



Home Office

British protected persons

3.0

This guidance tells Her Majesty's Passport Office staff about how to deal with passport applications for customers who hold British protected persons status

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About: British protected persons

This guidance tells Her Majesty's Passport Office examiners how to deal with passport applications from customers who hold British protected persons (BPP) status.

Only examiners with the correct level of training must deal with BPP cases.

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email Guidance & Quality, Operating Standards

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email Guidance & Quality, Operating Standards

Publication

Below is information on when this version of the guidance was published:

- Version **3.0**
- published for Home Office staff on **3 August 2021**

Changes from last version of this guidance

We have updated the guidance to explain when you send a referral to UK Visa and Immigration to ask them if a customer is settled, you must check the details you put on the referral are correct (page 11).

Related content

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British protected persons

This section tells Her Majesty's Passport Office operational staff about the nationality status British protected person (BPP) and how they must deal with applications for a BPP passport.

The term 'British protected person' (BPP) appeared during the 1800s when the British government extended protection to people and places outside the Crown's dominions.

United Kingdom government protection was given for political rather than for nationality reasons. British protected persons are not mentioned in nationality legislation until the [British Nationality Act 1948](#). Before that the status came only from the Royal Prerogative.

The places given government protection fell into one of 4 categories:

- protectorates
- protected states
- mandated territories
- trust territories

For definitions, see: Order Book for British protected persons.

There have been several legislative orders that have affected customers holding BPP status since 1948 (see: Order Book for British protected persons).

The [BPP Order 1978](#) came into force on 16 August 1978 and declared:

- BPP status could no longer be passed automatically to children born on or after 16 August 1978
- a BPP would lose that status if they acquired any other nationality or citizenship on or after 16 August 1978

[Section 38\(1\) of the British Nationality Act 1981](#) declared the following categories of persons to be BPPs:

- a citizen or national of Brunei under any law providing for citizenship or nationality in force in Brunei (see Order Book - Brunei)
- a person who immediately (before 1 January 1983) was a British Protected Person by virtue of the 1978 Order
- a person otherwise stateless, can become a British protected person (by registration) if:
 - they were born (on or after 1 January 1983) in the UK or a dependent territory
 - at the time of their birth, their mother or father was a British protected person
- a person otherwise stateless can become a BPP (by registration), if

- they were born outside the UK and the dependent territories
- at the time of their birth, their father or mother was a BPP (under Article 7(2) of the Order)

Rights of British protected persons

British protected persons (BPPs) can hold a British passport and get consular help and protection from UK diplomatic posts abroad. Unless the BPP is a dual British citizen, they are subject to immigration controls and do not have the automatic right to live or work in the UK.

BPPs cannot hold dual British nationality, if they registered with UK Visas and Immigration, on or after 16 August 1978.

Many BPP customers in the UK may be affected by Windrush and you must deal with their case fairly, by using the Windrush guidance.

Related content

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How to deal with British protected person cases

This section tells Her Majesty's Passport Office operational staff how to deal with an application for a British protected person's (BPP) passport.

Since 1 January 2013 HM Passport Office assess all applications for British protected person (BPP) passports as if they were first time applications (including renewal and replacement applications). We do this to make sure the customer's identity and entitlement to a British passport is correctly established.

You, the examiner must contact the customer and ask for the relevant documents and evidence needed to confirm a first time claim in the UK or overseas if the customer has not already provided it (see overseas risk based examination).

You do not need to deal with a renewal or replacement application as a first time application if the customer's passport record on Main Index shows we have already reassessed their claim (as a first time application) since 2013. But you must reassess the customer's claim if you have any concerns about their nationality or identity.

BPP applications: what the customer must send us

You, the examiner may need to write to British protected persons (BPP) customers to ask for the following:

- the documents we need for their application (for example, identity documents and birth certificates - see supporting documents guidance)
- any passport they hold or a colour copy of the personal details page if they need to keep their passport for travel
- any related documents confirming they are eligible to hold BPP status (for example, a parent's birth, marriage or death certificate)
- any related document or statement confirming they have not taken any citizenship of either:
 - the country they are a British protected person of
 - any other country (since 16 August 1978)
- any other documents we need (in line with this or other guidance)

If a customer cannot send us the documents we need

If a customer cannot send us the documents we need, you must ask them why. If they do not have a document or a duplicate, you must ask for other documents or evidence.

If the customer cannot give us the evidence we need and you have exhausted all avenues, we must consider the application using a balance of probabilities (see: supporting documents not available guidance).

First-time BPP passport applications

You must deal with the application using existing first time passport application guidance. This may also include an interview, if the customer appears to be a British protected persons (BPP) and:

- has never held a British passport
- is renewing or replacing an Old Blue (hardback style) passport
- is renewing or replacing a burgundy passport (machine readable style passport) that:
 - you cannot find on Main Index or through a Genie search
 - was issued before 1 January 2013 and we need the customer's documents again to check their nationality and identity

If the application is for a first BPP passport, you must:

1. Decide if you need to do extra checks on the BPP application.
2. Make sure the customer still holds BPP status (in line with nationality legislation and this guidance).
3. Send system letter 740 to make sure the customer has not taken citizenship of either:
 - the country they are a British protected person of
 - any other country (since 16 August 1978)
4. Seek advice from your Quality and Examination Support team (QuEST) if the customer has taken any other citizenship since 16 August 1978. QuEST will decide if you must refuse the application, in line with the Refusal and withdrawal of passport facilities guidance.
5. Be satisfied the customer has given enough evidence to confirm their nationality and identity.
6. Check if the customer must be dealt with in line with our Windrush guidance.
7. Add a case note to explain:
 - how the customer got their BPP status
 - the details of any checks you have done and the outcomes
8. Check the nationality status is correct on the **Prepare passport** tab on the Application Management system (AMS).
9. Add the correct [observations](#) to the system.
Send the customer for interview, if current guidance says you must. If not, issue the customer a BPP passport.

You must not proceed with the application and must refer it to the Counter Fraud team if there are other entitlement reasons why we cannot deal with the passport application, for example:

- fraud concerns
- risk indicators

- court orders

Renewing or replacing a BPP passport

Most customers with BPP status will already hold or have held a BPP passport. A record of their passport will usually exist on Main Index (MI), G-search or the X drive.

Since 1 January 2013, any customer applying to renew or replace their BPP passport must send us the documents and evidence we need for a first time passport, unless they have sent them to us previously. You must check the case notes on the customer's previous passport record to see if they gave us their first time documents. If the case note shows the customer:

- has sent their documents before you do not need to see them again, unless you have concerns with the application
- has not sent their documents before you must ask the customer to send their documents again

You must select the correct service type on the system. For example, you must change the service type on AMS to **renewal** or **replacement**, if the online service selects a first time service type and we already have a record of the customer's machine readable passport.

How to renew a BPP passport

To renew a customer's BPP passport, you must:

1. Decide if you need to do extra checks on the BPP application.
2. Make sure the person still holds BPP status (in line with nationality legislation and this guidance).
3. Send AMS letter 741 to make sure the customer has not taken citizenship of either:
 - the country they are a British protected person of
 - any other country (since 16 August 1978)
4. If the customer has taken any other citizenship since 16 August 1978, you must seek advice from your Quality and Examination Support Team (QuEST) who will decide if we must refuse the application (see: Refusal and withdrawal of passport facilities guidance).
5. Be satisfied the customer has given us enough evidence to confirm their nationality and identity.
6. Check if the customer must be dealt with in line with our Windrush guidance.
7. Check the documents and evidence to make sure you have no concerns with the application.
8. Confirm the customer's identity and compare their photo and personal details on Main Index, G-search or the X drive (if available), against the current application and other supporting documents. If the details do not match, you must confirm the customer's identity and ask them to resolve the differences (see: confirming identity guidance).

9. Add the correct case note to the application, depending on if you have found the record. For example:
 - '[Main Index, G:search, X drive] check record not held'
 - '[Main Index, G:search, X drive] check record confirms previous passport [insert number] shows BPP with the relevant observations''
10. Check the nationality status shows British Protected Person on the **Prepare passport** tab on AMS.
11. Add the correct [observations](#) to the system.
12. Case note the application confirming the checks you have done.
13. Issue the BPP passport.

You must refer the application to the Counter Fraud team if there are other entitlement reasons why we cannot deal with the passport application, for example:

- fraud concerns
- risk indicators
- court orders

How to replace a lost or stolen BPP passport

If a customer applies to replace a lost or stolen BPP passport, see [renewing a BPP passport](#) and lost, stolen and recovered guidance.

Related content

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British protected persons UK immigration observations

This section tells HM Passport Office operational staff what UK immigration observations they must add to a British protected persons passport.

When we issue a customer with a British protected persons (BPP) passport, we must add the correct UK immigration observation. This will either be:

- subject to immigration control (STC) observation code OBTB, that says:

THE HOLDER IS SUBJECT TO CONTROL UNDER THE IMMIGRATION ACT 1971

- re-admission to the UK (RUK) observation code OBTE, that says:

THE HOLDER IS ENTITLED TO RE-ADMISSION TO THE UNITED KINGDOM

If we do not use the correct UK immigration observation, especially for customers in the UK, it may:

- mean if they leave the UK, they can have difficulty when they try to return
- create similar issues seen with Windrush customers

The UK immigration observation we use in a BPP passport, depends on:

- if a customer is in the UK or overseas
- how long a customer has been in the UK
- what UK immigration observations are in a customer's previous passports
- any immigration documents a customer has from UK Visas and Immigration (UKVI)

About incorrect observations on BPP passports

You must be aware:

- before 25 August 2017, we usually issued a customer's British protected persons (BPP) passport with, the:
 - [RUK immigration observation](#) (if it was on their old passport)
 - [STC immigration observation](#) (if it was on their old passport)
 - the RUK or STC immigration observation based on the guidance that was in place at the time we issued the passport
- from 25 August 2017 to 7 June 2021, we incorrectly issued some customer's passports with the [STC immigration observation](#) instead of the [RUK immigration observation](#) – however, we have:
 - since received confirmation from the Passport Policy team this was wrong

- updated our guidance on 7 June 2021 to correctly show which observation to use

First BPP passport: customer is in the UK

If a UK customer applies for their first British protected persons (BPP) passport, you must check if, the:

- documents they sent with their application show they are settled in the UK (for example, they have indefinite leave to remain (ILR), indefinite leave to enter (ILE) or no time limit (NTL))
- UKVI systems show the customer is settled (if they did not send any documents with their application showing they are settled)

If the customer's documents or the UKVI system shows the customer is settled, you must refer to [first BPP passport: UK customer is settled](#).

If the customer's documents and the UKVI systems do not show if they are settled, you must:

1. Send the customer Application Management System (AMS) letter 137. The letter asks for:
 - evidence that shows their immigration status in the UK
 - the document they used to enter to the UK (if they cannot give us evidence that shows their immigration status in the UK)
 - a signed letter that explains when they travelled to the UK and what document they used (if they cannot give us the document, they used to enter the UK)
2. Add a case note to explain the actions and decisions you made.
3. Store the application while you wait for a response.
4. Refer to:
 - [first BPP passport: UK customer is settled](#) (if the customer provides evidence to show they are settled)
 - [first BPP passport: asking UKVI if a UK customer is settled](#) (if the customer cannot provide evidence to show they are settled)

First BPP passport: asking UKVI if a UK customer is settled

If the British protected persons (BPP) customer cannot give us evidence to show they are settled in the UK, you must:

1. Fill in the UKVI referral – customer's immigration status form. Check the customer's details you put on the referral are correct and matches their details on the passport application.
2. Create an email and put 'HMPO request – customer's settlement status' in the subject field. Attach the referral form to the email and send it to UKVI from your team's mailbox, to:
 - ask them to check their records to see if the customer is settled and to let you know if they are

- tell them to contact the customer and advise them what they need to do about their immigration status in the UK, if UKVI's records do not show the customer is settled
- 3. Allow 10 working days for UKVI to respond (although you must allow 10 working days, UKVI will respond as quickly as possible).
- 4. Add a case note to explain the actions and decisions you made.
- 5. Store the application while you wait for UKVI to respond.
- 6. Refer to:
 - [first BPP passport: UK customer is settled](#) (if UKVI confirm the customer is settled)
 - [first BPP passport: UK customer is not settled](#) (if UKVI confirm the customer is not settled)

First BPP passport: UK customer is settled

If the British protected person (BPP) customer provides evidence to show they are settled, you must:

1. Check it against the UKVI systems (including the Warehouse section of the Case Information Database).
2. Ask the Quality and Examination Support team (QuEST) to decide using a balance of probability if they are satisfied the customer's settlement evidence is genuine (if there's nothing on the UKVI systems).
3. Refer the application to Enhanced Application Checking, if you suspect the customer's evidence that shows they are settled is not genuine.

If you are satisfied with the customer's settlement evidence, the UKVI systems show they are settled or UKVI confirmed they are settled, you must:

1. Add the UK immigration observation:
 - [STC immigration observation](#)
2. Send the customer AMS letter 132, making sure you use the correct phrase to show their nationality status as British protected persons.
3. Add a case note to explain, the:
 - customer is settled (including how)
 - actions and decisions, you made
4. Continue to process the application (in line with current guidance).

First BPP passport: UK customer is not settled

If UKVI confirm the British protected person (BPP) customer is not settled, you must:

1. Add the UK immigration observation:
 - [STC immigration observation](#)
2. Send the customer AMS letter 133, making sure you use the correct phrase to show their nationality status as British protected persons.
3. Add a case note to explain:
 - UKVI confirmed the customer is not settled
 - the actions and decisions you made

4. Continue to process the application (in line with current guidance).

First BPP passport: customer is overseas

If an overseas customer applies for their first British protected persons (BPP) passport, you must:

1. Add the UK immigration observation:
 - o [STC immigration observation](#)
2. Add a case note to explain the actions and decisions you made
3. Continue to process the application (in line with current guidance).

We do not send letters to overseas customers about UK immigration observations.

Renewal and replacements of BPP passports: UK customer

If a UK customer applies to renew, replace or change the details on their BPP passport, you must:

1. Deal with the application in line with current guidance (for example, lost and stolen).
2. Check if their old passport has the [RUK or STC immigration observation](#).

BPP, renewal and replacement: UK customer has RUK

If the customer's old British protected persons (BPP) passport has the [RUK immigration observation](#), you must:

1. Add the [RUK immigration observation](#).
2. Send the customer AMS letter 136, making sure you use the correct phrase to show their nationality status.
3. Add a case note to explain the actions and decisions you made:
4. Continue to process the application (in line with current guidance).

BPP, renewal and replacement: UK customer is STC

If the customer's old British protected persons (BPP) passport has the [STC immigration observation](#), you must check if we issued it:

- before 25 August 2017
- after 24 August 2017

This is because we may have previously [used the wrong UK immigration on the passport](#).

UK customer: old BPP with STC issued before 25 August

If we issued the customer's old British protected persons (BPP) passport before 25 August 2017 with the [STC immigration observation](#), you must check the customer's passport history on Main Index, G-search of the X:drive for the observations shown on their previous passports.

You must deal with their application using the guidance in:

- [BPP, renewal and replacement: UK customer has RUK](#) if any of the previous passports have the RUK immigration observation
- [First BPP passport: customer is in the UK](#) if the customer's previous passports do not have an UK immigration observation or they only have the STC immigration observation

UK customer: old BPP with STC issued after 24 August 2017

If we issued the customer's old British protected persons (BPP) passport with the [STC immigration](#) after 24 August 2017, you must check their passport history to see if the [RUK or STC immigration](#) observation is on any of their previous passports.

If any of the previous passports show the RUK immigration observation, you must:

1. Deal with the application free of charge, in line with the correcting errors on passports guidance (if the reason the customer made it was because of the incorrect observation).
2. Re-add the [RUK immigration observation](#).
3. Send the customer AMS letter 134.
4. Add a case note to explain the actions and decisions you made.
5. Add a passport note to all previous passport records for any passport we issued after 24 August 2017, to explain we wrongly issued the passport with the STC immigration observation.
6. Change the validity on the new passport to match the expiry date on the old passport (if you are dealing with the application free of charge). You must also add observation code OBTP:

REPLACES PASSPORT NUMBER [INSERT FREE TEXT] DATED [INSERT DATE] WHICH HAS BEEN [INSERT FREE TEXT]

7. Continue to process the application (in line with current guidance).

If the customer's previous passports do not have the STC or RUK immigration observation or they only have the STC immigration observation, you must follow the guidance as though they are applying for their [first BPP passport in the UK](#).

BPP, renewal and replacement: UK customer is not STC or RUK

If the customer's old British protected persons (BPP) passport does not have the [RUK or STC immigration observation](#), you must check what is on their previous passports, using:

- Main Index
- G-search
- X-drive

You must deal with the application using the guidance in:

- [BPP, renewal and replacement: UK customer has RUK](#) if any of the previous passports have the RUK immigration observation
- [First BPP passport: customer is in the UK](#) if the customer's previous passports do not have an UK immigration observation or they only have the STC immigration observation

Renewal and replacements of BPP passports: overseas customer

If an overseas customer applies to renew, replace or change the details on their British protected persons (BPP) passport, you must:

1. Deal with the application in line with current guidance (for example, lost and stolen).
2. Check what date we issued it (as we may have [used the wrong UK immigration on the passport](#)).

Overseas customer: old BPP issued before 25 August 2017

If we issued the customer's old British protected persons (BPP) passport before 25 August 2017 with the [STC or RUK immigration observation](#), you must:

1. Add the same immigration observation (as shown on the old passport).
2. Add a case note to explain the actions and decisions you made.
3. Continue to process the application (in line with current guidance).

You must not send any letters to an overseas customer about UK immigration observations you added to the passport.

Overseas customer: old BPP issued after 24 August 2017

If we issued the customer's old British protected persons (BPP) passport after 24 August 2017 with no UK immigration observations or only the [STC immigration observation](#), you must:

1. Check what observations are on their previous passports.
2. Deal with the application using the guidance in:
 - [UK customer: old BPP with STC issued after 24 August 2017](#) (if any of the customer's previous passports have the RUK immigration observation)
 - [First BPP passport: customer is overseas](#) (if the customer's previous passports do not have a UK immigration observation or they only have the STC immigration observation)

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