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In case no. 5202-23, **AA** (Appellant) v. the **Swedish Police Authority** (Respondent), the Supreme Administrative Court delivered the following judgment on 11 September 2024.

RULING OF THE SUPREME ADMINISTRATIVE COURT

The Supreme Administrative Court rejects the appeal.

BACKGROUND

1. Passports may be issued as regular passports or special passports. One form of special passport is the provisional passport.
2. A Swedish citizen is entitled to apply to obtain a regular passport if there are no impediments to it. An application for a regular passport is to be rejected where, within five years prior to the application, three regular passports have been issued for the applicant and there are no special reasons to grant the application. In the event the application is rejected on that basis, the applicant is normally entitled to obtain a provisional passport where necessary for a particular journey.
3. The purpose of limiting the right to obtain the issuance of a regular passport is to counteract the risk of abuse of Swedish passports and to signal the fact that the passport is a document of value which the passport holder must treat with care. The limitation rule has been formulated such that, to the greatest extent possible, it reduces the possibility of abuse while not unreasonably affecting the individual.
4. AA applied for a regular passport. Within five years prior to the application, three regular passports were issued for him. He provided the following as special reasons why the police should nonetheless issue a regular passport for

him. His previous passports have been stolen. He lives and works on Malta and travels a great deal outside the EU for work. He requires a regular passport in order to also be able to visit his sister in Australia and to be able to open a Maltese bank account. He travels approximately 100 days per year.

5. The Swedish Police Authority rejected AA's application explaining that three regular passports had been issued for him within the five years prior to the application and that there were no special reasons for issuing a fourth passport.
6. AA appealed the decision to the Administrative Court in Stockholm which overturned it and referred the documents in the case to the Swedish Police Authority for continued handling of his passport application. The administrative court stated that AA had a substantial need for a regular passport in his work which would not be accommodated fully by another identification document and that an extensive use of passports gives rise to additional occasions entailing a risk of being dispossessed of the passport and that there was no suspicion that AA had abused his previous passports. The administrative court made the overall assessment of the circumstances in the case that the requirement of special reasons was satisfied and that it was incumbent upon the Swedish Police Authority to examine whether other conditions for issuing passports were fulfilled.
7. The Swedish Police Authority appealed to the Administrative Court of Appeal in Stockholm which overturned the judgment of the administrative court and affirmed the decision of the Swedish Police Authority. The administrative court of appeal determined that a basic condition for the issuance of a fourth passport during a five-year period is that it appears improbable that the previously issued passports were the subject of abuse or that they were handled carelessly. Taking into account AA's information regarding the manner by which he was dispossessed of the passports, the administrative court of appeal found that he was not sufficiently careful with the passports and that he had not treated them as documents of value. In light of the restrictiveness to be

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observed, the administrative court of appeal was of the opinion that the circumstances were otherwise not such that it appeared unreasonable to deny AA a fourth passport.

CLAIMS, ETC.

8. AA claims that the Supreme Administrative Court shall overturn the judgment of the administrative court of appeal and either affirm the ruling of the administrative court or grant him a regular passport.
9. *The Swedish Police Authority* is of the opinion that the appeal is to be rejected.

REASONS FOR THE RULING

The question in the Supreme Administrative Court

10. The question is what constitutes special reasons for granting an application for a regular passport when, within five years prior to the application, three regular passports have been issued for the applicant.

Legislation, etc.

11. Section 4 of the Passport Act (1978:302) states that a Swedish citizen is entitled to apply to obtain a regular passport except where otherwise provided by the act.
12. According to section 7 (b), first paragraph, the application for a regular passport shall be rejected where, within five years prior to the application, three regular passports have been issued for the applicant and there are no special reasons to grant the application. Where there is an impediment to issuing a regular passport, the applicant is entitled pursuant to the second paragraph to apply to obtain a provisional passport issued subject to the condition that the

applicant needs a passport for a particular journey and unless otherwise provided by the act.

13. The following may be deduced from the preparatory works relating to the provision in section 7 (b), first paragraph of the Passport Act (Government Bill 2015/16:81, pp. 14 ff. and 25).
14. It is essential to prevent the abuse of passports which may result from the ease with which Swedish citizens are granted new passports. This suggests that Swedish rules limiting the number of passports which may be issued during a certain period of time should be implemented. Such a limitation on the right to passports signals that the passport is a document of value and can be expected to cause a passport holder to exercise greater care with their passport. The rule should be formulated such that, to the extent possible, the possibility of abuse is reduced while not unreasonably affecting the individual at the same time.
15. An application for a regular passport shall, as the main rule, be rejected irrespective of whether there is a suspicion of abuse regarding the previously granted passports or not. In order to avoid an unreasonable result in individual cases, an application may be granted in exceptional cases notwithstanding that, within five years prior to the application, three regular passports have already been issued for the applicant. A condition is that there are special reasons. Special reasons may exist, for example, where the applicant has been specially subjected to criminal acts and been robbed of his or her passport or where the applicant travels a great deal for work and quickly runs out of pages for immigration, emigration and visa stamps in the passport book. The determination of whether there are special reasons should be restrictive and be made on the basis of the circumstances in the individual case.

The Court's assessment

16. According to the Supreme Administrative Court, the preparatory works relating to the relevant provision in the Passport Act express that the determination of whether special reasons exist to grant an application for a fourth regular passport within a five-year period shall be made on the basis of all circumstances in the individual case. In this assessment, it is of special importance why the previous passports can no longer be used and whether there is a risk that previous passports could have been abused. The applicant's need for a regular passport should also be considered. In an overall assessment, it should not appear unreasonable to deny the applicant such a passport.
17. The fact that there are circumstances which suggest that the applicant did not treat previous passports as documents of value suggests the absence of special reasons in the individual case. However, the fact that the applicant was careless with a passport on individual occasions does not exclude the presence of special reasons.
18. It appears from the examination in the case that AA lost three regular passports during a period of slightly more than 15 months and he has been without a regular passport since August 2022. AA has stated that two were stolen at different airports and one was stolen from his luggage when it was placed in a locked luggage room at a hotel and that he has reported the events to the police. Only one of the passports has been recovered and cancelled. AA has further stated that he has a substantial need for a passport in order to be able to carry out his work which entails travels to various countries both within and outside the EU, and that this need cannot be seen to by means of a provisional passport since not all countries he needs to visit accept provisional passports.
19. It appears probable that AA's third passport was stolen from his luggage which he had placed in a locked luggage room at a hotel. As regards the other two passports, no certain conclusions may be drawn regarding what happened to

them, whether they had been stolen or whether he has lost or misplaced them. Whatever the case may be, it is clear that AA has neither cared for his passports in a secure manner nor handled them with due care. It is remarkable, for example, that after having been dispossessed of two passports in a short period of time he left a passport in a luggage room at a hotel and particularly in light of the need for a regular passport he claims to have.

20. As regards AA's need for a passport for his work, the Supreme Administrative Court notes that his argumentation is cast in very general terms and the only example he has provided as a situation in which the lack of a regular passport created problems for him was when, in January 2023, he could not travel to Australia notwithstanding that he had a provisional passport. However, AA has provided somewhat contradictory information regarding the reasons therefor – that the period of validity of the passport was too short and that the passport contained erroneous or inadequate information – and the precise reasons why the trip could not be carried out are unclear.
21. The Supreme Administrative Court does not question that the holding of a regular passport would make it easier for AA to perform his work but, notwithstanding the same, in an overall assessment, it cannot be deemed unreasonable to not issue one for him.
22. Against this background, the Supreme Administrative Court is of the opinion that there are no special reasons to grant AA's application for a regular passport. Accordingly, the appeal is rejected.

Justices Helena Jäderblom, Margit Knutsson, Kristina Ståhl, Leif Gäverth and Mats Anderson participated in the ruling.

Judge Referee: Sofia Karlsson Wramsmyr.