

CHRIS HEATON-HARRIS MP



HOUSE OF COMMONS

LONDON SW1A 0AA

April 2017

Dear Constituent,

Thank you for contacting me about Hong Kong Servicemen and EDM 88.

Ministers do not, by convention, sign any Early Day Motions, as doing so is likely to breach the Ministerial Code's rules on collective responsibility. However, let me make clear my gratitude for the service provided by former Hong Kong military personnel. Under current legislation, the only people who have the right of abode are British citizens and some Commonwealth citizens who secured the right before the law changed in 1983. It has been a long-established practice in British nationality law for British nationality to be lost when a country ceases to be a UK territory. That has been the case since 1949, when countries such as Australia and Canada ceased to be colonies for the purposes of nationality law.

Under the British Nationality Selection Scheme introduced in 1990, Hong Kong Military Service Corps personnel settled in Hong Kong could apply to register as a British citizen. The scheme ended on 31 December 1996.

In the British Nationality (Hong Kong) Act 1997, a person who is ordinarily resident in Hong Kong on the date of application and who was resident there on 3 February 1997 as a British overseas territories citizen can apply to register as a British citizen if he or she has no other nationality. Similarly, section 4B of the British Nationality Act 1981 allows for the registration of British nationals if they do not hold any other citizenship or nationality, would otherwise be stateless and have not voluntarily renounced or relinquished another nationality.

The Government is committed to creating a fair immigration system and to righting the wrongs of history where it is appropriate to do so. I am very glad therefore that the Immigration Act 2014 created a registration route for people who would have become British citizens but for the fact that their British father was not married to their mother.

As I understand it, the Home Office has received representations from groups regarding citizenship for Hong Kong servicemen and women, and has said it is aware of their issues.

Once again, many thanks for taking the time to contact me about this important issue.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'Chris'.

**CHRIS HEATON-HARRIS MP
MEMBER OF PARLIAMENT FOR DAVENTRY**