

Administrative recognition

1. Where someone has been recognised as a British citizen for many years, but information comes to light which shows this to have been in error, it may be appropriate to continue to treat the person as a British citizen whilst his or her position is being regularised.
2. This practice, which is known as **administrative recognition**, may be particularly appropriate where the person has an urgent need to travel and is unable to obtain a national passport or other travel document quickly. It will usually amount to allowing the person to keep any erroneously-issued United Kingdom passport and, perhaps, to continue to come and go as *if* he or she had the right of abode in this country.
3. Where it has been decided to give administrative recognition, the Passport Agency or FCO will usually issue a letter along the following lines:

"I am directed by the Secretary of State to say that, although nationality is a matter of law which can be determined conclusively only by the courts, the Secretary of State is unable to regard your status as a British citizen as fully established. [This is because....] Nevertheless, in view of the fact that you have, in the past, been recognised as a British citizen, the Secretary of State is prepared to authorise the issue of a British citizen passport to you on an administrative basis. This concession is personal to you. If you wish to become a British citizen, you may wish to consider naturalisation."
4. Life-time administrative recognition, as opposed to short-term recognition, has been given only rarely, and doubts have recently been expressed about the legality of the practice. It has been suggested that administrative recognition might be unlawful because it involves the use of the Royal Prerogative (from which the authority to issue passports derives) to create a presumption that a person possesses a citizenship or status which, in law, he or she does not have. On the other hand, it might be argued that, having received the passport or other official documentary evidence of citizenship in good faith, and having extensively relied on it, the person concerned has acquired a legitimate expectation, enforceable in the courts, that he or she will continue to be *treated* as a British citizen etc, although not such a citizen in law.
5. The arguments for and against giving administrative recognition in any particular case will often be finely balanced, and no undertaking should be given to an applicant or enquirer without reference to UKPA or the FCO as appropriate. (Cases should be referred via INPD(L) Policy Section.) It may be possible, and preferable, to construe an old passport or certificate of entitlement application as an undetermined application for citizenship, and to resolve the case in that way (see Volume 1 **Chapter 6**).