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In case no. 6840-23, **AA** (Appellant) v. the **Swedish Police Authority** (Respondent), the Supreme Administrative Court delivered the following decision on 11 September 2024.

RULING OF THE SUPREME ADMINISTRATIVE COURT

The Supreme Administrative Court dismisses the case.

BAKGROUND

1. Passports may be issued as regular passports or special passports. 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.
2. 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.
3. AA applied for a regular passport. Within five years prior to the application, three regular passports were issued for him. He provided as special reasons why the police should nonetheless issue a regular passport for him that one of his previous passports needed to be replaced due to the fact that he changed name, that he lost one passport at an airport, and that one passport had been damaged during a fire at a hotel.

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4. The Swedish Police Authority rejected AA's application explaining that three regular passports had been issued for him within five years prior to the application and that there were no special reasons for issuing an additional passport.
5. AA appealed to the Administrative Court in Umeå and stated that he had a substantial need for a passport in order to be able to visit his wife in Turkey since she did not have the possibility to travel to Sweden and that he had business contacts abroad with whom he needed to meet.
6. The administrative court granted the appeal and referred the case to the Swedish Police Authority for continued handling. The administrative court found that what AA had stated regarding the fact that a passport had been damaged in a fire and another passport needed to be replaced due to his change of name was in keeping with the examples regarding special reasons stated in the preparatory works for the legislation. In addition, the administrative court found that the risk of abuse was low given that the previous passports had either been cancelled or were in unusable condition. Against this background, the administrative court found that the requirement of special reasons was fulfilled and that it was incumbent on 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 Sundsvall which amended the judgment of the administrative court and affirmed the decision of the Swedish Police Authority. Taking into account the restrictive assessment to be carried out, the administrative court of appeal was of the opinion that the issuance of a fourth regular passport within a five-year period was, as the main rule, contingent on the presence of such circumstances as are covered by special reasons in respect of each and every one of the previous three passports. The administrative court of appeal was of the opinion that the fact that a passport had been lost was not in keeping with the examples

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of special reasons stated in the preparatory works and that AA had handled the passport carelessly.

CLAIMS, ETC.

8. AA claims that his application for a regular passport is to be granted.
9. *The Swedish Police Authority* is of the opinion that the appeal is to be rejected. The Swedish Police Authority has provided information according to which AA, following the judgment of the administrative court, received a regular passport issued as a consequence of the application which is the subject of examination.

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. The following may be gleaned from the

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preparatory works relating to the provision (Government Bill 2015/16:81, pp. 14 ff. and 25).

13. 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 it 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.

14. 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

15. 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

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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.

16. 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.
17. It appears from the investigation in the case that AA has been careless with one of his passports since he lost it at an airport. However, the passport was found and was cancelled. As regards the two other passports, it appears that one passport needed to be exchanged due to the fact that AA changed name. The passport was submitted to the police who cancelled it. Another passport was damaged in a fire at a hotel, and this passport was also submitted to the police and cancelled. In an overall assessment, the Supreme Administrative Court is of the opinion that it would be unreasonable to not issue a regular passport for AA.
18. Against this background, the Supreme Administrative Court is of the opinion that there are special reasons to grant AA's application for a regular passport. Since such a passport has already been issued, the appeal does not give rise to any further measure on the part of the Supreme Administrative Court. Accordingly, the case is dismissed.

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

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Judge Referee: Sofia Karlsson Wramsmyr.