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Position of Commonwealth Citizen in UNITED KINGDOM

A Commonwealth citizen, which replaces the former category of British subject, is generally a person who is a national of any country within the Commonwealth of Nations.

In British nationality law, a Commonwealth citizen is a person who is either a British Citizen, British Overseas Territories Citizen, British Overseas Citizen, British Subject, British National (Overseas) or a national of a country listed in Schedule 3 of the British Nationality Act 1981. Note that British Protected Persons are not Commonwealth citizens. The list of countries in Schedule 3 at any time may not accurately reflect the countries actually within the Commonwealth at that time. For example, when Fiji left the Commonwealth in 1987 and 1990, its name was not removed from Schedule 3. This may have happened because the British Government at the time wished to avoid the consequences of Fijian citizens in the United Kingdom suddenly losing the benefits of Commonwealth citizenship.

Most other Commonwealth countries have provisions within their own law defining who is and who is not a Commonwealth citizen. Each country is free to determine what special rights, if any, are accorded to non-nationals who are Commonwealth citizens. In general, citizens of the Republic of Ireland and British protected persons, although not Commonwealth citizens, are accorded the same rights and privileges as Commonwealth citizens.

Rights and disabilities in the United Kingdom

In the United Kingdom, as in many other Commonwealth countries, Commonwealth citizens (together with Irish citizens and British protected persons) are in law considered not to be "foreign" or "aliens", although British protected persons do not have all the civic rights that are enjoyed by Commonwealth and Irish citizens. Commonwealth and Irish citizens enjoy the same civic rights as British citizens, namely:

- the right, unless otherwise disqualified (e.g. imprisoned), to vote in all elections (i.e., parliamentary, local and European elections) as long as they have registered to vote (they must possess valid leave to enter/remain or not require such leave on the date of their electoral registration application)
- the right, unless otherwise disqualified, to stand for election to the British House of Commons as long as they possess indefinite leave to remain or do not require leave under the Immigration Act 1971 (c. 77) to enter or remain in the UK.
- the right, if a qualifying peer or bishop, to sit in the House of Lords
- eligibility to hold public office (e.g., as a judge, magistrate, minister, police constable, member of the armed forces, etc.)

The disabilities of Commonwealth citizens who are not British citizens are few, but in the case of immigration control, very important. Commonwealth citizens (including British nationals who are not British citizens) who do not have the right of abode are subject to immigration control, including control on the right to work and carry out business. In addition, Commonwealth citizens who are not British citizens may not be engaged in certain sensitive occupations, e.g., in the Foreign and Commonwealth Office, in the intelligence services, and some positions within the armed forces.

Nevertheless, under the United Kingdom's immigration arrangements Commonwealth citizens enjoy certain advantages:

- Commonwealth citizens born before 1 January 1983 may by virtue of having a parent born in the United Kingdom and Islands have the right of abode therein – such persons are exempt from all immigration control;
- Commonwealth citizens with a grandparent born in the United Kingdom and Islands may be admitted for up to five years on this basis, and thereafter be granted indefinite leave to remain;

- Commonwealth citizens between the ages of 18 and 30 were eligible to be admitted for a "working holiday" for up to two years. This has since been replaced with the more restrictive Youth Mobility Scheme (now open only to youth of Australia, Canada, Japan, New Zealand, and Monaco);
- Commonwealth citizens, unlike other non-European Economic Area nationals, may not be required to register with the police while living in the United Kingdom.

Applicable countries

The countries whose citizens are Commonwealth citizens under Schedule 3 of the British Nationality Act 1981, although the list as laid out in the Act may not reflect the actual current membership in the Commonwealth. Although Rwanda does not appear in Schedule 3 of the Act, for electoral purposes, its citizens are considered to be Commonwealth citizens. Also, for electoral purposes, the whole of Cyprus is considered to be a Commonwealth country; hence, anyone who holds a Cypriot passport and/or a Northern Cypriot passport is considered to be a Commonwealth citizen (but not a person who is solely a Turkish citizen without any form of Cypriot nationality).

Rights and privileges throughout the Commonwealth

Although the rights and privileges (if any) for non-national Commonwealth citizens differ from country to country, a number of Commonwealth countries grant them more privileges than 'aliens' (i.e. non-Commonwealth foreign nationals), but not the full privileges enjoyed by the country's own nationals.

Right to vote

Many Commonwealth countries allow citizens from other Commonwealth countries to vote.

Immigration benefits

Many Commonwealth countries offer visa-free entry for short visits made by Commonwealth citizens from countries with a relatively high standard of living. Many Commonwealth countries continue to allow Commonwealth citizens from other countries to become nationals/local citizens by registration rather than naturalisation, upon preferential terms, e.g. with a shorter required period of residency, although this practice has been discontinued in some countries such as New Zealand and Malta.

Other rights

- The right to work in any position (including the civil service) in some instances, except for certain specific positions (e.g. defence, Governor-General or President, Prime Minister).
- Eligibility for the Commonwealth Scholarship.
- Eligibility to serve in most roles of the British Armed Forces, provided all other criteria have been met.

Consular assistance

In foreign (i.e. non-Commonwealth) countries, the British embassy or consulate is traditionally responsible for Commonwealth citizens whose governments are not represented in the country concerned. A few Commonwealth governments have made alternative arrangements to share the burden, such as the Canada-Australia Consular Services Sharing Agreement, hence for Canadian and Australian citizens, the British embassy or consulate only provides assistance if neither country is represented. In return, there are a few Australian consulates that are responsible for British nationals because there is no British consulate there. A few Commonwealth governments, namely Singapore and Tanzania, have opted not to receive consular assistance from the United Kingdom.

In other Commonwealth countries, British High Commissions accept no responsibility for unrepresented Commonwealth citizens, who should look to the host Commonwealth government for quasi-consular assistance. Canadian and Australian citizens are still able to seek consular assistance from each other's high commissions.

Commonwealth citizen travel documents

Commonwealth citizens outside the UK are eligible to apply for a British emergency travel document if

they need to travel urgently and their passport has been lost/stolen/expired (as long as the FCO has cleared this with the government of the Commonwealth citizen's home country).

When a British embassy or consulate in a foreign country is required to provide a replacement passport to a Commonwealth citizen whose government is unrepresented in that country, it will issue a British passport with the nationality of the holder marked as "Commonwealth citizen".

Some Commonwealth governments issue travel documents to Commonwealth citizens resident in their countries who are unable to obtain national passports. For example, the Department of Foreign Affairs and Trade issues Documents of Identity (DOI) for compassionate reasons to Commonwealth citizens resident in Australia who are unable to obtain a valid travel document for the country or countries of which he/she has nationality when he/she needs to travel urgently.

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