

# Islamabad High Court: Agency Recommendation Alone Cannot Put a Citizen on the Passport Control List

The Islamabad High Court held that a valid-passport holder cannot be restrained through the Passport Control List merely on an agency recommendation, and struck down the offending part of Rule 22(2)(b).

Islamabad High Court constitutional and public-law analysis  
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Case: Writ Petition No. 1523 of 2026

Court and date: Islamabad High Court | 14 September 2026

Bench: Justice Inaam Ameen Minhas

Result: Petition allowed; PCL entry set aside; part of Rule 22(2)(b) struck down

## The ruling in one sentence

The Islamabad High Court held that neither the Directorate General of Immigration and Passports nor a recommending agency could place a valid-passport holder on the Passport Control List merely on an agency or departmental recommendation, and declared the second limb of Rule 22(2)(b) of the Passports Rules, 2021 ultra vires the Passports Act, 1974 and Articles 4, 9, 10A and 15 of the Constitution.

The judgment is *Moin Ud Din v Federation of Pakistan and others*, Writ Petition No. 1523 of 2026. Justice Inaam Ameen Minhas authored the judgment, announced in open court on 14 September 2026 and approved it for reporting.

## The offloading and PCL placement

Moin Ud Din held a valid Pakistani passport, a Saudi visa and a confirmed ticket for Umrah. Immigration officials nevertheless offloaded him at Islamabad International Airport on 18 December 2025 without communicating a reason at the time.

The record later showed that his name had been placed on the PCL in December 2024 after a recommendation originating from NCB-INTERPOL and forwarded by the Federal Investigation Agency. The recommendation followed his deportation from the United Kingdom after a conviction for causing death by dangerous driving while under the influence of drink and a three-year sentence.

He had served that sentence. No criminal case, inquiry or investigation was pending against him in Pakistan; he was not a proclaimed offender; no foreign jurisdiction sought his extradition; and his passport had not been cancelled, impounded, confiscated or inactivated.

An earlier writ petition produced a direction requiring a speaking decision on his removal applications within one week. The authorities rejected the request only after contempt proceedings were initiated, reasoning that his conduct affected Pakistan's international reputation and that PCL placement served deterrence.

## **Refusing a passport is different from stopping its holder**

The Court began with the source of lawful authority. Rule 21 identifies circumstances in which a citizen may be refused a passport. That threshold power is not the same as a power to restrain a citizen who already possesses a valid travel document.

The judgment emphasized that a statutory functionary may exercise only powers conferred expressly or by necessary implication. When executive action interferes with liberty, its legal source must be clear and cannot be supplied by departmental practice or administrative convenience.

Section 8 of the Passports Act provides a mechanism for cancelling, impounding or confiscating a passport. Ordinarily, it requires written notice and an opportunity to show cause, followed by action through the designated authority. The limited exception in section 8(3) concerns subversive activity or activity prejudicial to Pakistan's interests or foreign relations; the respondents did not allege that exception against the petitioner.

## **Maintaining the PCL does not confer power to decide placement**

Rule 22(2) directs the concerned Division and the Directorate General to prepare and maintain the PCL. The Court treated those words as describing custody and record-keeping, not as an independent grant of adjudicatory power.

The opening words of Rule 22(2) confine the list to persons who have been refused passport facilities under the Rules. No such refusal order existed against the petitioner. Category A expressly identifies the Additional Secretary as the officer competent to place and remove names, while Category B identifies no corresponding placing authority.

The Court also relied on *Nadir Mukhtiar v Directorate of Immigration and Passport* (PLD 2026 Islamabad 1), which treated a reasoned decision to impound, confiscate, cancel or inactivate a passport as a precondition to PCL placement. A recital that an order issued with the approval of an unidentified competent authority could not replace the statutory requirement to identify the decision-maker, legal provision, material and reasons.

## **Why the agency-recommendation clause was invalid**

The second limb of Rule 22(2)(b) stated that names in Category B could also be placed on the recommendations of government agencies or departments. The respondents treated that wording as a free-standing power to place a person on the PCL.

The Court found four connected defects. The clause created a travel disability not found in the parent Act; dispensed with the requirement of a prior refusal of passport facilities; identified no competent placing authority or objective criteria; and provided no notice, hearing, reasons or communication before the restraint took effect.

A recommendation is advisory. Under the impugned wording, however, it effectively became the decision itself, without an identified statutory authority independently applying its mind. The Court held that an advisory act could not visit a citizen with a penal consequence without intervening adjudication by an accountable authority.

The offending words were therefore declared beyond sections 8 and 13 of the Passports Act and inconsistent with Articles 4, 9, 10A and 15 of the Constitution. The Court declared them ultra vires and of no legal effect.

## **A valid passport could not be left alive but unusable**

The authorities also relied on Rules 22(4) and 23(2). Rule 22(4) addresses a person who falls within Rule 21 while already holding a passport: the passport is to be inactivated, placed on the Integrated Border Management System and impounded by the immigration officer.

That procedure had not been followed. The petitioner retained an active, valid passport. The authorities could not take only the part of the framework that stopped him from travelling while abandoning the steps that would expose the action to the safeguards of the parent statute.

The judgment did not leave the State powerless. If a valid-passport holder attracts a lawful ground, the competent authority may proceed under section 8 after following the prescribed procedure. What the law did not permit was keeping the passport formally valid while secretly disabling its use through an unsupported list entry.

## **Reputation and deterrence were extraneous grounds**

The rejection order invoked Pakistan's international reputation and deterrence. The Court found neither ground in the Act or the Rules and observed that executive authorities cannot enlarge statutory grounds by importing objectives that the law does not name.

The completed foreign conviction was serious and had resulted in loss of life, but gravity did not itself supply jurisdiction. With the sentence completed and no pending proceeding or custody request, the travel restraint lacked a live and proximate connection with a present statutory necessity.

The Court also criticised the response to its earlier order. A document labelled as a speaking order did not become one merely by its title; the decision had to engage with the governing provisions, identify the competent authority and provide actual reasons.

## **The final order**

The Court allowed the writ petition, set aside the order dated 26 January 2026 and declared the petitioner's PCL placement unlawful. The Ministry of Interior and Directorate General of Immigration and Passports were directed to remove his name within fifteen days of receiving a certified copy.

The respondents were restrained from interfering with his lawful foreign travel on the basis of the invalid placement. The judgment expressly preserved the power of the competent authority to take fresh action if warranted by law and after compliance with the prescribed procedure.

Copies were directed to the Secretary, Ministry of Interior, the Director General of Immigration and Passports and the Director General of the FIA so that the PCL would be prepared and maintained consistently with the Act and Rules.

## **What the judgment does not hold**

The judgment does not create an absolute right to travel free from every lawful restriction. Article 15 permits reasonable restrictions imposed by law in the public interest, and the Passports Act provides procedures for adverse action against a passport.

It does not prevent the competent authority from acting against the petitioner or another passport holder where a lawful ground exists and the statutory procedure is followed.

It does not invalidate all of Rule 22 or decide the vires of Rules 22(2)(c), 22(4) or 23(2). The declaration is confined to the second limb of Rule 22(2)(b), which permitted placement on agency or departmental recommendations.

It also does not minimise the seriousness of the petitioner's foreign conviction. The constitutional defect arose from the absence of lawful authority, criteria, process and reasons for the travel restraint.

## **Practical implications**

Authorities contemplating a travel restriction should identify the exact statutory power, the competent decision-maker and the present facts satisfying the legal ground. A recommendation may initiate consideration, but cannot replace the required decision, notice, hearing and reasons.

Travellers challenging offloading or PCL placement should obtain the placement decision, the recommending communication, the status of their passport and any IBMS entry. The critical questions include whether passport facilities were first refused or lawfully withdrawn, who made the decision and whether the prescribed safeguards were observed.

The supplied judgment is marked as an uncertified copy but is also stated to be approved for reporting. A certified copy, any appeal or later judicial treatment should be checked before reliance in proceedings.

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