

# **7 FAM 480 POST-DETENTION SERVICES**

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## **7 FAM 481 RELEASE**

It is essential that the release of a U.S. citizen who has been imprisoned be reported promptly to the Department by priority telegram. This confirmation requirement applies even though an earlier interim report may have provided the exact date of the scheduled release.

## **7 FAM 482 DETENTION AND DEPORTATION**

In some countries it has become the practice of law enforcement officials to release American petty offenders, such as those apprehended with fewer than 100 grams of marijuana, to the custody of the U.S. consular officer, with the understanding that the latter will see to it that the offender promptly leaves the country. The consular officer has no authority to accept the custody of a U.S. citizen in such a situation, nor can the officer guarantee that the released citizen will depart the country. While the consular officer should do all that is legally permissible to facilitate the citizen's departure, the officer cannot assume custody nor make a commitment that the released U.S. citizen will depart.

## **7 FAM 483 RELEASE ON BAIL**

In many instances, U.S. citizens arrested abroad are released on bail pending trial, but their passports are held by the local authorities. Should such U.S. citizens apply for another passport, the consular officer should proceed as set forth in the following paragraphs.

a. At the discretion of the consular officer, and when warranted by the facts of the case, each such applicant should be advised that possession of two valid passports is precluded by passport regulations and that, in consequence, the applicant should first request the host government to return the passport. As an alternative, the consular officer may, if the applicant agrees, request the return of the passport from the appropriate host government authorities.

b. If the passport is not released by the local authorities, or when the consular officer has determined that a request for its return is not warranted, the following action should be taken:

(1) Before issuing any documentation, the post should determine whether the citizen's name clears the passport lookout (AVLOS) and/or the circular lookout file. If the name does not clear, the post should contact the Department (CA/PPT/C) for guidance.

(2) If the name clears, unless the host government has requested the post to notify it, should the citizen apply for documentation, the citizen may be issued a passport or card of identity and registration, as the situation dictates.

(3) If the post has received a request from the host government to notify it, should a specific citizen whose passport is held by the host government request documentation, the post must:

(a) Inform the citizen of the host government's request and that the post will notify the host government if the citizen pursues the request for documentation;

(b) Document the citizen upon request and notify the host government authorities. If the citizen does not pursue the request, the host government authorities should not be notified.

c. When a new passport is issued, the applicant should complete an affidavit of lost passport. It should explain the details of the unavailability of the first passport, acknowledge that the first passport is now considered canceled, and state that, should the applicant recover it, the passport will be returned promptly to the U.S. Government. A copy of the affidavit may be given to the applicant when the new passport is issued.

d. After necessary action whenever a citizen who has surrendered a U.S. passport to host government authorities seeks documentation, the post should report all pertinent information to the Department (CA/OCS/ EMR) by telegram.

e. Posts may wish to request the return of any U.S. passports being held by host government authorities. The post should cite the following regulations to support its actions:

(1) 22 CFR 51.78 and 51.71 set forth the only grounds, other than in cases involving noncitizenship or the custody of a minor child, upon which a citizen may be denied a passport, or a passport already issued be revoked;

(2) 22 CFR 51.9 provides that a passport remains at all times the property of the U.S. Government and must be returned to the Government upon request; and,

(3) 22 CFR 51.2(B) provides that a person may not be in possession of more than one valid passport (of the same type) at any one time.

f. When the citizen's passport has been retained by government authorities in a third country, posts should issue a new passport upon application if the citizen is entitled to one, and notify the appropriate post in the other country. That post may then request that the original passport be returned, as it is the property of the U.S. Government.

## **7 FAM 484 THROUGH 489 UNASSIGNED**