



Home Office

# **Guidance notes for Local Authorities Children's Services Department when applying for passports on behalf of Children**

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# Introduction

This guidance does not cover all aspects of the application process so must be used along with the passport information pack for paper applications and the online guidance if applying online. This is especially important as, in addition to the requirements listed below, the person applying on behalf of the child will need to make sure they send the correct supporting documents (such as birth certificates) which are listed in the ['How to fill in your application form'](#) booklet and online at [www.GOV.UK](http://www.GOV.UK)

The following information refers to passport applications made on behalf of children who are subject to:

- care orders under section 31 of the Children Act 1989, article 50 of the Children (Northern Ireland) Order 1995
- parental responsibility orders under section 11 of the Children (Scotland) Act 1995
- Permanence Orders issued under the Adoption and Children (Scotland) Act 2007
- compulsory supervision requirements section 83 of the Children's Hearings (Scotland) Act 2011
- interim care orders under section 38 of the Children Act 1989 and article 57 of the Children (Northern Ireland) Act 1995
- provision of accommodation under section 20 of the Children Act 1989, article 21 of the Children (Northern Ireland) Order 1995, section 25 of the Children (Scotland) Act 1995 and Section 76 of the Social services and Well-being (Wales) Act 2014

Applications for a child's first passport are not eligible for the same day premium service. Applications for a child's first passport will normally take one week to process if submitted at a public counter. Local Authority Children's Services should however apply as soon as travel is planned. Please pay special attention to the details of our services in the application pack and online. We advise you not to book any travel arrangements until you receive the child's passport.

The passport and documents will normally be sent to the Local Authorities Children's Services Department. We now return all passports by secure delivery; the passport will be addressed to the Local Authorities Children's Services Department and a member of staff will need to sign for receipt of the passport.

# Establishing British nationality

British passports are issued to British nationals where relevant evidence of their claim to British nationality can be provided under the British Nationality Act 1981. For child cases, documents must be provided that:

- confirm the child's birth
- show that a parent holds a claim to British nationality.

Parents must provide documents showing a clear link to the child and that they are lawfully able to pass on their nationality.

The booklet '[Applying for a passport](#)' gives more details and sets out which documents are needed. Where the documents are unavailable HM Passport Office will consider alternative documents that provide evidence of citizenship, through the link to the appropriate parent. The acceptance of documents is not prescriptive, and each application will be considered on its own merits and a passport will only be issued when the claim is proven.

Please note that getting the necessary documents can be a lengthy process, especially where the child's parents are not co-operative or are out of touch.

# Summary of guidance

Local Authorities Children's Services Department are normally only entitled to apply for passports for a looked after child when they have parental responsibility. This will be the case if they have obtained any one of the following in respect of the child:

- a care order under section 31 of the Children Act 1989 or article 50 of the Children (Northern Ireland) Order 1995
- a parental responsibility order under section 11 of the Children (Scotland) Act 1995
- a Permanence Order made under the Adoption and Children (Scotland) Act 2007
- compulsory supervision requirements section 83 of the Children's Hearings (Scotland) Act 2011
- an interim care order under section 38 of the Children Act 1989 or article 57 of the Children (Northern Ireland) Order 1995

In any of the above cases Local Authorities Children's Services can apply for a passport on behalf of the child without the consent of the child's parents, or anyone else who has parental responsibility.

Local Authorities Children's Services may also obtain parental responsibility by successfully applying for Emergency Protection Orders (for example under section 44 of the Children Act 1989). However, due to the short-term duration of these orders and the uncertainty of future arrangements, HM Passport Office will not accept an application made on behalf of a child subject to such orders.

In all other cases Local Authorities Children's Services does not hold parental responsibility and the application cannot be processed without the consent of at least one person who has parental responsibility for the child. This may be any of the following:

- Anyone who has parental responsibility under the Children Act 1989, as amended
- Anyone who has gained parental responsibility under the Children (Scotland) Act 1995
- Anyone who has gained parental responsibility following the issue of a Permanence Order under the Adoption and Children (Scotland) Act 2007
- Anyone who has gained parental responsibility under the Children (Northern Ireland) Order 1995

If the passport application needs to be countersigned for a paper application, the person acting as countersignatory must hold a valid British or Irish passport and be

willing to provide the passport number on the application form. Failure to do this will stop the countersignature being accepted. The countersignatory signs the application form to confirm they have known the applicant, for instance the person signing, or completing the declaration on behalf of the child for 2 years. They do not need to have personally known the child for 2 years but must be able to identify the child from personal knowledge.

The preferred method is for the Head of the relevant Local Authorities Children's Services Department (or their deputy, area manager, or Principal Manager of Community Care) to complete the declaration, confirming the parental responsibility they have gained.

The child's Social Worker can act as countersignatory as they are the person best placed to be able to identify the child from personal knowledge, and know the person making the application for 2 years. Please note that any suitably qualified person who holds a current British or Irish passport may countersign the form as long as they have the required personal knowledge of the applicant and the child. Please refer to [www.GOV.uk](http://www.GOV.uk) website for a list of [suitable countersignatures](#).

Applications can also be made online at: <https://www.gov.uk/apply-renew-passport>

For applications submitted online through the Digital Customer Service a digital referee will need to confirm the identity of the applicant and the intended passport holder (the child). The Digital referee must hold a valid British passport and be able to pass our automatic identity checks.

## Full care/parental responsibility orders

If the child is subject to a full care order under section 31 of the Children Act 1989, article 50 under The Children (Northern Ireland) Order, or a parental responsibility order (Scotland), then the Local Authorities Children's Services Department will have automatically gained parental responsibility. They will therefore be able to give consent to the passport being issued for the child

### Application Procedure

The preferred method is for the Head of the relevant Local Authorities Children's Services Department (or their deputy, area manager, or Principal Manager Community Care) to complete the declaration, confirming the parental responsibility they have gained .

The child's Social Worker can act as countersignatory as they are the person best placed to be able to identify the child from personal knowledge, and know the person making the application for 2 years. Please note that any suitably qualified person who holds a current British or Irish passport may countersign the form as long as

they have the required personal knowledge of the applicant and the child. Please refer to the Gov.uk website for a list of [suitable countersignatures](#).

Applications can also be made online through the GOV.UK website <https://www.gov.uk/apply-renew-passport> or you can choose to complete the application online and then print and sign the application before sending it in. The documents needed stay the same.

For applications submitted online through the Digital Customer Service a digital referee will need to confirm the identity of the applicant and the intended passport holder (the child). The Digital referee must hold a valid British passport and be able to pass our automatic identity checks.

For paper applications, the sections which need to be completed are stated in the booklet '[Applying for a passport](#)'. This booklet can be found in passport application packs or by visiting [www.gov.uk/government/publications/applying-for-a-passport](http://www.gov.uk/government/publications/applying-for-a-passport). An example is for a first child passport, which would need sections 1, 2, 3, 4, 5, 9 and 10 to be completed with section 6 depending on the age of the child. For example:

- **If the child is 12-15 years** old they will need to sign section 6 of the form. The Local Authorities Children's Services Department would sign the declaration in section 9.
- **If the child is 11 or under** the Local Authorities Children's Services Department will need to fill in the application form and sign the declaration in section 9. Section 6 can be left blank.

It is important to provide the natural parents details. Birth in the United Kingdom after 31 December 1982 does not automatically make the child a British citizen. We will need to establish that the child is eligible through the parents either being British citizens or settled in the United Kingdom at the time of the birth. We will need documentary evidence to show the claim to British citizenship (please see the documents you need to send us section in the booklet '[Applying for a passport](#)').

If the parents were unmarried at the time of the child's birth and have not later married each other, British nationality is usually claimed through the mother if the child was born before 1 July 2006. However, changes in legislation from this date allow unmarried fathers to pass on citizenship in certain circumstances if the mother was not married to someone else. Please see the documents you need to send us section in the booklet '[Applying for a passport](#)', You can check guidance at [www.GOV.UK](http://www.GOV.UK)

If any of these details are unknown or, if the documents needed cannot be obtained, we will be unable to issue a passport.

If the application is submitted online through the Digital Customer Service a digital referee will need to confirm the child's identity. The Digital referee must hold a valid British passport and be able to pass our automatic identity checks. They will also need to give us an email address so we can contact them.

- Where a child's valid passport has been lost or stolen, anyone who holds parental responsibility, legal guardianship, or who is acting in place of a parent for the child can either:
  - notify us about the loss online at [www.gov.uk/report-a-lost-or-stolen-passport](http://www.gov.uk/report-a-lost-or-stolen-passport); OR
- apply for a replacement passport at [www.gov.uk/apply-renew-passport](http://www.gov.uk/apply-renew-passport) or by filling in a paper application

A letter from the Head of the relevant Local Authorities Children's Services Department (or their deputy, area manager, or Principal Manager Community Care) must be submitted with a replacement passport application, confirming the loss/theft of the passport.

In addition we will need the person who applied for the missing passport to confirm that the passport is no longer available. If the original applicant was a parent who is not applying now, and the parents are in dispute you will need their consent or a court order requesting the passport be cancelled.

A child's passport which has already expired can be reported lost or stolen from anyone with parental responsibility, legal guardianship or who is [acting in place of a parent](#).

The Local Authorities Children's Services Department should include in the letter the section of the relevant act under which the child is looked after and the name and address where the passport and documents are to be returned.

In addition, a copy of any interim care order should be sent along with the letter. (See interim care orders).

If any part of this information and/or relevant documentation is missing the paper or online application will be delayed while we contact the Local Authorities Children's Services Department.

After the form is completed, the child's social worker can act as the countersignatory as long as they have a valid British or Irish passport, although any suitably qualified person who holds a current British passport may countersign the form, as long as they have the required personal knowledge of the applicant and the child. One of the child's photos must also be certified as a true likeness of the child.

If the application is made online the digital referee can confirm identity of the child as long as they hold a valid British passport and are able to pass our automatic identity checks. They will need to provide a named or generic email address for contact purposes.

If the Local Authorities Children's Services Department has previously applied for a passport on the child's behalf and are applying for a renewal or extension, they must provide a letter outlining the circumstances mentioned above. They must also state that there have not been any changes to the terms of the court order or the child's details. If there have been changes a copy of the changes should be provided.

The passport and documents will be sent directly to the Local Authorities Children's Services Department as applications for children subject to a full care order must be made through the relevant Local Authorities Children's Services Department. The passport will be addressed to the Local Authorities Children's Services Department and a member of staff will need to sign for it.

The Local Authorities Children's Services Department should note that where a care order is in place, it will not be able to remove the child from the UK for a period of more than one month without the consent of every other person who has parental responsibility for the child.

Where HM Passport Office is satisfied that all nationality, identity, entitlement and vulnerability requirements have been met, a passport will be issued. HM Passport Office does not check the purpose of obtaining a passport and it is the responsibility of the Social Services who have been granted permission by the Courts to ensure the care order is upheld in respect of travel.

## Interim care orders

If the child is subject to an interim care order the conditions and guidance to fill in the application form or apply online are the same as those for the full care order. However, the interim order will need to be valid on the day we issue the passport. If it is not valid the local authority will have to reapply to the courts before making a passport application. A copy of any interim care order must be included with the application. It is advisable, that you confirm that there has been no further court order issued.

Some court orders may prohibit travel for children in care, but not prevent the issue of a passport. Where this is the case and HM Passport Office is satisfied that all nationality, identity, entitlement and vulnerability requirements have been met, HM Passport Office will issue the passport. HM Passport Office does not check the purpose of obtaining a passport and it is the responsibility of the Social Services who have been granted permission by the Courts to ensure the court order is upheld in respect of travel.

## Application Procedure

The application procedure is the same as that for full care orders.

# Provision of Accommodation under Section 20 of the Children Act/Social Services and Well-being (Wales) Act 2014/1989/Supervision Requirements (Scotland)

If a child is subject to:

- 'the provision of accommodation' (in England or Wales)
- supervision requirements (in Scotland)  
the Local Authorities Children's Services Department will not be able to apply for passport facilities for the child without the consent of a parent, guardian or other person with parental responsibility.

If the child's parents have been married to each other, either parent can give consent. If the child's parents have not been married, then the mother will need to give the necessary consent (unless the father has gained this right by:

- a court order
- written agreement with the mother
- under any of the provisions of the Family Law Act (Northern Ireland) 2001, the Children Act 1989 (as amended), or the Family Law (Scotland) Act 2006 where the birth was jointly registered by both parents, on or after 15 April 2002 in Northern Ireland, on or after 1 December 2003 in England & Wales or on or after 4 May 2006 in Scotland).

Where a child is accommodated and the whereabouts of a person with parental responsibility is unknown, the Local Authorities Children's Services Department should explain in full why they have given consent in the absence of a person with parental responsibility. The letter should give details of how long those with parental responsibility have been missing and tell us what steps have been made to find them. Consideration will be given to issuing a passport, dependent upon the individual circumstances.

When a child is accommodated and the whereabouts of a person with parental responsibility is known, but consent to passport facilities are withheld, HM Passport Office will be unable to issue a passport.

Foster parents cannot provide parental consent for passport applications.

## Application Procedure

The sections needing to be completed for the type of passport required are stated in the booklet '[Applying for a passport](#)', which can be found in passport application packs or online at [www.gov.uk/government/publications/applying-for-a-passport](http://www.gov.uk/government/publications/applying-for-a-passport) . For a first-time application, the process is the same, although a person with parental responsibility must sign the declaration, rather than the Local Authorities Children's Services Department (making sure they provide all the details requested in section 4 and supporting documentation listed in the guidance.

Where a child's valid passport has been lost or stolen, anyone who holds parental responsibility, legal guardianship or who is acting in place of a parent for the child can either:

- notify us about the loss online at [www.gov.uk/report-a-lost-or-stolen-passport](http://www.gov.uk/report-a-lost-or-stolen-passport); OR
- apply for a replacement passport at [www.gov.uk/apply-renew-passport](http://www.gov.uk/apply-renew-passport) or by filling in a paper application.

A letter from the Head of the relevant Local Authorities Children's Services Department (or their deputy, area manager, or Principal Manager Community Care) must be submitted with a replacement passport application, confirming the loss/theft of the passport.

We will also need the person who applied for the missing passport to confirm that the passport is no longer available.

We will need a court order authorising us to cancel the old passport and issue a new one if they are not available because:

- the original applicant was a parent and the parents are in dispute
- the person who needs to give consent has shown unacceptable behaviour [toward the child or their parent or guardian](#)

A child's passport which has already expired can be reported lost or stolen from anyone with parental responsibility, legal guardianship or who is [acting in place of a parent](#). Once the application has been completed and the declaration signed by the person with parental responsibility, the Local Authorities Children's Services Department is able to act as the countersignatory, although any suitably qualified person who holds a current British passport may countersign the form, as long as they have the required personal knowledge of the applicant and the child. This can be either the head of the Local Authorities Children's Services Department or the social worker as long as they have a British or Irish passport.

The Local Authorities Children's Services Department must also provide a letter stating which section of the children's act (or other legislation) the child is being accommodated under and confirm the name and address to which the passport and documents should be returned.