



**HM Passport  
Office**

Her Majesty's Passport Office  
Freemans Reach  
Riverside Place  
Durham  
DH1 1SL

**Tel** 0300 222 0000  
**Fax** (0191) 370 7140  
**www.gov.uk**

Date: 01/02/2019

Ref:

Dear [redacted]

**RE: PASSPORT APPLICATION**

I write to advise you that UK passports are issued primarily to British Citizens, British Dependent Territories Citizens and British Overseas Citizens. These separate citizenships are defined by the British Nationality Acts 1948 and 1981.

For persons born before 1 January 1983, British nationality can only be derived through the paternal line.

A person born abroad can only pass British nationality on to any children they have born abroad if that person is classed as being a British national 'Otherwise Than By Descent' at the time of their child's birth.

Your father was a British Subject by birth, being born in South Africa prior to 1/1/49. On that date your father became a BSUKC (British Subject of The United Kingdom and Colonies) under section 12 (2) of the BNA 48.

There are no provisions under the BNA 1948 for a 12 (2) BSUKC to pass his nationality status to a child born outside the United Kingdom and Colonies unless that he himself (your father) was in crown service at the time of their child's (your) birth or if that he or his child was born in a British Protectorate (etc) as detailed in section 5 (1) (a).

Section 5 (1) (a) states:

that person is born or his father was born in a protectorate, protected state, mandated territory or trust territory or any place in a foreign country where by treaty, capitulation, grant, usage, sufferance, or other lawful means, His Majesty then has or had jurisdiction over British subjects

Your father was not born in a place which meets the criteria laid out into 5 (1) (a).  
At the time of your birth South Africa was a foreign country but not under Her Majesty's jurisdiction.

I am therefore writing to you to advise that you have no automatic claim to BSUKC status under section 5 of the BNA 1948.

For someone born before 1/1/1983 to become a British Citizen they must at that date have BSUKC status and have ROA (Right of Abode) in the UK. On 1/1/83 you did not have BSUKC status so could not have become a British Citizen on that date.

Your father is unable to pass on British nationality to any children born abroad (excepting those who fall into section 5 (1) (a) of the BNA 48) to him prior to 1/1/1983 when he became a British Citizen otherwise than by descent. Children legitimately born to him after that date will (with certain exceptions) automatically be British Citizens.

If you want to apply for British citizenship you can get more information and the requirements to qualify for British citizenship from:

<https://www.gov.uk/becoming-a-british-citizen>

If you gain British citizenship you will then be eligible to apply for a British passport. However you will need to provide your naturalisation or registration certificate. I have enclosed the documents you sent to us with the application. The fee, which is not refundable, has been retained to cover the cost of administering the passport application.

As you appear to have been given incorrect information regarding your nationality, the fee paid will be exceptionally refunded and a request for this refund to be paid has been sent. However please note that future applications will attract a full fee which will be non-refundable.

Yours sincerely,

HMPO Durham  
Enc.



HM Passport  
Office

Complaints Resolution Team  
HM Passport Office  
PO Box 767  
SOUTHPORT  
PR8 9PW  
T 0300 123 1973  
[www.gov.uk/hm-passport-office](http://www.gov.uk/hm-passport-office)

Mr  
By email:

8 February 2019

Dear

Thank you for your telephone call and emails of 7 January about your failed passport application.

I understand you are unhappy with the examiner's decision to fail your application. They have received and reviewed the documents that you sent to me on 3 January and have determined that you do not have a claim to British nationality.

I advised in my previous letter:

"I understand that your paternal grandfather served in the Royal Air Force (RAF) and was stationed in South Africa from 20 March 1940 until his return to the UK on 30 November 1945. Your father was born on 3 January 1945 and therefore was born to a British subject serving the crown. Your father would be considered a British citizen otherwise that by descent and his British nationality can potentially be passed onto you."

After the examination team have reviewed your documents in connection to section 14(2) of the British Nationality Act 1981 (BNA 81), they have confirmed that section 14(2) only applies from the commencement of the act on 1 January 1983. Any children born before the commencement of this act are not affected by this change in legislation and therefore, cannot gain their parent's British nationality. Citizens who are read with section 14(2) (such as your father) are only considered to be otherwise than by descent from 1 January 1983 onwards.

I am sorry for the advice given in my previous letter, as the above confirms that you currently do not hold a claim to British nationality. You were born in 1965, before the commencement of the BNA 81, meaning that your nationality status would be determined by the previous act of 1948.

In my email to you of 4 January, I advised that your application was subject to examination to give a definitive answer. Your documents have been examined and the application has been correctly failed. As a gesture of goodwill, the examiner has authorised a refund of your application fee due to the advice received from me and my colleague Stephen.

Please accept my apologies for any inconvenience that has been caused. You will be required to register or naturalise as a British Citizen before applying again for a British passport. I am unable to confirm whether you would be eligible for this and you should consult UK Visas and Immigration to check your eligibility, before applying.

The contact details for UK Visas and Immigration are below:

- Telephone 0300 123 2253

Email: [nationalityenquiries@homeoffice.gsi.gov.uk](mailto:nationalityenquiries@homeoffice.gsi.gov.uk)

For more information on applying for British citizenship, please visit <https://www.gov.uk/apply-citizenship-british-parent>

Yours sincerely

Complaints Resolution Team



HM Passport  
Office

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PO Box 767  
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[www.gov.uk/hm-passport-office](http://www.gov.uk/hm-passport-office)

By email:

28 December 2018

Dear

Thank you for your telephone call of 21 December regarding your failed passport application.

After reviewing the information, I am aware you submitted an application for your first British passport online. The application was subsequently failed as you did not provide the relevant documents to support your claim to British nationality.

British passports may only be granted to British nationals once an applicant has provided satisfactory evidence of both their identity and their claim to British nationality. HM Passport Office is the authority for issuing passports and is therefore responsible for confirming the identity of the applicant and their claim to a British passport.

The onus is on the applicant to produce sufficient evidence to confirm eligibility to a British passport. I can confirm the examiner has followed the correct policy with your application, as the information you provided was not enough to establish eligibility. For applicants born outside of the UK to a parent who is also born outside of the UK, they would be considered the second generation born abroad and therefore would have no claim to British nationality.

I understand that your paternal grandfather served in the Royal Air Force (RAF) and was stationed in South Africa from 20 March 1940 until his return to the UK on 30 November 1945. Your father was born on 3 January 1945 and therefore was born to a British subject serving the crown. Your father would be considered a British citizen otherwise that by descent and his British nationality can potentially be passed onto you.

HM Passport Office has a policy whereby we retain the fees paid in connection with unsuccessful and withdrawn applications, to cover the administration costs incurred

processing these applications. Any application submitted is subject to this policy, as clearly stated in all of our guidance.

As the application was received after the introduction of this policy, I am sorry; you are not eligible for a refund of the failed application fee. If you wish to reapply, you will need to submit a new application, pay the full fee and ensure you provide the full supporting documents and information required, including evidence of your grandfather's service record.

I have clarified the policy and position of HM Passport Office on this matter.

Yours sincerely

Complaints Resolution Team



HM Passport  
Office

Freedom of Information Team  
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Website: [www.gov.uk/hm-passport-office](http://www.gov.uk/hm-passport-office)

**DRAFT**

Reference: FOICR 49272/18

Date: XX July 2018

Dear

**FREEDOM OF INFORMATION REQUEST**

Thank you for your email of 2 July, in which you ask for information held regarding your father,

Your request has been handled as a request for information under the Freedom of Information Act 2000.

**My request as before is to kindly provide me with the description by which he obtained his British citizenship, his father as in Crown service at the time of my fathers birth , recruited in the UK during 1939 and 1946 ,within matrimony . His status therefore should be otherwise by descent , as his citizenship was registered after 1983.**

Information on the UK passport with nationality status issued to can be found in the table below:

Passport Number	Date of issue	Place of issue	Nationality status
	27 March 2007	Pretoria	British Nationality Act 1981 section 11(1) British Nationality Act 1948 section 12(2), Immigration Act 1971 section 2(1)(b)(i)

Historical background information on nationality is available on GOV.UK and I have provided a link to the guidance for your reference:

<https://www.gov.uk/government/publications/historical-background-information-on-nationality>

Passport Adviceline: 0300 222 0000  
Email us at [foi@hmipo.gsi.gov.uk](mailto:foi@hmipo.gsi.gov.uk)  
Visit our website at [www.gov.uk](http://www.gov.uk)





# HM Passport Office

RE: PASSPORT APPLICATION FOR

Thank you for your passport application.

British nationality is a matter of law and we issue British passports to those that have a claim under the British Nationality Act 1981. This is decided mainly by a person's place and date of birth and their parents' places and dates of birth. From the information you have provided it would appear that you are not a British national.

A person born outside the UK can only claim British citizenship if, at the time of their birth:

- either parent is a British citizen otherwise than by descent - such as by birth in the UK or registration or naturalisation in the UK as a British citizen,
- the British citizen parent is born outside the UK and was in Crown, designated or EU institution service at the time of their birth. (This gives them British nationality other than by descent enabling them to pass on their British nationality.)

Your father was born in South Africa after independence 01/01/1949, as his father was born in the UK your father would have obtained his status through his father under section 5(1) of the British Nationality Act 1948 your father would be British Subject of the United Kingdom and Colonies (BSUKC) by descent his Right of Abode will also be by descent. As you were also born abroad under the British Nationality Act 1981 you will be a British citizen by descent unfortunately, under British law descent claims cannot be passed down to a further generation born abroad.



If you want to apply for British citizenship, you can get more information and the requirements to qualify for British Citizenship from: <https://www.gov.uk/becoming-a-british-citizen> However, before doing so, you may want to consult the South African authorities to see whether gaining British citizenship would have any effect on your citizenship of that country.

If you gain British citizenship you will then be eligible to apply for a British passport. However you will need to provide the naturalisation or registration certificate. I have enclosed the documents you sent to us with the application. The fee, which is not refundable, has been retained to cover the cost of administering the passport application.

Yours sincerely