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Malaysian High Commission
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Dear Deputy High Commissioner,

Former Malaysian Citizens now resident in the United Kingdom

I am writing to you in order to outline the UK Government's position in regards to the position of former Malaysian citizens who have voluntarily renounced their Malaysian citizenship on the basis of erroneous legal advice. I also set out the desirable next steps so that we can agree a way forward on this matter.

London Citizens' Group have advised that between 500 and 1,000 Malaysian citizens have renounced that citizenship in the process of acquiring British Overseas citizen (BOC) passports, and so are now unable to return to Malaysia. These people now find themselves to be in the United Kingdom without an avenue to either settlement under the Immigration Rules or to British citizenship. As British Overseas citizens, they do not have the right of abode in the UK, the right to work, or the right to access public services and benefits and so it is important that we resolve this matter as soon as possible.

We do not see that acquisition of full British citizenship is an option for this group. There is provision within UK law for a British Overseas citizen who has no other nationality to apply for registration as a British citizen. However, these former Malaysian citizens would not qualify as they have voluntarily renounced another nationality. Similarly, they would not qualify for naturalisation or registration based on a period of residence, as they are not currently settled in the United Kingdom.

These British Overseas citizens who have renounced their Malaysian citizenship are subject to the Immigration Rules in the same way as other nationals. This means that if they lose their basis to stay in the UK because their leave expires, they will become overstayers and would normally be the subject of potential removal action.

It is open to those affected to apply and pay the fee for an application for leave outside of the Immigration Rules to be considered. Leave outside the Rules is only granted in exceptional compelling circumstances. In order to qualify a person would need to demonstrate that:

- (a) the revocation, renunciation, or deprivation of their Malaysian citizenship has been formally recognised by order of the Malaysian Government and
- (b) they can provide clear evidence of their non-returnability to Malaysia and
- (c) they have taken all available steps to regain their Malaysian citizenship and
- (d) they have applied for and been refused a settlement visa to re-enter Malaysia and/or
- (e) they can provide evidence of compelling or compassionate circumstances and/or human rights considerations which would justify a grant of leave outside of the rules.

It is clear that the most sensible way forward for this group is to begin the process of re-acquiring their Malaysian nationality. An established process exists for this group which requires them to settle in Malaysia and apply from there to complete the residency and other requirements to enable them to eventually apply for citizenship. I understand that there are no barriers to these individuals returning to Malaysia in this way. It would therefore be helpful if you could confirm in writing, in a way which we could share with the individuals in question, what steps they should now take to begin this process and relocate to Malaysia.

It would also be helpful if you could ensure that those Malaysian British Overseas citizens who approach the Malaysian authorities in future to renounce Malaysian citizenship are advised that they are not automatically able to acquire full British citizenship or settlement in the United Kingdom as a result of that renunciation. They would therefore create serious difficulties for themselves if they were to renounce Malaysian citizenship on the basis of a false understanding or UK law.

Thank you for your assistance in this matter.

Yours sincerely,

DAMIAN GREEN