



Foreign & Commonwealth Office

Consular Directorate
WH4.2
King Charles Street
London
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Our reference: FOI 1038-11/CONS 80-11

31 October 2011

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Dear Bharat Pindoria,

REQUEST FOR INFORMATION UNDER THE FREEDOM OF INFORMATION ACT 2000: FOI 1038-11

Thank you for your email of 10 October 2011 in respect of British Citizens who have OCI status.

I can confirm the following in answer to your specific questions.

1. According to UK applicable laws what is the legal status of OCI when held by a British Citizen?

Overseas Citizen of India (OCI) status is defined under Indian law and applies so long as the home country's law does not preclude dual nationality in one form or another. The application of OCI has no relevance in UK law with regard to consular assistance.

2. Please confirm if, persons who is already a British Citizen, and subsequently is granted OCI status, they are treated as a British Citizen when in India for the purposes of obtaining consular advice and assistance in India from the British High Commission.

OCI status does not affect a person's nationality under international law. We understand that the Indian authorities would not consider a British citizen holding OCI to be a dual national, although this is a matter for the Indian authorities. Therefore, for the purposes of consular assistance, British citizens with OCI status would be treated as a British citizen and would be eligible for the consular assistance explained in our publication *Support for British nationals abroad; A guide* at <http://www.fco.gov.uk/resources/en/pdf/2855621/support-for-british-nationals-abroad>.

3. Would there be any restriction in obtaining consular advice and assistance in India from the British High Commission merely because the British national is also a holder of an OCI card?

As explained above, for the purposes of consular assistance, British citizens with OCI status would be treated as a British citizen and would be eligible for the consular assistance explained in our publication *Support for British nationals abroad; A guide*. The support described in this publication is provided in over 180 countries across the world in different

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and sometimes difficult conditions. Local factors such as security, the law, transport, medical facilities and relations with the local authorities, as well as the circumstances of each individual case and the resources available, may all affect the help we can provide. Equally there may be some occasions – for example, a natural catastrophe – where we cannot provide the usual kinds of help, or where we provide extra help when the Foreign Secretary has agreed to us doing so. And, like any government department, we have a responsibility to use public funds efficiently and effectively.

In keeping with the spirit and effect of the Freedom of Information Act, all information is assumed to be releasable to the public unless it is exempt. The information we have supplied to you may now be published on our website together with any related information that will provide a key to its wider context.

I hope you are satisfied with this reply. If you have any queries about this letter, or are unhappy with the service you have received in relation to your request and you wish to make a complaint or if you would like a review of our decision, please write to the Information Rights Team at The Old Admiralty Building, Room SG 120, London, SW1A 2PA. E-mail: dp-foi.img@fco.gov.uk. Please remember to quote the reference number above in any future communications. You have 40 working days to do so from the date of this letter.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner's Office (ICO) for a decision. Generally, the ICO cannot make a decision unless you have exhausted the complaint procedure provided by the FCO. The ICO can be contacted at The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

We continually strive to improve our service, so we would welcome your feedback and comments. If you would like to provide feedback, please email our Information Rights Team at: dp-foi.img@fco.gov.uk

You can also find out more about the FCO and freedom of information issues at our Access to Information website: <http://foi.fco.gov.uk/en>

Yours sincerely,

[signed]

Louise Edwards
Strategy, Communications and Training

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