Code will vary according to the territory, e.g. Montserrat is MSR)
	Norway	**Yes**	All categories of British citizenship are registered with the code GBR in the Norwegian Directorate of Immigration's database. On the residence permit we write "Great Britain". We do see advantages of distinguishing, but do not.

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