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As part of any internal review the Department's handling of your information request will be reassessed by staff who were not involved in providing you with this response. If you remain dissatisfied after this internal review, you would have a right of complaint to the Information Commissioner as established by section 50 of the Freedom of Information Act.

Yours sincerely

H Reid
Parliamentary and Diplomatic Enquiries Team

Freedom of Information request from Mr Paul Battley (reference 32065/14)

Your information request and HM Passport Office responses are set out below

1. Any documentation that sets out the basis in law for the requirement that foreign passports be submitted;

The British passport is issued in accordance with the Royal Prerogative, which is laid before Parliament from time to time. This written ministerial statement was laid in the House of Commons on 25 April 2013 by the Home Secretary and in the House of Lords by Lord Taylor of Holbeach - <https://www.gov.uk/government/speeches/the-issuing-withdrawal-or-refusal-of-passports>.

The Royal Prerogative provides that “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”.

The requirement to submit an uncancelled passports relates to any uncancelled passport, British or otherwise. The document is required to support identity and nationality checks. It is also required to ensure that any British passport issued is compatible with the biographical and photographic details contained in an existing passport.

2. The relevant sections of staff manuals regarding the processing of foreign passports as part of a renewal application, including

Information relating to the handling of foreign passports can be found on the following link : https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/118576/foreign-documents.pdf

3. Staff guidance on the issuing of passports where foreign passports have been noted in the application form but have not been submitted, and

The attached link provides staff guidance on the handling of applications where required supporting documentation has not been provided: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/118558/refusing-passport-facilities.pdf

4. Staff guidance on the issuing of passports where the applicant has neglected to inform HMPO about their foreign passports.

Guidance is not issued to cover situations where staff are not aware of information not supplied to them.

Should it subsequently come to HMPO's notice that a person had failed to disclose at the point of application for a British passport that they hold a passport in another nationality, it would be a criminal offence on the basis that they would have made a false statement on the application form.

This may render them liable to criminal proceedings and it would be open to the Secretary of State to consider the exercise of the Royal Prerogative to withdraw or refuse the issue of a British passport. That would be considered on the individual circumstances of the case and the seriousness of the consequences of the attempted deception.