

## Passport policy - Statutory Declarations

### Staff guidance

A Statutory Declaration is a written statement of fact that is signed in the presence of a:

- a Solicitor
- a Notary of the Public
- a Justice of the Peace
- a Commissioner for Oaths
- a Councillor (**Scotland only**. Documents on or after 10/12/07)
- any other qualified person.

Under the provisions of section 81 of the Solicitors Act 1974, solicitors in England and Wales holding a current practising certificate have the same powers as a Commissioner for Oaths for the purpose of authenticating a Statutory Declaration.

Officers of the armed services with the rank of Major, Lieutenant-Commander, or Squadron Leader, and above, and British Diplomatic and Consular Officers in post abroad may authenticate a Statutory Declaration.

For change of name purposes, where an application has been submitted with a statutory declaration, this can be accepted providing that the statutory declaration has been signed in the new name. Some statutory declarations may be signed in both the old and the new name; these can also be accepted. If the statutory declaration is only signed in the old name, then the examiner should request a new statutory declaration showing the new name.

It is a legal requirement that statutory declarations made contain the wording below. If a statutory declaration is received where this wording is not included, it will not be acceptable for passport purposes:

*"I (name) do solemnly and sincerely declare, that/as follows.. . . . and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act 1835."*

Specimen examples of a Statutory Declaration are held in each office and may be made available to applicants who should be advised that the person drawing up and authenticating the document will expect a fee for the service.

The policy of accepting statutory declarations in lieu of birth and marriage certificates is to be withdrawn with immediate effect. Examiners are to advise applicants that they must produce the relevant birth or marriage certificate, or provide evidence that, despite best endeavours, this is not possible.

The above guidance applies to first time passport applications for those who:

- Were British Subject of the United Kingdom and Colonies (BSUKC) before 1.1.83 born outside the UK or British Overseas Territory

And

- Did not have the Right of Abode in the United Kingdom on 31.12.82 British Overseas Citizens (BOCs)

OR

- Are born outside the UK

And

- Who have entered the UK on a visit visa in a foreign passport

And

- Who are applying for their first British passport, in the UK. This does not include those who have subsequently registered or naturalised as British nationals.

The documents provided with these applications vary considerably and are difficult for IPS examiners to verify. In some cases the applicant will claim that birth and marriage certificates are not available and will produce statutory declarations in lieu of the required documents.

Colleagues at the Consular Directorate Foreign and Commonwealth Office (FCO) have confirmed that birth and marriage certificates, with very few exceptions, can be obtained from the authorities in the relevant country, and that the posts abroad will not issue a passport based solely on the production of statutory declarations relating to birth or marriage.

In line with our current policy, for those born in the UK, all applicants are required to produce documents. Where the applicant claims not to have the required document, they are advised to get copies from the registrar. Where the event has not been registered, IPS requires a letter from the official authorities confirming that a search has been made but to no avail.

The practice of accepting statutory declarations as evidence of a birth or marriage overseas should stop with immediate effect. Applicants should be advised to contact the Embassy or High Commission for the country concerned for help in obtaining a certified copy from the official record in the country concerned.

Alternatively, applicants should be advised to contact the FCO enquiry line who will arrange a 'local document search' for certificates issued overseas by foreign governments. This is the preferred route by IPS. The enquiry line is open between 10am and 12 noon only. The number is 0207 008 0186. The cost of a local document search is £84.50.

Where the authorities in the country concerned have been unable to trace a record of the birth, or marriage, written confirmation will be required from the authority in the country concerned and also from the relevant Embassy, High Commission, or FCO as appropriate.

Where the nominated examiner is satisfied as to the authenticity of the written confirmation statutory declarations, plus additional evidence of full name, place and date of birth, and parentage taken from official records formulated close to the date of birth in the relevant country, should be produced. In the case of marriage, evidence of the union taken from official records formulated close to the date of marriage should be submitted in addition to the statutory declarations.

Where the examiner has doubts about the authenticity of any documents submitted with these applications, or subsequently at the request of IPS, the examiner should consult the British authorities in the country concerned for advice. FCO has confirmed that the British Consular posts will help verify the authenticity of a document issued in the country in which they are based. Any problems obtaining support from the consular posts should be reported to HQ Policy who will discuss the problem with FCO.

Where the applicant is unable to produce satisfactory documentary evidence the application should be withdrawn and the applicant advised to contact the United Kingdom Border Agency (UKBA) and any request for a refund should be dealt with as per the refunds policy.

## **Affidavits**

An affidavit is a written statement from a person which has been sworn to be true (an oath) which is signed by the affiant (the person making the oath) and also a notary public or other judicial officer that administered the oath. Falsely swearing an affidavit is punishable under the Perjury Act. In general, an affidavit is likely to be acceptable where a stat dec would be, provided the wording of the oath covers the changes required and includes the relevant details, date, signature etc.