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In case no. 4193-24, the **Swedish Police Authority** (Appellant) v. **AA** (Respondent), the Supreme Administrative Court delivered the following judgment on 3 June 2025.

RULING OF THE SUPREME ADMINISTRATIVE COURT

The Supreme Administrative Court overturns the judgment of the administrative court of appeal and remands the case to the administrative court of appeal for new proceedings.

BACKGROUND

1. A person who applies for a passport is to prove their Swedish citizenship. A person who was born abroad loses his or her citizenship at 22 years of age in the event he or she has at no time resided in Sweden nor been present here under conditions which indicate affinity to the country.
2. AA was born abroad and acquired upon birth Swedish citizenship through her father, but at no time lived in Sweden. In 1993, she turned 22 years of age and, in the following year, her passport was renewed by the Swedish embassy in London. In close connection with that, the embassy carried out a citizenship investigation in which the assessment was made that AA's citizenship had not ceased at 22 years of age since she had been present in Sweden under circumstances which suggested affinity to the country. Thereafter, the Swedish Police Authority again issued a new passport to her in 2018.
3. In 2023, AA applied for a new passport. The Swedish Police Authority rejected the application on the basis that she had not proved her Swedish citizenship.
4. AA appealed the decision to the Administrative Court in Stockholm which rejected the appeal. According to the court, it could not, based upon the information provided by AA, be deemed proven that she had been present in Sweden to such an extent before the age of 22 that she had retained her citizenship after that date.

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5. AA appealed further to the Administrative Court of Appeal in Stockholm which overturned the rulings of the lower courts and granted the passport application. The administrative court of appeal was of the opinion that the interpretation made by the Swedish Police Authority according to which AA lost her Swedish citizenship when she turned 22 years of age could only be effected in conjunction with the first occasion on which she adduced Swedish citizenship after 22 years of age, i.e. in conjunction with her application for her first passport after turning 22 years of age, for example. Since AA had been granted a Swedish passport and was approved in conjunction with a citizenship investigation in close connection with her 22nd birthday, she was not deemed to have lost her Swedish citizenship.

CLAIMS, ETC.

6. *The Swedish Police Authority* claims that the judgment of the administrative court of appeal is to be modified and that the decision of the Swedish Police Authority is to be confirmed.
7. AA is of the opinion that the appeal is to be rejected.

REASONS FOR THE RULING

The question in the Supreme Administrative Court

8. The question is whether a foreign-born person has proved their Swedish citizenship by reference to the fact that he or she was previously granted a passport after the age of 22.

Legislation, etc.

9. Section 6, second paragraph (2) of the Passport Act (1978:302) states that a person who applies for a passport is obliged, in conjunction with the passport application, to prove their identity, their Swedish citizenship and other personal data. According to section 7 (1), the passport application shall be rejected if the

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provisions of section 6 are not complied with and the applicant has failed to comply with the request to rectify the deficiency.

10. Section 8, first paragraph of the Swedish Citizenship Act (1950:382), which was applicable in 1993 when AA turned 22 years of age, provides that a Swedish citizen who is born abroad and who has never resided in Sweden nor been present here under circumstances which indicate affinity to Sweden will lose their Swedish citizenship when he or she turned 22 years of age. However, an application made prior thereto could acknowledge retention of the citizenship. These provisions correspond to section 14, first and second paragraphs of the Swedish Citizenship Act (2001:82).
11. Pursuant to sections 21 and 22 of the 2001 Citizenship Act and section 6 of the Citizenship Ordinance (2001:218), the Swedish Migration Agency, following an application, could issue an acknowledgment that someone was a Swedish citizen where uncertainty could prevail regarding the same.

The Court's assessment

12. A person who applies for a passport is to prove that he or she is a Swedish citizen. Where there is cause to question whether the person who was once a Swedish citizen continues to be a citizen, it is up to the applicant to give an account of the factual circumstances relevant for the passport authority to be able to take a decision on whether citizenship continues to apply.
13. AA was born abroad and has never resided in Sweden. It has never been asserted that, prior to turning 22 years of age, she applied to retain her citizenship. Nor has she received an acknowledgement on the application that she is a Swedish citizen. In order for AA not to have lost her citizenship when she turned 22 years of age, it is thus necessary that, prior thereto, she has been present in Sweden under circumstances which indicate affinity to the country.
14. It is apparent that AA, following her 22nd birthday, was issued two Swedish passports. The fact that the examination in a passport matter entails an assessment of the question of citizenship is not the same as the passport authority taking a decision regarding citizenship. A decision to issue a passport

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may thus not be adduced with binding effect in another matter in which citizenship is the subject of examination (*cf.* case NJA II 1925, p. 177 f.). Accordingly, the passport authority shall, in conjunction with every application, conduct an examination of whether the conditions for issuing a passport have been met.

15. The administrative court of appeal has determined that AA, by virtue of the fact that she was granted a passport close to her 22nd birthday and was approved in conjunction with a citizenship investigation, did not lose her Swedish citizenship.
16. As stated by the Supreme Administrative Court above, however, the previous decisions regarding passports are not binding decisions regarding citizenship but, rather, the determination of whether citizenship has been proved is to be conducted in conjunction with each application. Since the administrative court of appeal did not proceed on this basis in its examination, the judgment of the administrative court of appeal shall be overturned and the case shall be remanded for new proceedings.

Justices Helena Jäderblom, Kristina Ståhl, Per Classon, Leif Gäverth and Magnus Medin have participated in the ruling.

Judge Referee: Veronica Montell.