



Foreign & Commonwealth Office

Consular Directorate
WH4.2
King Charles Street
London
SW1A 2PA

Our reference: FOIA 0892-11/CONS 75-11

Tel: 020 7 008 0921
Fax: 020 7008 0426
www.fco.gov.uk
E-mail: Louise.Edwards@fco.gov.uk

Gopal Bhudia
Partner
Freemans Solicitors
35 Duke Street
London
W1U 1LH

By e-mail: gb@freemanssolicitors.net

23 September 2011

Dear Mr Bhudia,

FREEDOM OF INFORMATION ACT 2000 - REQUEST REF: 0892-11

Thank you for your email of 15 August 2011 asking for clarification on the UK's policy and treatment of Overseas Citizens of India (OCI) when in India.

I can confirm that the Foreign and Commonwealth office holds information relevant to your request. I will respond to each of your questions in turn.

1. Whether, a person who is already a British Citizen, and subsequently applies for and is granted OCI status, is treated as a British Citizen or an Indian Citizen when in India for the purposes of obtaining British Consulate advice and assistance in India.

Overseas Citizen of India (OCI) status does not affect a person's nationality under international law. Our understanding is 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, they would be treated as a British national and would be eligible for the consular assistance explained in our publication *Support for British nationals abroad; A guide* [<http://www.fco.gov.uk/resources/en/pdf/2855621/english>]. We provide the support described in this guide in over 180 countries across the world in different 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.

2 If the person would be treated as an Indian Citizen due to their status as an OCI, whether British Consulate services would be denied completely or, restricted services would be available.

Not applicable, the person would be treated as a British national for the purposes of consular assistance.

3 *If restricted services would be available, what these might include, ie advice and assistance with repatriation to the UK, for instance? Or in other emergency scenarios.*

As above, they would be treated as a British national for the purposes of consular assistance.

4 *If denied, on what basis?*

As above, they would be treated as a British national for the purposes of consular assistance.

5 *How does the British Government treat OCI status when held by a British Citizen?*

OCI status does not affect a person's nationality under international law, and so for the purposes of consular assistance, the British government would treat a British citizen who also holds OIC status as a British citizen.

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. However, if 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. You have 40 working days to do so from the date of this letter.

If you are not content with the outcome of your complaint, you may then apply directly to the Information Commissioner for a decision. Generally, the Information Commissioner cannot make a decision unless you have exhausted the complaints procedure provided by the FCO. The Information Commissioner can be contacted at: 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 on our service, please email our Information Rights Team, again 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: www.fco.gov.uk/foi

Yours sincerely,

[signed]

Louise Edwards
Strategy, Communications and Training

