

## Passports (25 Apr 2013)

**The Secretary of State for the Home Department (Mrs Theresa May):** The British passport is a secure document issued in accordance with international standards set by the International Civil Aviation Organisation. The British passport achieves a very high standard of security to protect the identity of the individual, to enable the freedom of travel for British citizens and to contribute to public protection in the United Kingdom and overseas.

There is no entitlement to a passport and no statutory right to have access to a passport. The decision to issue, withdraw, or refuse a British passport is at the discretion of the Secretary of State for the Home Department—the Home Secretary—under the royal prerogative.

This written ministerial statement updates previous statements made to Parliament from time to time on the exercise of the royal prerogative and sets out the circumstances under which a passport can be issued, withdrawn, or refused. It redefines the public interest criteria to refuse or withdraw a passport.

A decision to refuse or withdraw a passport must be necessary and proportionate. The decision to withdraw or refuse a passport and the reason for that decision will be conveyed to the applicant or passport holder. The disclosure of information used to determine such a decision will be subject to the individual circumstances of the case.

The decision to refuse or to withdraw a passport under the public interest criteria will be used only sparingly. The exercise of this criteria will be subject to careful consideration of a person's past, present or proposed activities.

For example, passport facilities may be refused to or withdrawn from British nationals who may seek to harm the UK or its allies by travelling on a British passport to, for example, engage in terrorism-related activity or other serious or organised criminal activity.

This may include individuals who seek to engage in fighting, extremist activity or terrorist training outside the United Kingdom, for example, and then return to the UK with enhanced capabilities that they then use to conduct an attack on UK soil. The need to disrupt people who travel for these purposes has become increasingly apparent with developments in various parts of the world.

Operational responsibility for the application of the criteria for issuance or refusal is a matter for the Identity and Passport Service (IPS) acting on behalf of the Home Secretary. The criteria under which IPS can issue, withdraw or refuse a passport is set out below.

Passports are issued when the Home Secretary is satisfied as to:

- i. the identity of an applicant; and
- ii. the British nationality of applicants, in accordance with relevant nationality legislation; and
- iii. there being no other reasons—as set out below—for refusing a passport. IPS may make any checks necessary to ensure that the applicant is entitled to a British passport.

A passport application may be refused or an existing passport may be withdrawn. These are the persons who may be refused a British passport or who may have their existing passport withdrawn:

i. a minor whose journey was known to be contrary to a court order, to the wishes of a parent or other person or authority in whose favour a residence or care order had been made or who had been awarded custody; or care and control; or

ii. a person for whose arrest a warrant had been issued in the United Kingdom, or

iii. a person who was wanted by the United Kingdom police on suspicion of a serious crime; or a person who is the subject of:

a court order, made by a court in the United Kingdom, or any other order made pursuant to a statutory power, which imposes travel restrictions or restrictions on the possession of a valid United Kingdom passport; or

bail conditions, imposed by a police officer or a court in the United Kingdom, which include travel restrictions or restrictions on the possession of a valid United Kingdom passport; or

an order issued by the European Union or the United Nations which prevents a person travelling or entering a country other than the country in which they hold citizenship; or a declaration made under section 15 of the Mental Capacity Act 2005.

iv. A person may be prevented from benefitting from the possession of a passport if the Home Secretary is satisfied that it is in the public interest to do so. This may be the case where:

a person has been repatriated from abroad at public expense and their debt has not yet been repaid. This is because the passport fee supports the provision of consular services for British citizens overseas; or

a person whose past, present or proposed activities, actual or suspected, are believed by the Home Secretary to be so undesirable that the grant or continued enjoyment of passport facilities is contrary to the public interest.

There may be circumstances in which the application of legislative powers is not appropriate to the individual applicant but there is a need to restrict the ability of a person to travel abroad.

The application of discretion by the Home Secretary will primarily focus on preventing overseas travel. There may be cases in which the Home Secretary believes that the past, present or proposed activities—actual or suspected—of the applicant or passport holder should prevent their enjoyment of a passport facility whether overseas travel was or was not a critical factor.



- HM Passport Office (<https://www.gov.uk/government/organisations/hm-passport-office>)
- Home Office (<https://www.gov.uk/government/organisations/home-office>)

See more information about this FOI release (<https://www.gov.uk/government/publications/use-of-the-royal-prerogative-to-remove-passports-from-british-citizens>)

FOI release

## **The occasions the Royal Prerogative has been used to remove passports from British citizens on public interest grounds from 1947 to 2005**

Published 16 July 2014

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### **Year Number of Occasions the Power was Invoked**

1947	1
1948	1
1951	2
1953	1
1954	1
1960	2
1961	2
1966	1
1968	1
1969	1
1975	1
1976	1
2005	1

**Passports:Written question - HL3004**Q Asked by **Lord Marlesford**

Asked on: 19 November 2014

**Home Office**Lords **HL3004****Passports**

To ask Her Majesty's Government how many British passports have been withdrawn, cancelled or confiscated in each of the last five years.

A Answered by: **Lord Bates**

Answered on: 09 December 2014

Records are not held centrally in the formats requested. A passport may be subject to confiscation by police and authorised persons under statutory provisions in relation the investigation of crime or in connection with immigration matters. That would be an operational decision for the agency concerned and figures are not collated centrally. People may be refused a British passport or may have their existing passport withdrawn on a number of grounds, including that their grant or continued enjoyment of a passport is contrary to the public interest. The number of passports revoked by HMPO in each of the last five years is as follows:

2009: 512  
2010: 646  
2011: 662  
2012: 1,521  
2013: 1,174

Grouped Questions: HL3003

**Passports:Written question - 210356**

Q Asked by **Andrew Rosindell** (Romford) Asked on: 14 October 2014

**Home Office**

**Commons 210356**

**Passports**

To ask the Secretary of State for the Home Department, how many UK passports were revoked as a result of links to terrorist activity in each month since the beginning of 2014.

A Answered by: **James Brokenshire** Answered on: 27 October 2014

People may be refused a British passport or may have their existing passport withdrawn on a number of grounds, including that their grant or continued enjoyment of a passport is contrary to the public interest. Public interest grounds include seeking to harm the UK or her allies by travelling on a British passport to, for example, engage in terrorism-related activity.

From 1 January to 30 September 2014, the Royal Prerogative power to withdraw or refuse a British Passport has been exercised 21 times on public interest grounds.

**Passports:Written question - HL2703**

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Q Asked by **Lord Noon**

Asked on: 06 November 2014

**Home Office**Lords **HL2703****Passports**

To ask Her Majesty's Government how many United Kingdom passports have been removed during the last 12 months from British citizens thought to be involved in the support of ISIL and other extremist groups in Syria and Iraq.

A Answered by: **Lord Bates**

Answered on: 18 November 2014

Persons may be refused a British passport or may have their existing passport withdrawn on a number of grounds, including that their grant or continued enjoyment of passport facilities is contrary to the public interest. Public interest grounds include seeking to harm the UK or its allies by travelling on a British passport to, for example, engage in terrorism-related activity.

From November 2013 to 11 November 2014, the Royal Prerogative power to withdraw or refuse a British Passport has been exercised 21 times on public interest grounds against British citizens thought to be involved in the support of ISIL and other extremist groups in Syria and Iraq.