



Home Office

# British subject status

Version 15.0

This guidance tells His Majesty's Passport Office how to deal with passport applications for customers who hold British subject status.

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# About: British subject status

This guidance tells His Majesty's Passport Office operational staff:

- about British subject nationality status
- how people get British subject status
- how to deal with passport applications for British subjects

## 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 the Guidance team..

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 the Guidance team..

## Publication

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

- version **15.0**
- published for Home Office staff on **18 September 2024**

## Changes from last version of this guidance

This guidance has been updated to:

- remove the instructions on how to revoke a Certificates of Entitlement to the Right of Abode and to add a link to the Right of Abodes Certificate guidance.
- tell you DAP will create a **British subject** task if the customer's old passport shows British subject status.
- remove the transfer to AMS instruction if you are processing on DAP and need to revoke a Certificate of Entitlement to Right of Abode.
- tell examiners working on DAP (Digital Application Processing) how to deal with renewals of British subject passports.
- clarify which RTL reason to use when you need to send the customer a Form E or Form of declaration.

## Related content

[Contents](#)

**Related external links**

Home Office Nationality guidance - British subjects

[Legislation.gov.uk – British Nationality Act 1948](#)

[Legislation.gov.uk – Immigration Act 1971](#)

[Legislation.gov.uk – British Nationality Act 1981](#)

British nationality: historical information

Independence legislation for complex nationality claims

# British subjects

This section tells His Majesty's Passport Office staff about who we issue British subject passports to and what are the different types of British subjects.

British subject status depends on where and when the:

- customer was born
- customer's father was born

Customers can be British subjects:

- by [birth](#):
  - in the south of Ireland (now called the Republic of Ireland)
  - in the area previously known as [British India](#)
- by [descent](#):
  - born outside the Republic of Ireland with a father who is a British subject (for example father born in the Republic of Ireland)
  - born outside [British India](#) with a father who is a British subject (for example father born in [British India](#))
- [without citizenship](#) (known as British subject without citizenship (BSWC))
- by [registration](#)
- by [marriage](#)

Home Office guidance shows the different ways a customer can become a British subject.

## British subject by birth: Republic of Ireland

A customer may be eligible for British subject status by birth, if they were born in the Republic of Ireland:

- [before 6 December 1922](#)
- [between 6 December 1922 and 1 January 1949](#)
- and the birth is legitimate

A customer born in the Republic of Ireland on or after 1 January 1949 is:

- a citizen of Ireland
- not eligible for British subject status

If any customer applies for a first time British subject status, you must also check if they are a British citizen (for example British citizen by descent).

## British subject by birth: British India

A customer may be eligible for British subject status by birth, if they were born in [British India](#):

- [before 1 January 1949](#)

## British subject by descent:

A customer is eligible for British subject status by descent, if they match all the following points:

- they are born on or before 1 January 1949
- their father is a British subject born before 1 January 1949:
  - in the Republic of Ireland
  - in [British India](#)

## British subject without citizenship

British subjects who did not gain British or Irish citizenship upon the introduction of the [British Nationality Act 1948](#) (BNA48), may also be citizens of a 1(3) commonwealth country.

The status of 'British subject without citizenship' was for those British subjects connected with the five countries listed in [section 1\(3\) of the BNA48](#), whose citizenship laws did not take effect on 1 January 1949. They are:

- Australia
- Southern Rhodesia (now known as Zimbabwe)
- South Africa
- India
- Pakistan

British subjects in these countries remained British subjects without citizenship (BSWC), under [section 13\(1\) or section 16 of the British Nationality Act \(BNA\) 1948](#), until their respective citizenship laws were introduced. On these dates the legislation determined if the customer remained a BSWC or they acquired another nationality status (See Home Office guidance – British subjects and the relevant Order Book page for each country).

If a customer who is a BSWC becomes a citizen or national of another country, they will lose this nationality status.

## British subject: registration

You must refer to Home Office nationality guidance to check if a customer is eligible to register as a British subject.

## British subject: marriage

Up until 7 November 2002, under [section 33 of the British Nationality Act 1981](#), a woman could register as a British subject, if she was married to:

- a [British subject without citizenship \(BSWC\)](#)
- a citizen of the Republic of Ireland who chose to remain a British subject

A woman cannot register under [section 33 of BNA81](#), after 7 November 2002, because of legislation changes to BNA81.

## Rights of British subjects

British subjects can hold a British passport and get consular help and protection from UK diplomatic posts.

British subjects:

- connected to the Republic of Ireland:
  - are not subject to immigration controls in the UK and have the automatic right to live or work here (because of the Common Travel Area)
  - can hold dual British nationality (for example, if they have also registered as a British citizen or British overseas territory citizen after 1 January 1983)
- who gained their status from a connection to India or elsewhere (excluding the Republic of Ireland):
  - are subject to immigration controls and do not have the automatic right to live or work in the UK (unless they are dual British citizen)
  - can hold dual British nationality (for example, they have also registered as a British citizen or British overseas territory citizen after 1 January 1983)

If a British subject registers as a British citizen or British overseas territory citizen, they do not lose their entitlement to British subject status and can hold both passports at the same time.

### Related content

[Contents](#)



# British subject: training and responsibility

This section tells HM Passport Office operational staff about the additional training they must complete before they deal with British subject applications.

Only staff who have completed the British subject training modules on Metis Learn (previously on Discover) must deal with passport applications for British subjects.

Examiners must complete the 'HMPO- Irish British Subjects' module, to deal with applications for a:

- first time British subject:
  - [born in the Republic of Ireland between 6 December 1922 and 1 January 1949](#)
- renewal or replacement British subject:
  - [born in the Republic of Ireland before 1 January 1949](#)

Examiners or operational team leaders (OTL) must complete both the 'HMPO- British India' and 'HMPO- Southern Ireland' modules to deal with applications for a:

- first time British subject:
  - [born in the Republic of Ireland before 6 December 1922](#), (includes customers with Old Blue (hardback style) passports)
  - [born outside the Republic of Ireland before 1 January 1949](#) (for example in British India)
- renewal or replacement British subject:
  - [born outside the Republic of Ireland](#)

If you have not completed the training modules, you must refer the application to someone who has.

## Related content

[Contents](#)

# British subject: documents needed

This section tells His Majesty's Passport Office operational staff what a customer must send with their application for a British subject passport.

When a customer applies for a British subject passport, they must send us:

- a completed application, including:
  - fee
  - photos
  - a referee (if required)
- the standard documents needed for application service type (for example birth or marriage certificates)
- their current British subject passport (if they have one)
- any correspondence which confirms they are a British subject (for example a Home Office letter)
- evidence of any other nationality (for example a foreign passport) if they, or their father, were born outside the Republic of Ireland
- a registration certificate (if they registered as a British subject)
- evidence to show they are settled in the UK or has valid immigration leave (permission) to be in the UK, so we can add the [correct UK immigration observation to their passport](#) (if they are living in the UK and applying for their first passport with a connection to British India)

If a customer is unable to send us the documents, you must ask for:

- an explanation for why they are not available
- other documents or evidence

If the customer gives you other evidence, you must make a decision using the balance of probabilities.

## Related content

[Contents](#)

# British subject: British India

This section tells His Majesty's Passport Office operational staff about the geographical area that was formerly known as British India.

A large part of the Indian subcontinent was under the rule of the British Empire. The region was divided into areas under:

- British Crown rule collectively called 'British India'
- local rule called 'Native' or 'Princely' states (see Order Book - India)

British India included parts of:

- India
- Pakistan
- Bangladesh
- Burma

You can check when each country was part of British India by referring to the Order Book page for each country.

If a customer was born in what is now known as India, you must also check if the birth was in British India or in a 'Native' or 'Princely' state (see Order Book - India).

## Who will be a British subject from British India

A customer will be a British subject, if they:

- were born before 1 January 1949:
  - in British India
  - in a 'Native' or 'Princely' state and their father was a British subject
  - and did not become a citizen of India

A customer will not be a British subject, if they were born before 1 January 1949 in:

- a 'Native' or 'Princely' state (see Order Book - India) and their father was not a British subject

Many men who served in the British army in British India, were either born in the Republic of Ireland or had a father who was born there. If an Irish man (born in Republic of Ireland) had a child from a legitimate birth in [British India](#), the child may be eligible for British subject status by descent.

You must discuss any application with your Quality and Examination Support team (QuEst) if you are not sure whether a customer with a connection to British India is eligible for British subject status.

**Related content**  
[Contents](#)

# British subject: first-time application

This section tells His Majesty's Passport Office operational staff with the appropriate training how to deal with a first-time British subject application for customers born in British India or the Republic of Ireland.

When dealing with a first time customer born in [British India](#) before 1 January 1949 who may be a British subject (BS), you, the examiner or operational team leader (OTL) must:

1. Complete all first time passport application checks.
2. Check the [customer provides the documents](#) for their application.
3. Check if the customer is [eligible for British subject status](#) (see [British India](#)).
4. If the customer is eligible, add a case note to show the:
  - o actions and decisions, you make
  - o customer's nationality status
  - o customer's correct [UK immigration observation](#)
5. If the customer is not eligible:
  - o add a case note to show the actions and decisions you make
  - o send a letter to tell the customer
  - o fail the application (see Refusing passport applications and passport facilities)
  - o return the customer's documents

## BS born in Republic of Ireland: before 6 December 1922

When dealing with a first time application for a British subject (BS) born in the Republic of Ireland before 6 December 1922, you must:

1. Complete all first time passport application checks.
2. Check the [customer provides the documents](#) for their application.
3. Send the customer system letter 903, which includes both a Form of Declaration and a [Form E](#). If you are working on DAP (Digital Application Processing), you, the national queue examiner, must select **I cannot do this application**, and **Unable to print and post letter**. The EHT (Exceptions Handling team) must then follow the Print and post guidance to send the **Need a signature** template by email and the form by post.
4. Electronically store the application to wait for a reply.

You must check the customer only completes one of the following:

- [Form of Declaration](#)
- [Form E](#)

## If the customer completes a Form of Declaration

If the customer completes a [Form of Declaration](#), you must:

1. Add a case note to show the:
  - Form of Declaration is complete
  - customer's nationality status
2. Make sure the Form of Declaration is scanned on to the system (so there is a permanent record).
3. Issue a British citizen passport.

## If the customer completes a Form E

If the customer completes a [Form E](#), you must:

1. Add a case note to show the:
  - Form E is complete
  - customer's nationality status
2. Make sure the Form E is scanned on to the system (so there is a permanent record).
3. Add an observation to show the customer holds Right of Abode (ROA) in the UK (see [British subjects UK immigration observations](#)).
4. Issue a British subject passport.

## BS born Republic of Ireland: between 6 December 1922 and 1 January 1949

If the customer applies for their first British Subject passport and they were born in the Republic of Ireland between 6 December 1922 and 1 January 1949, you, the examiner, must:

1. Complete all first time passport application checks.
2. Check the [customer provides the documents](#) to deal with the application.
3. Check if the customer is eligible for either:
  - [British subject](#) passport
  - British citizen passport (by descent from father)
4. Add a case note to show the actions and decisions you make.

If you decide the customer is not a British citizen and is eligible for a British subject passport, you must:

1. Send system letter 904 to ask the customer to complete [Form E](#). If you are working on DAP (Digital Application Processing), you, the national queue examiner, must select **I cannot do this application**, and **Unable to print and post letter**. The EHT (Exceptions Handling team) must then follow the Print and post guidance to send the **Need a signature** template by email and the form by post.
2. Electronically store the application to wait for a reply.

If the customer completes and returns the Form E, they wish to remain a British subject under section 31(3) of the [British Nationality Act 1981](#).

You must:

1. Add a case note to show Form E is complete.
2. Make sure the Form E is scanned on to the system (so there is a permanent record).
3. Check if the customer holds Right of Abode (ROA) in the UK using their parent's details from either:
  - the application
  - a written statement from the customer which gives full name, place and date of birth of their parents.

The customer will have ROA, if:

- either of their parents were born in the south of Ireland before 31 March 1922
- their mother was born in the UK
- they are a woman who was married to a man who is a British subject

## BS: customer has Right of Abode in the UK

If the British subject (BS) customer does have ROA in the UK, you must:

1. Update the nationality status on:
  - AMS by selecting **British subject, with right of abode in the UK, eligible to hold an EU type passport** from the drop-down menu
  - DAP by selecting **British subject** on the Nationality task
2. Update the immigration on the system to show:
  - observation OBTC (see [British subjects UK immigration observations](#))
3. Add a case note to show the customer's nationality status:

BS 31(3) BNA81  
ROA 2 (1)(d) IA71

4. Issue the British subject passport.

The reference to 'EU type passport', in the drop-down menu on the Application Management System, has not been changed. As the UK left the European Union (EU) on 31 December 2020, the system will issue the correct 'non-EU type passport'.

## BS: customer does not have Right of Abode in the UK

If the British subject (BS) customer does not have ROA in the UK, you must:

1. Update the nationality status on:
  - AMS by selecting **British subject, without right of abode non-EU type passport** from the drop-down menu
  - DAP by selecting **British subject**, on the Nationality task
2. Update the immigration observation on the system to show:
  - observation OBTE (see [British subjects UK immigration observations](#))
3. Add a case note to show the customer's nationality status:

BS 31(3) BNA81 with right to readmission to the UK (RUK)

4. Issue the British subject passport.

## BS: born outside Republic of Ireland to a father born there

If the British subject (BS) customer was born outside the Republic of Ireland but their father was born there, you must:

1. Complete all first time passport application checks.
2. Check the [customer provides the documents](#) to deal with the application.
3. Send system letter 905 to ask the customer and their father to complete, using phrases which refer to Form of Declaration (if the customer was born before 6 December 1922) or Form E (if the customer was born before or after 6 December 1922). If you are working on DAP (Digital Application Processing), you, the national queue examiner, must select **I cannot do this application, and Unable to print and post letter**. The EHT (Exceptions Handling team) must then follow the Print and post guidance to send the **Need a signature** template by email and the form by post.
4. Add a case note to show the actions and decisions you make.
5. Electronically store the application to wait for a response.

For the customer to be a British subject, you must check the customer and their father each:

- complete a form (a [Form E](#) or [Form of Declaration](#))
- complete the same type of form (for example both complete a Form E)
- sign the form

If the customer's father is unable to sign a form (for example he is deceased), the customer can sign the form on his behalf.

## Customer and father both complete a Form of Declaration

If the customer and father complete a Form of Declaration, they both confirm they remain British (in line with the [Ireland Act 1949](#)) and did not become a citizen of the Republic of Ireland.

You must:

1. Add a case note to show the:
  - Form of Declaration is complete
  - customer's nationality status
2. Make sure each Form of Declaration is scanned on to the system (so there is a permanent record).
3. Issue a British citizen passport.



## Customer and father both complete a Form E

If the customer and father complete a Form E, they both confirm that they:

- do not qualify to sign a Form of Declaration
- are citizens of the Republic of Ireland and chose to remain a British subject, under section 31(3) of the [British Nationality Act 1981](#)

You must:

1. Add a case note to show:
  - each Form E is complete
  - the customer's nationality status
2. Make sure each Form E is scanned on to the system (so there is a permanent record).
3. Check if the customer holds Right of Abode (ROA) in the UK using their parent's details from either:
  - the application
  - a written statement from the customer which gives full name, place and date of birth of their parents
4. Add the correct [UK immigration observation](#).
5. Issue a British subject passport.

The customer will have ROA, if:

- either of their parents were born in the south of Ireland before 31 March 1922
- their mother was born in the UK
- they are a woman who was married to a man who is a British subject

### **Related content**

[Contents](#)

Legitimation and Domicile

# British subject: renewal or replacement applications

This section tells His Majesty's Passport Office operational staff how to deal with an application to renew or replace a British subject passport.

If the customer was born in the Republic of Ireland before 1 January 1949 and they already hold a British subject passport, you, the examiner, will identify this:

- when DAP (Digital Application Processing) creates an **Applicant has a British subject passport** task
- by physically checking the customer's old passport (if you are processing on AMS (Application Management System))
- if AMS creates a nationality warning

You must:

1. Complete all renewal or replacement passport checks (using current policy and guidance).
2. Check the customer's passport records for a case or passport note that shows their British subject nationality status or they have already [completed Form E](#).
3. Select the correct nationality status from the dropdown in **Application details – personal details – nationality field** if you are dealing with the application on DAP.
4. Deal with as a [first time application](#) if there are no case notes or passport notes to show how or why the customer was issued with a British subject passport.
5. Add a case note to show the actions you take.
6. Ask the customer for additional documents if there are discrepancies for example:
  - ask for their birth certificate if the customer's application shows the place of birth in the UK (and not the Republic of Ireland)
7. Check that the [observation in the passport is correct](#) and add it to the application on screen.

## British nationality errors on BS and BC passports

There are some British subjects (BS) who were issued with a British citizen (BC) passport in error. You must check our historical records to find the correct nationality status for the new passport (see British citizenship guidance).

If a customer was born in the Republic of Ireland before 1 January 1949 and holds a British citizen passport, you must:

- check the case notes on passport records for the customer's previous passports to find a record that shows the customer's nationality status

- do a passport records search to check these details for an Old Blue (hardback style) passport (if you cannot find the customer's nationality status on another passport record)

If you find a record that shows British citizen, you must refer to British citizenship guidance.

If you find a record that shows British subject, you must:

- refer the application to your operational team leader (OTL) or an appropriately trained examiner to:
  - check the customer's correct British subject nationality and [UK immigration observation status](#)
  - add a case note to show the actions and decisions made
  - send a letter to tell the customer we will withdraw passport facilities for their British passport
  - update the system with the correct British subject status and [observation](#)
  - issue a replacement British subject passport

If you search our historical records and you find no nationality status, you must:

- deal with the application as [first time](#)
- ask the customer to send:
  - their original [documents](#)
  - a written statement to show their parents' details (if not included on application)
- check if the customer is eligible for a passport (see Nationality, Identity and Entitlement)

## How to check if the customer retained BS status

Any customer that is a British subject under a section of the [British Nationality Act 1981](#) other than under section 31 of the act (a connection with the Republic of Ireland) will lose their British subject status under section 35 of the [BNA 81](#) if:

- they have become a citizen of another country since 1 January 1983 (for example holds a foreign passport)

This will apply to any customer born:

- in British India
- outside British India with a father born in British India

To check the customer still has a claim to British subject status, you must:

1. Check the place of birth in the passport and if this is:
  - in the Republic of Ireland then use guidance ([BS born in Republic of Ireland](#))
  - outside the Republic of Ireland continue to step 2

2. Send the customer system letter 679 to ask if they have a passport issued by another country, after 1 January 1983.
3. Add a case note to show the actions and decisions you make.
4. Electronically store the application to wait for a reply.
5. Scan the customer's reply on to the system (so there is a permanent record).

## BS retained: customer is not a citizen of another country

If the customer tells you they have not become a citizen of another country, since 1 January 1983, they will retain their British subject status and you must:

1. Add a case note to show the customer is not a citizen of another country.
2. Check that the [observation in the passport is correct](#).
3. Update the system with the correct observation.
4. Issue the British subject passport.

If you find no observation in the customer's passport, you must:

1. Check case notes (or passport record) for an explanation why the observation is not included.
2. Search the passport history for any previous passports with an observation.

If you find an observation in a previous passport you must:

1. Check the [observation is correct](#).
2. Update the system with the correct observation.
3. Issue the British subject passport.

You must deal with as a [first time application](#) and ask the customer for their documents if you cannot:

- find an observation in a previous passport
- check if [the observation in a previous passport is correct](#)

## BS lost: the customer is a citizen of another country

If the customer tells you they do have citizenship of another country they will lose their British subject status, you must:

1. Add a case note to show the customer is a citizen of another country.
2. Send system letter 907 to the customer to explain:
  - why they are not eligible for British subject nationality
  - the passport will be kept and securely destroyed
  - what to do if the customer wishes to register or naturalise as a British Citizen
3. Scan on to the system (so there is a permanent record) any letters:
  - the customer sends us
  - you sent to the customer
4. Add a case note to show the actions and decisions you make.
5. Fail the application (see withdrawing passports and passport facilities).

**Related content**

[Contents](#)

Order Book – British subjects

# British subjects: Form of Declaration

This section tells His Majesty's Passport Office operational staff about what a Form of Declaration is, and when to ask for it.

A Form of Declaration is a written statement, you must ask the customer to sign if they were born before 6 December 1922 either:

- in the Republic of Ireland
- outside the Republic of Ireland with a father born in the Republic of Ireland

The Form of Declaration asks the customer to confirm they were not:

- domiciled in the Republic of Ireland
- permanently resident in the Republic of Ireland between 10 April 1935 and 1 January 1949
- registered as a citizen of the Republic of Ireland before 1 January 1949

If a customer signs the Form of Declaration, they are confirming they remain British and did not become an Irish citizen on 1 January 1949 (see Order Book – Irish Republic).

## When to ask for a Form of Declaration

You must ask for a Form of Declaration for:

- customers applying for their first British passport and who were:
  - [born in Republic of Ireland before 6 December 1922](#)
  - [born outside Republic of Ireland with a father born in the Republic of Ireland](#) (only if customer born before 6 December 1922)

For these applications, you must select the system letter (which includes the Form of Declaration):

- 903 - born in Republic of Ireland before 6 December 1922
- 905 - born outside Republic of Ireland with a father born in the Republic of Ireland (only if customer born before 6 December 1922)

If you are working on DAP (Digital Application Processing), you, the national queue examiner, must select **I cannot do this application**, and **Unable to print and post letter**. The EHT (Exceptions Handling team) must then follow the Print and post guidance to send the **Need a signature** template by email and the form by post.

### Related content

[Contents](#)

# British subjects: Form E

This section tells His Majesty's Passport Office operational staff about what a Form E is, and when to ask for it.

A Form E is a written statement you must ask the customer to sign if they were born either:

- in the Republic of Ireland:
  - before 6 December 1922
  - between 6 December 1922 and 1 January 1949
- outside the Republic of Ireland with a father born in the Republic of Ireland

The Form E asks the customer to confirm if they were either:

- in (or have been in) Crown Service for the United Kingdom government
- connected to the UK or any British dependent territory by descent or residence

If a customer signs the Form E, they are confirming they remained a British subject on 1 January 1949 (see Order Book – Irish Republic).

## Form E: born before 6 December 1922

The customer [completes Form E](#) to choose to remain a British subject under section 2 of the [British Nationality Act 1948](#).

These customers automatically became a British subject under section 31(2) of the [British Nationality Act 1981](#), on 1 January 1983.

## Form E: born between 6 December 1922 and 1 January 1949

The customer completes Form E to remain a British subject under 31 (3) of the [British Nationality Act 1981](#).

## When to ask for a Form E

You must ask the customer to complete a Form E if:

- they are applying for their first British passport and they were:
  - [born in Republic of Ireland before 6 December 1922](#)
  - [born in Republic of Ireland between 6 December 1922 and 1 January 1949](#)
  - [born outside Republic of Ireland with a father born in the Republic of Ireland](#)
- they send in a [renewal or replacement application](#) and:
  - our previous records do not show they completed a Form E

You must select the system letter (which includes the Form E):

- 903 – born in Republic of Ireland before 6 December 1922
- 904 – born in Republic of Ireland between 6 December 1922 and 1 January 1949
- 905 – born outside Republic of Ireland with a father born in the Republic of Ireland

If you are working on DAP (Digital Application Processing), you, the national queue examiner, must select **I cannot do this application**, and **Unable to print and post letter**. The EHT (Exceptions Handling team) must then follow the Print and post guidance to send the **Need a signature** template by email and the form by post.

## Form E: renewal or replacement application

A customer who applies to renew or replace a British subject passport will usually complete a Form E on their first application for a British subject passport.

You do not need to ask the customer to complete another Form E, if our records show they have already completed one. You must accept a customer has already completed a Form E if their passport record shows:

- the customer completed a Form E before 1 January 1983 as their status shows:
  - British subject under section 2 of the [British Nationality Act 1948](#)
  - British subject under section 31(2) of the [British Nationality Act 1981](#)
- the customer completed a Form E after 1 January 1983 as their status shows:
  - British subject under section 31(3) of the [British Nationality Act 1981](#)

### Related content

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# British subjects UK immigration observations

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

When we issue a customer with a British subject 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

- right of abode (ROA) observation code OBTC, that says:

THE HOLDER HAS RIGHT OF ABODE IN THE UNITED KINGDOM

- 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:

- cause them difficulties when they return to the UK after travelling overseas (for example, on holiday)
- create similar issues seen with Windrush customers

The UK immigration observation we use in a British subject (BS) passport, depends on:

- if the customer got their BS status from a connection with the Republic of Ireland or British India
- if a customer is in the UK or overseas
- how long the 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)

## First British subject passport

If a UK or overseas customer applies for their first British subject passport, you must check if they got their British status through a connection, with:

- the Republic of Ireland

- British India

## First BS passport with Republic of Ireland connection

Customers who got their British subject (BS) status through a connection with the Republic of Ireland cannot be subject to immigration control in the UK (under the [Common Travel Area arrangements](#)).

## First BS passport with Right of Abode

If a UK or overseas customer applies for their first BS passport through a connection with the Republic of Ireland and they have the Right of Abode in the UK, you must:

1. Add the UK immigration observation code OBTC, to show the customer has [Right of Abode](#) in the UK.
2. Continue to process the passport application (in line with current guidance).

## First BS passport with Right of Re-admission

If a UK or overseas customer applies for their first BS passport through a connection with the Republic of Ireland and they have the Right of Re-admission to the UK, you must:

1. Add the UK immigration observation code OBTE to show they have [Right of Re-admission](#) in the UK.
2. Send a UK customer letter 136, making sure you use the correct phrase to show their nationality status as British subject (unless it is an overseas customer as they do not need this letter).
3. Continue to process the passport application (in line with current guidance).

## First BS passport with British India connection

If customer applies for their first British Subject (BS) passport through a connection with British India, the action you take will depend on if the customer is applying from the UK or overseas.

## UK: first BS with British India connection

If a UK customer applies for their first British subject (BS) passport and they got their status through a connection with British India, you must check:

- their supporting documents to see if it shows they:
  - are settled in the UK (for example, indefinite leave to remain (ILR), indefinite leave to enter (ILE) or no time limit (NTL))
  - have valid leave (immigration permission) to be in the UK (for example, a visit visa, limited leave to enter or limited leave to remain)
- UKVI systems (if the customer does not have documents showing they are settled or have valid leave) to see if the records show if they are settled or have valid leave

If the supporting documents or the UKVI system shows the customer is settled or has valid leave, you must refer to [BS, UK application: customer is settled or has valid leave](#).

If the supporting documents and the UKVI systems do not show if the customer is settled or has valid leave, you must:

1. Send the customer 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.

When you get the customer's response, you must refer to:

- [BS, UK application: customer is settled or has valid leave](#) (if the customer provides evidence to show they are settled or has valid leave)
- BS, UK application: asking UKVI if a customer is settled or has valid leave, below (if the customer cannot provide evidence to show they are settled or has valid leave)

## BS, UK application: asking UKVI if a customer is settled or has valid leave

When a customer with a connection to British India in the UK applies for their first British subject (BS) passport, we will ask UK Visas and Immigration (UKVI) to confirm if they are settled or have valid leave, when both of the following apply:

- the customer could not provide evidence to show they are settled or has valid leave
- the UKVI system does not show if the customer is settled or has valid leave

To ask UKVI if a customer is settled or has valid leave, you must:

1. Complete the UKVI referral – customer's immigration status form using the details on the passport application to:
  - ask UKVI to check their records to see if the customer is settled or has valid leave
  - tell UKVI to contact the customer to explain what they need to do about their UK immigration status, if their records do not show the customer is settled or has valid leave
2. Create an email and with the subject field showing:

HMPO request – customer's settlement status

3. Attach the referral from to the email and send it to UKVI from your team's mailbox.
4. Add a case note to explain the:
  - customer could not give us evidence to show they are settled or has valid leave
  - actions and decisions you made
5. Store the application while you wait for UKVI to respond (usually within 10 working days).

When UKVI respond, you must refer to:

- [BS, UK application: customer is not settled and does not have valid leave](#) (if UKVI confirm the customer is not settled and does not have valid leave)
- BS, UK application: customer is settled or has valid leave, below (if UKVI confirm the customer is settled)

## BS, UK application: customer is settled or has valid leave

If the British subject (BS) customer (with a connection to British India) provides evidence to show they are settled or has valid leave, you must first check to see if the evidence is genuine. You must:

1. Check the customer's documentary evidence agrees with UKVI systems.
2. Refer the application to your operational team leader (OTL), to decide if the evidence is genuine (using a balance of probability) if there is nothing on the UKVI systems.
3. Make sure extra checks are completed, if you suspect the customer's evidence of settlement is not genuine by:
  - referring the application to Enhanced Application Checking (EAC) (if processing on the Application Management System (AMS))
  - completing additional checks (if processing on the Digital Application Processing (DAP) system)

Providing you are satisfied there is evidence to show the customer is settled or has valid leave (either from the customer's supporting documents, information from UKVI systems or because UKVI confirmed they are settled or have valid leave), you must:

1. Add the UK immigration observation code OBTB, showing the customer is [Subject to immigration control](#).
2. Send the customer letter 132, making sure you use the correct phrase to show their nationality status as British subject.
3. Add a case note to explain, the:
  - customer is settled or has valid leave (including how)
  - actions and decisions, you made
4. Continue to process the passport application (in line with current guidance).

## BS, UK application: customer is not settled and does not have valid leave

If UKVI confirm the British subject (BS) customer (with a connection to British India) is not settled and does not have valid leave, you must:

1. Add the UK immigration observation code OBTB:
  - o [STC immigration observation](#)
2. Send the customer letter 133, making sure you use the correct phrase to show their nationality status as British subject.
3. Add a case note to explain the:
  - o customer is not settled and does not have valid leave
  - o actions and decisions you made
4. Continue to process the passport application (in line with current guidance).

## Overseas: first BS passport with British India connection

If an overseas customer applies for their first British subject (BS) status through a connection with British India, you must:

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

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

## Renewal or replacement of a British subject passport

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

1. Deal with the application in line with current guidance (for example, lost and stolen).
2. Check if they got their status through a connection, with:
  - o the Republic of Ireland
  - o British India

## BS Republic of Ireland connection: renewal or replacement

If a UK or overseas customer applies to renew, replace or change the details on their British subject (BS) passport and they got their status through a connection with the Republic of Ireland, you must check if the RUK, ROA or STC immigration observation is on their old passport.

It is unlikely the old passport will have the STC immigration observation, if they do, this will be an error. Customers who got their BS status through a connection with the Republic of Ireland cannot be subject to immigration control in the UK (under the [Common Travel Area arrangements](#)).

## BS (Republic of Ireland): old passport has RUK or ROA

You must deal with the customer's renewal or replacement, British subject, application differently depending on which observation they have in their old passport. You must deal with the customer's application using the guidance given in:

- [First BS passport with Right of Abode](#) if they have a ROA observation in their old passport
- [First BS passport with Right of Re-admission](#) if they have a RUK observation in their old passport

## BS (Republic of Ireland): STC or no immigration observations

Customer's whose claim to British subject status is through a connection to the Republic of Ireland cannot be subject to immigration control. If the customer's old British subject (BS) passport does not have any UK immigration observations or only has the [Subject to Control \(STC\) immigration observation](#), you must check their previous passport history, using:

- passport records
- G-search
- X-drive

If any of the customer's previous passports have the RUK or ROA immigration observation, you must deal with the application using the guidance in:

- [First BS passport with Right of Abode](#) if they have a ROA observation in any of their previous passports
- [First BS passport with Right of Re-admission](#) if they have a RUK observation in any of their previous passports

If the customer's previous passport history does not show if they have RUK, ROA or only shows they have STC, you must:

1. [Re-assess their claim](#).
2. Add the correct observation using the guidance in [First BS passport with Republic of Ireland connection](#).

## BS, British India connection: UK renewal or replacement

If a UK customer applies to renew, replace or change the details on their British subject (BS) passport and they got their status through a connection with British India, you must check if the [STC or RUK immigration observation](#) is on their old passport.

## BS, (British India): UK customer has RUK or ROA

You must deal with the customer's renewal or replacement, British subject, application differently depending on which observation they have in their old passport. You must deal with the customer's application using the guidance given in:

- [First BS passport with Right of Abode](#) if they have a ROA observation in their old passport
- [First BS passport with Right of Re-admission](#) if they have a RUK observation in their old passport

## BS: UK customer has STC or no immigration observation

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

- passport records
- G-search
- X-drive

If any of the customer's previous passports have the RUK immigration observation, you must deal with the application using the guidance in [First BS passport with Right of Re-admission](#).

If the customer's previous passports do not have a UK immigration observation or they only have the STC immigration observation, you must follow the guidance in [First BS passport with British India connection](#).

## BS British India connection: overseas renewal or replacement

If an overseas customer applies to renew, replace or change the details on their British subject (BS) passport and they got their status through a connection with British India, you must:

1. Check if RUK, ROA or STC UK immigration observation was previously used in their:
  - old passport
  - previous passports using, passport records, G-search or X-drive (if the old passport does not have an immigration observation or only has the STC immigration observation)
2. Add the:
  - RUK immigration observation (if the customer's old or previous passports show the RUK immigration observation)
  - ROA immigration observation (if the customer's old or previous passports show the ROA immigration observation)

- STC immigration observation (if the customer's old or previous passports do not show they had any UK immigration observation or only show the STC immigration observation)
3. Add a case note to explain the actions and decisions you made.
  4. Continue to process the passport application (in line with current guidance).

## EU immigration observation

Between 30 March 2019 (when we started issuing non-EU passports) and 31 December 2020 (when the UK's transitional period for leaving the EU ended), we added the following observation to British subject passports:

THE HOLDER IS NOT ENTITLED TO BENEFIT FROM EU PROVISIONS  
RELATING TO EMPLOYMENT OR ESTABLISHMENT

The UK's transition period after leaving the European Union (EU) ended on 31 December 2020. This means you must not add this observation to any British subject passport you issue on, or after 1 January 2021.

## BS renewal: certificate of Right of Abode

If a customer is issued a UK British subject passport with the Right of Abode, they are no longer eligible to hold a certificate of entitlement, issued on or after 21 December 2006, in any other passport or travel document. You must revoke the Certificate of Entitlement to Right of Abode in that passport.

### Related content

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