

# **7 FAM 1310 THE U.S. PASSPORT**

## **7 FAM 1311 GENERAL INFORMATION**

### **7 FAM 1311.1 An Official Travel Document**

*(TL:CON-65; 4-15-96)*

a. A U.S. passport is a travel document issued by the U.S. Government to the bearer showing the bearer's origin, identity and nationality; it is valid for travel to foreign countries and return to the United States; it formally requests that those to whom it is presented provide safe passage to the bearer. The law specifies that no passport "shall be granted or issued to or verified for any other person than those owing allegiance, whether citizens or not, to the United States" (22 U.S.C. 212).

b. The U.S. passport conforms to the international standard recommended by the Panel of Passport Experts of the International Civil Aviation Organization (ICAO). By law, a passport is acceptable during its period of validity as proof of citizenship on the same basis as a Certificate of Naturalization or a Certificate of Citizenship issued by the Immigration and Naturalization Service (22 U.S.C. 2705).

c. Aside from certain name entries [see 7 FAM 1380 ], information is entered in the U.S. passport in the English language, the primary language used in the United States. The passport itself is printed in English and French.

#### **7 FAM 1311.1-1 Entitlement to Services**

*(TL:CON-65; 4-15-96)*

Only U.S. citizens and nationals who have satisfactorily established their identity are entitled to U.S. passports. Consular officers are responsible for conducting a lookout check on the Consular Lookout and Support System (CLASS) to determine whether there is a reason, other than one related to citizenship or identity, why the applicant should not have a passport (for example, if "the applicant is the subject of an outstanding Federal Warrant of arrest for a felony". [22 CFR 51.70, 51.71, and see 7 FAM 1311.1-4 (7) and 7 FAM 1313.6 (c) ]

#### **7 FAM 1311.1-2 Types of Services**

*(TL:CON-17; 9-18-86)*

This chapter is concerned with determining U.S. citizenship and issuing passports, disposition of passport applications, and related matters.

#### **7 FAM 1311.1-3 Authorities**

*(TL:CON-65; 4-15-96)*

Relevant statutory and other authorities are listed below.

(1) 22 U.S.C. 211a, which sets forth the authority of the Secretary of State to grant, issue, and verify passports;

(2) 22 U.S.C. 212, which states in part that only “those owing allegiance, whether citizens or not, to the United States” are entitled to a passport;

(3) 22 U.S.C. 213, which requires a written application before a passport is issued and that the initial passport application “be duly verified by . . . oath before a person authorized and empowered by the Secretary of State to administer oaths”;

(4) 22 U.S.C. 214, as amended, which requires payment of fees for the *execution* of an application and the issuance of a passport;

(5) 22 U.S.C. 214a, which authorizes a refund for fees collected erroneously;

(6) 22 U.S.C. 217a, as amended, which provides that a passport will be valid for ten years unless otherwise provided by regulation;

(7) 22 U.S.C. 218, which requires, “All persons who . . . grant, issue, or verify passports to make regular reports to the Secretary of State with an appropriate accounting of pertinent information;

(8) 22 U.S.C. 2705, which states that a U.S. passport, during its validity period, has the same force and effect as proof of citizenship as a Certificate of Citizenship and/or a Certificate of Naturalization, issued by the Attorney General (Immigration and Naturalization Service, Department of Justice), or a court having naturalization jurisdiction; and

(9) Executive Order (E.O.) 11295 of August 5, 1966, which delegates to the Secretary of State the authority to make regulations regarding passports conferred on the President of the United States by 22 U.S.C. 211a.

(10) Title 22 CFR, Part 51 (22 CFR Part 51).

## 7 FAM 1311.1-4 Definitions

(TL:CON-67; 1-24-97)

The following terms are used frequently in the process of executing applications, adjudicating cases, and issuing passports:

(1) "Amendment" means an official indication of a change in the passport as originally issued. Passports are normally amended to reflect a change in name, change in validity, or correction of an entry.

(2) "Citizen," in its generally accepted use, means a person who is endowed with full political and civil rights in the body politic of a State.

(3) "Contract employee" as used in this section is an individual who is performing work for the U.S. Government under a contract, rather than an appointment in the Foreign or Civil Service. The contract may be between a U.S. Government entity and a private company which employs the individual, or between a U.S. Government entity and the individual directly (in which case it is normally termed a "personal services contract").

(4) "Endorsement" means an official stamped, typed or written indication of the circumstances under which a passport can be used. Endorsed passports indicate that they are valid only for a specific period of time, or that the bearer has a certain status, for example:

THE BEARER IS PROCEEDING TO JAPAN UNDER CONTRACT WITH THE DEPARTMENT OF DEFENSE. THIS ENDORSEMENT EXPIRES (DATE).

(5) "Full validity" means a passport valid for the full period authorized by statute, and not having any limitation.

(6) "Limitation" means an official stamped or typed indication that a passport is limited as to period of validity or as to other conditions under which the passport can be used. A limitation is indicated in the passport by an amendment or an endorsement. The limitation sometimes states the conditions under which it can be removed.

(7) "Lookout" means an entry stored in the Passport Services namecheck system, which is part of the CLASS database. Applicants subject to "lookouts" may not be issued passports without clearance from the Department (CA). "Lookouts" are placed for law enforcement reasons, *or because of* citizenship questions, passport fraud or misuse, child custody problems, and some government debts.

(8) "Minor" for passport purposes means an unmarried person under the age of 18 (22 CFR 51.27(a)).

(9) "National of the United States" means a person who is either a citizen of the United States or a person, though not a citizen, who owes permanent allegiance to the United States as, for example, an American Samoan (8 U.S.C. 1101(a)(22), Sec. 101(a)(22) of the Immigration and Nationality Act (INA)).

(10) "Naturalization" means the procedure for obtaining U.S. citizenship at anytime subsequent to birth (8 U.S.C. 1101 (a)(23), Sec. 101(a)(23) INA).

(11) *“Notarial officer” means a U.S. citizen employee of the Department of State assigned abroad who has been designated by the Deputy Assistant Secretary of State for Overseas Citizens Services to perform any notarial function authorized to be performed by a consular officer under 22 U.S.C. 4221 with the following exceptions: A designated notarial officer cannot perform (a) an authentication, that is, the certification of a signature of a government official or notary, (b) a notarial for a patent application, or (c) a deposition in a federal criminal case pursuant to a federal court commission (22 CFR Part 92).*

(12) *“Outlying possessions of the United States” means American Samoa and Swains Island (8 U.S.C. 1101(a)(29), Sec. 101(a)(29) INA).*

(13) *“Designated nationality examiner” means a U.S. citizen employee of the Department of State assigned or employed abroad who has been designated by the Deputy Assistant Secretary of State for Overseas Citizens Services to adjudicate claims of U.S. nationality/citizenship and to grant, issue and verify U.S. passports (22 CFR 50.1(g)).*

(14) *“Passport” means “any travel document issued by competent authority showing the bearer’s origin, identity, and nationality, if any, which is valid for the entry of the bearer into a foreign country” (Sec. 101(a)(30) INA). The Code of Federal Regulations (22 CFR 51.1) describes a passport as “a travel document issued under the authority of the Secretary of State attesting to the identity and nationality of the bearer.”*

(15) *“Residence” means the place of general abode, or a person’s principal actual dwelling place in fact, without regard to intent (8 U.S.C. 1101(a)(33), Sec. 101(a)(33) INA).*

(16) *“United States,” when used in a geographic sense, means the continental United States, Alaska, Hawaii, Puerto Rico, Guam, and the Virgin Islands of the United States (8 U.S.C. 1101(a)(38), Sec. 101(a)(38) INA).*

(17) *“Verification” means a procedure by which a U.S. Foreign Service post indicates that a U.S. passport is valid. This is done to satisfy the host government. It consists of stamping or writing the word “GOOD,” in the local language, in the passport. The verification is signed and sealed by a consular officer.*

## **7 FAM 1311.1-5 Request for Specimen Passports**

*(TL:CON-65; 4-15-96)*

Requests for specimen copies of the U.S. passport are received occasionally from foreign governments. Such requests are considered individually on a reciprocal basis. Upon receipt of inquiries, posts should normally advise foreign governments concerned to request the specimen copies through their mission in Washington. Formal requests for specimen copies which may be received by the posts should be forwarded to the Department (CA/FPP) for consideration. When it is determined that specimen passports will be furnished, the passports will be forwarded to the foreign governments through their missions in Washington or directly to the foreign service post for passing to the particular foreign government concerned.

## **7 FAM 1311.1-6 Other Travel Documents**

*(TL:CON-65; 4-15-96)*

a. Occasionally Foreign Service posts are asked to provide travel documents other than valid passports or to issue visas in other travel documents. Consular officers should advise inquirers that, under Sec. 215(b) of the Immigration and Nationality Act of 1952, it is unlawful for any U.S. citizen "to depart from or enter, or attempt to depart from or enter, the United States" unless they bear a valid U.S. passport (8 U.S.C. 1185(b); 22 CFR 53.1). [See 7 FAM 1316 . ] This requirement may be waived in certain circumstances [see 7 FAM 1316.2 ] .

b. A privately issued (unofficial) travel document, such as a "World Service Passport", is unacceptable in place of a U.S. passport as evidence of U.S. citizenship or as evidence of a person's identity.

## **7 FAM 1311.2 Passport Modernization**

*(TL:CON-65; 4-15-96)*

a. Since 1968, through representation on the Panel of Passport Experts of the International Civil Aviation Organization (ICAO), the U.S. Government has pursued modernization and standardization of passports and simplification of border crossing formalities. Toward that end the Department (CA/PPT) updated the U.S. passport and process by which it is issued.

b. The Travel Document Issuance System (TDIS) has automated passport production by means of computers at all passport agencies in the United States, and many Foreign Service posts issue passports using the Citizens Services System (CSS), while some posts issue machine readable passports with a system similar to, but smaller than, TDIS. The result is a more secure, machine-readable passport (MRP), designed to facilitate international travel. All types of passports issued in the United States [see 7 FAM 1311.3 ] are issued as machine-readable documents.

c. The MRP has the following characteristics:

(1) The photograph and personal data of the passport bearer appear on the inside front cover of the document, and are protected by a plastic laminate. The machine-readable portion appears as two lines of letters, numbers and symbols at the bottom of the data page.

(2) The number of the passport is printed at the upper right hand corner of the data block, as well as at the beginning of the second line in the machine-readable portion of the document.

(3) The descriptive data page contains the words "SEE PAGE" at the bottom right. Once the data page has been laminated, the "SEE PAGE" notation is placed on the next page. When a passport is to be amended or limited, the appropriate endorsement is placed on the inside back cover of the passport (either page 24 or 48), and that page number is typed in after the "SEE PAGE." If the inside back cover has been used, the last odd-numbered page that contains no entries on the reverse side is used. A supplemental visa page can also be used.

d. All U.S. Passport Agencies and certain Foreign Service posts are producing machine-readable documents. Some posts abroad will continue to issue passports in the format used since 1977 until they have the capability to produce the MRPs. Diplomatic and official United States passports are issued in the MRP format.

## **7 FAM 1311.3 Types of Passports**

### **7 FAM 1311.3-1 Regular Passports**

*(TL:CON-65; 4-15-96)*

Regular passports are issued by the Department to all citizens or nationals of the United States proceeding abroad for personal or business reasons. They are also referred to as "service" or "tourist" passports. Regular passports containing 48 pages are issued to persons who travel frequently or extensively. Regular passports issued to persons 18 years of age or older are valid for 10 years unless otherwise limited. Passports issued to persons under 18 years of age are valid for 5 years unless otherwise limited.

### **7 FAM 1311.3-2 Official Passports**

*(TL:CON-65; 4-15-96)*

a. Official passports are issued by the Department to employees of the U.S. Government proceeding, traveling, or on assignment abroad in discharge of their official duties. When appropriate, dependents of such persons may be issued official passports. One major exception is military personnel assigned to NATO countries and other countries with which the United States has status of forces agreements (SOFA). For such persons passports are not required. They travel on military ID and orders. Their dependents may be issued no-fee dependent passports. In some circumstances official passports may be issued to government contractors. Official passports have a maximum validity of five years. Official passports are not issued by Foreign Service posts. Applications for official passports must be forwarded to the Department, ATTN: CA/PPT/SIA. When the person's "official" status ceases, the passport must be canceled either by Passport Services in Washington or by the Foreign Service post. If canceled abroad, the post must notify CA/PPT/SIA.

b. The spouse and unmarried dependent children who are members of the household of persons entitled to official passports are also entitled to such passports. Children must be under the age of 23 to qualify as dependents. Persons proceeding abroad to become members of the household are also entitled to such passports. Other persons who are at least 51% financially dependent on the sponsor may also be issued official passports. The term "members of the household" means those individuals whose permanent place of abode will be with the officer during the officer's or employee's assignment abroad.

## **7 FAM 1311.3-3 Diplomatic Passports**

*(TL:CON-65; 4-15-96)*

a. Diplomatic passports are issued to Foreign Service officers, persons in the diplomatic service, or persons who have diplomatic status either because of the nature of their foreign mission or by reason of the office they hold. As appropriate, dependents of such persons are also issued diplomatic passports. Diplomatic passports are issued by the Secretary of State to all full-time U.S. Federal employees, including military personnel assigned abroad, who are directly under the authority of the U.S. Chief of Mission in the country where they serve. (This does not include military personnel and military sponsored civilians assigned abroad under an independent military command.) Diplomatic passports may, in appropriate circumstances, be issued to members of Congress and government contractors. Diplomatic passports have a maximum validity of five years.

b. Diplomatic passports are not issued by Foreign Service posts. Applications for the issuance of diplomatic passports must be forwarded to the Department, ATTN: CA/PPT/SIA. When the person's diplomatic status ceases, the passport is canceled by Passport Services in Washington or by the Foreign Service post. Diplomatic passports may, in certain cases, be amended abroad if necessary. Any action taken by a post on a diplomatic passport must be reported to CA/PPT/SIA. [See 7 FAM 1313.5 . ]

c. Courtesy diplomatic passports are diplomatic passport books that are issued, for tourist purposes only, to certain former high-ranking U.S. Government officials, such as former Presidents, Vice Presidents, Cabinet Secretaries, and Foreign Service Chiefs of Mission who were career government employees. These passports are issued at the Department to a very limited number of retired USG employees and their spouses. The prescribed fees are charged. When questions arise about a courtesy diplomatic passport, contact CA/PPT/SIA.

## **7 FAM 1311.3-4 Items to be Verified in Applications for Diplomatic or Official Passports**

*(TL:CON-65; 4-15-96)*

Before forwarding applications for issuance of diplomatic or official passports to the Department (ATTN: CA/PPT/SIA), the consular officer should carefully check the applications, especially for the following items, to make certain that they are complete:

- (1) Indication (in upper right block) of the type of passport being requested;
- (2) Indication of whether or not execution and issuance fees were collected if application is for a courtesy diplomatic passport;
- (3) Inclusion in all applications by Government employees and their dependents of their title and grade, and name of department or agency concerned;
- (4) Descriptive data;
- (5) Satisfactory passport photographs;
- (6) Attachment of a travel authorization from the agency concerned.

**NOTE:** Military personnel should submit a copy of the assignment orders or a letter from the appropriate military authority showing the purpose of travel and the countries to be visited. Applications for official and diplomatic passports which do not have the proper travel authorization attached will be delayed. The previous application must be checked to obtain the name of the sponsoring agency to request a current travel authorization, or one must be requested from the post if the Department is unable to determine the sponsoring agency.

- (7) Signature of the officer in the space provided in the jurat (for Form DSP-11);
- (8) Justification for a diplomatic passport when one is requested to replace an official passport;
- (9) Attachment of an affidavit to each application submitted to replace an altered, mutilated, lost or stolen passport, explaining in detail the circumstances surrounding the alteration, mutilation, loss, or theft;
- (10) Indication of whether a consular report of birth was approved and forwarded to the Department in the case of any passport application for an infant born abroad. A copy should be forwarded to the Department, ATTN: CA/PPT/TD/R, unless it was previously submitted to the Department; and
- (11) Indication of the evidence of citizenship presented.

## **7 FAM 1311.4 Other Diplomatic and Official Passport Matters**

### **7 FAM 1311.4-1 Timely Submission of Applications**

*(TL:CON-65; 4-15-96)*

It is important to send the application to the Department well in advance of the expiration date of the applicant's current passport. Pouch time to and from the Department and processing time in Washington can be as much as 3 to 4 months. Mail-in application forms (Form DSP-82) may be used for diplomatic or official passports provided the applicant was 18 years of age or older at the time the last passport was issued.

### **7 FAM 1311.4-2 Delayed Issuance of Diplomatic or Official Passports in the Department**

*(TL:CON-17; 9-18-86)*

If an applicant for a diplomatic or official passport is required to travel before such a document can be issued by the Department and returned to the post, a limited no-fee passport may be issued abroad. The no-fee passport must be endorsed to show that the bearer is abroad on an official assignment for the U.S. Government.

### **7 FAM 1311.4-3 Applications Prior to Marriage**

*(TL:CON-65; 4-15-96)*

An application made out in the name of an applicant who expects to be married to a Government employee, and thus to become entitled as a dependent to an official or diplomatic passport, should not be executed prior to the marriage ceremony. If travel immediately after the ceremony is planned and such travel would preclude issuance of the passport in Washington and its return by pouch, a no-fee regular passport may be issued abroad. If the applicant's name changes as a result of the marriage, the passport is issued in the married name.

## **7 FAM 1311.4-4 Cancellation of Passports**

*(TL:CON-65; 4-15-96)*

When a diplomatic or official passport is issued, the previous diplomatic or official passport must be canceled. The Department has no objection to the return of canceled diplomatic or official passports to the bearers when the bearers have been issued new passports or the passports have expired.

## **7 FAM 1311.4-5 Replacement of Diplomatic Passports**

*(TL:CON-65; 4-15-96)*

Worn diplomatic passports whose gold lettering is faint, and those with an unmanageable number of additional visa pages, may be replaced. Diplomatic passports may also be replaced, rather than amended, upon a legal change of name of the bearer if the remaining validity of the passport makes replacement a more practical solution. The application process is as stated in 7 FAM 1311.3-3 , 7 FAM 1311.3-4 and 7 FAM 1320 .

## **7 FAM 1311.4-6 Notations in Passports of Military Personnel**

*(TL:CON-65; 4-15-96)*

Endorsements, amendments, and limitations are described in 7 FAM 1390 . Follow the prescribed forms without deviation insofar as practicable.

## **7 FAM 1311.4-7 Contract Employees**

*(TL:CON-65; 4-15-96)*

Contract employees are generally issued regular fee passports but may in limited circumstances be issued official or diplomatic passports. Requests should be directed to CA/PPT [see 7 FAM 1311.1-4 , items 3 and 4].

## **7 FAM 1311.4-8 Locally-Hired U.S. Government Employees**

*(TL:CON-65; 4-15-96)*

Locally-hired U.S. Government employees usually are not entitled to no-fee or official passports but are issued regular fee passports [see 7 FAM 1311.3-2 ].

## **7 FAM 1311.4-9 Personal Travel**

*(TL:CON-65; 4-15-96)*

Holders of diplomatic and official passports are entitled to use their passports for authorized travel to and from the United States and for incidental personal travel while at their posts, when this can be accomplished without question by other governments and without invalidating the passport for future official travel.

## **7 FAM 1311.4-10 Visa Requirements**

*(TL:CON-65; 4-15-96)*

a. The Department makes every effort to keep advised of current visa regulations, and requests that travelers comply with the visa regulations and requirements of foreign governments. Although the Department has repeatedly advised posts that some countries--Spain, for example--have visa requirements for all official travelers, we still receive reports of their arrival in these countries without visas. Attention to visa requirements is essential.

b. When official employees arrive abroad without the necessary visas, a report should be submitted to the Department. The full names of the individuals concerned should be given, as well as the name of the agency which employs them. The Department can check into the circumstances of such cases and corrective action can be taken with the agency travel office.

## **7 FAM 1311.4-11 Endorsements to Show Titles**

*(TL:CON-17; 9-18-86)*

Endorsements designating functional or diplomatic titles are, as a rule, no longer placed in official or diplomatic passports. Foreign Service posts should not affix such designations in passports.

## **7 FAM 1311.5 No Fee Passports For Dependents**

*(TL:CON-65; 4-15-96)*

a. Dependents of members of the American Armed Forces or civilian personnel of the Department of Defense are issued no-fee regular (service) passports which contain endorsements indicating the dependent status of the bearer.

b. An applicant for a passport which is to contain such an endorsement should include with the application a completed Form DD 1056 or a copy of the sponsor's travel orders which must show the name of the country for PCS/TDY or a special assignment designation. Special assignment designations are determined by the Department of Defense.

c. Posts may issue locally, without referral to the Department, no-fee regular (service) passports to military dependents who meet the above requirements. These passports are valid for the duration of the assignment but no longer than five years.

## **7 FAM 1312 OFFICIALS AUTHORIZED TO ACCEPT PASSPORT APPLICATIONS**

## **7 FAM 1312.1 Clerks of Courts**

*(TL:CON-17; 9-18-86)*

Passport applications may be accepted and executed by the clerk of any Federal or State court of record or by a judge or clerk of any probate court. Clerks of courts do not issue passports. They accept passport applications and forward them to a designated passport agency.

## **7 FAM 1312.2 Certain Postal Employees**

*(TL:CON-65; 4-15-96)*

Postmasters of post offices which have been designated as passport acceptance facilities may designate certain postal employees to accept passport applications and forward them to the appropriate passport agency.

## **7 FAM 1312.3 Passport Services and Agencies**

*(TL:CON-65; 4-15-96)*

Applications for passports may be accepted and executed by any of the following passport agencies:

Boston Passport Agency  
Thomas P. O'Neill Federal Building  
Suite 247  
10 Causeway Street  
Boston, MA 02222-1094  
Tel: (617) 565-6990

Chicago Passport Agency  
Kluczynski Federal Building  
230 S. Dearborn Street  
Suite 380  
Chicago, IL 60604-1564  
Tel: (312) 353-7155

Honolulu Passport Agency  
First Hawaiian Tower  
1132 Bishop Street  
Suite 500  
Honolulu, HI 96813-2809  
Tel: (808) 522-8283 to 86

Houston Passport Agency  
Mickey Leland Federal Building  
Suite 1100  
1919 Smith Street  
Houston, TX 77002-8049  
Tel: (713) 653-3153

Los Angeles Passport Agency  
Federal Building  
Suite 13100  
11000 Wilshire Boulevard  
West Los Angeles, CA 90024-3615  
Tel: (310) 575-7070

Miami Passport Agency  
Claude Pepper Federal Office Building  
51 SW First Avenue  
3rd Floor  
Miami, FL 33130-1680  
Tel: (305) 536-4681  
National Passport Center  
31 Rochester Avenue  
Portsmouth, NH 03801-2900  
Tel: (603) 334-0500  
NOTE: Does not routinely accept applications from the public.

New Orleans Passport Agency  
Postal Services Building  
Suite T-12005  
701 Loyola Avenue  
New Orleans, LA 70113-1931  
Tel: (504) 589-6161 to 63  
New York Passport Agency  
Rockefeller Center  
630 Fifth Avenue  
Room 270  
New York, NY 10111-0031  
Tel: (212) 399-5920

Philadelphia Passport Agency  
Federal Office Building  
600 Arch Street  
Room 4426  
Philadelphia, PA 19106-1685  
Tel: (215) 597-7480

San Francisco Passport Agency  
Tishman Speyer Building  
Suite 200  
525 Market Street  
San Francisco, CA 94105  
Tel: (415) 744-4019 & 4020

Seattle Passport Agency  
Federal Office Building  
Suite 992  
915 Second Avenue  
Seattle, WA 98174-1091  
Tel: (206) 220-7788

Stanford Passport Agency  
One Landmark Square  
Broad and Atlantic Streets  
Stanford, CT 06901-2767  
Tel: (203) 325-3538 to 40

Washington (D.C.) Passport Agency  
Room 300  
1111 - 19th Street, NW  
Washington, DC 20522-1705  
Tel: (202) 955-0140  
(For diplomatic and official passports only)

Special Issuance Agency  
Room 350  
1111 - 19th Street, NW  
Washington, DC 20522-1705  
Tel: (202) 955-0202

## **7 FAM 1312.4 Certain Chief Executives**

*(TL:CON-65; 4-15-96)*

The chief executive officers of the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa and the Virgin Islands of the United States may accept and execute applications. The applications are then forwarded to an appropriate passport agency in the United States for issuance of passports.

## **7 FAM 1312.5 Passport Application Acceptance Abroad**

*(TL:CON-65; 4-15-96)*

Diplomatic and consular officers and consular agents of the United States may accept and execute passport applications (i.e., administer the oath required for passport purposes) in foreign countries. Other U.S. citizen employees of the Department of State may also perform these functions when appropriately authorized by the Department. The passport oath may also be administered by other persons "specifically designated by the Secretary" (22 CFR 51.21 (b)(6) & (7)).

## **7 FAM 1312.6 Department of Defense Personnel**

*(TL:CON-65; 4-15-96)*

Some U.S. citizen personnel of the Department of Defense are designated by the Secretary of Defense to accept passport applications at military installations (22 CFR 51.21 (b)(5)).

## **7 FAM 1313 FOREIGN SERVICE PASSPORT DUTIES AND AUTHORITY**

### **7 FAM 1313.1 Passport Duties**

*(TL:CON-65; 4-15-96)*

Diplomatic and consular officers may perform the following passport-related duties:

- (1) Accept and execute applications for passports;
- (2) When designated to do so by the Secretary of State, grant and issue regular passports to persons eligible to receive them, forwarding applications for diplomatic and official passports to the Department for issuance. The issuing office reports the issuance of all passports to the Department (CA/EX/GSD);
- (3) Verify, amend, and extend passports under these instructions; and
- (4) Perform any other passport-related duties as required by these instructions or other general instructions of the Department (22 CFR 51).

### **7 FAM 1313.2 Posts Not Authorized to Issue Passports**

*(TL:CON-65; 4-15-96)*

Virtually all U.S. Foreign Service posts issue regular passports; about ten do not. Because these posts may change they are not listed here. Questions about whether a particular post issues passports should be addressed to CA/OCS.

## **7 FAM 1313.3 Officers Authorized To Accept Applications**

*(TL:CON-65; 4-15-96)*

Any consular or diplomatic officer may accept an application for a regular, diplomatic or official passport. Similarly, a consular agent has the authority to accept applications for passports or their amendment or extension and administer the oath for passport purposes. After a consular agent has received an application, the agent transmits it to the supervisory consular office for approval and completion of the passport services.

## **7 FAM 1313.4 Officers Authorized To Verify Passports**

*(TL:CON-65; 4-15-96)*

Whenever local conditions render it necessary or advisable or whenever a person holding a valid unexpired U.S. passport requests that the passport be verified in order to make it readily acceptable to an official in the host country, any consular officer may verify the passport. Under similar conditions, when there is no consular office in the vicinity or when local laws so require verification may be done by a diplomatic officer. Before verifying any passport, the bearer's name must be cleared through the CLASS system.

## **7 FAM 1313.5 Officers Authorized To Extend and Amend Passports**

*(TL:CON-65; 4-15-96)*

Except for cases that must be referred to the Department for decision, a diplomatic or consular officer assigned to a post has authority to extend or amend regular and official passports. The officer also has the authority to amend a diplomatic passport without prior approval from the Department to reflect a legal change of name, such as through marriage, provided the bearer's status has not changed. The officer may, upon the presentation of appropriate evidence from the Department, amend a diplomatic passport to reflect a change in the bearer's title, assignment or validity (based on retirement status). Diplomatic passports should not be amended to show inclusion of newborn dependents. Such dependents may be issued limited no fee passports pending issuance of diplomatic passports [see 7 FAM 1311.4-2 ].

## **7 FAM 1313.6 Refusal of Regular Passport**

*(TL:CON-65; 4-15-96)*

a. If an officer determines that an applicant is not entitled to a passport, the officer should so inform the applicant. Make clear to the applicant that the officer's determination is subject to review by the Department. The right to execute an application should not be denied when an applicant requests a formal determination of eligibility. The application should be accepted and forwarded to the Department with a complete report setting forth the reasons for the recommendation of denial [see 7 FAM 1317.1 ]. No further action on the application should be taken pending decision by the Department.

b. The Department has adopted regulations to implement provisions of the Anti-Drug Abuse Act of 1988. These regulations provide for the denial or revocation of U.S. passports to persons convicted of Federal and State drug abuse violations where the crime involved use of a U.S. passport or the crossing of an international border (22 CFR 51.71).

c. Under 22 CFR 51.70 a passport also can be denied for a number of reasons, including if the applicant:

(1) Has not repaid certain loans received from the United States (as of April 1995, these include repatriation loans, emergency medical assistance loans, and short-term diet program loans);

(2) Is the subject of an outstanding federal warrant of arrest for a felony or subject to a criminal court order forbidding departure from the United States;

(3) Is subject to a court order authorizing commitment to a mental institution; has been declared legally incompetent (unless accompanied by a guardian or other responsible person);

(4) Is the subject of a request for extradition or provisional arrest for extradition which has been presented to the government of a foreign country;

(5) Is under the age of 18, unmarried and not in the U.S. military service, unless a person having legal custody authorizes issuance of the passport and agrees to reimburse the U.S. Government for any funds advanced to enable the minor to travel to the United States; or

(6) If the Secretary of State determines that the applicant's activities abroad are causing, or likely to cause, serious damage to the national security or the foreign policy of the United States (22 CFR 51.70). Most of this information is available through the CLASS.

## **7 FAM 1314 POSSESSION OF MORE THAN ONE PASSPORT**

### **7 FAM 1314.1 Single Passport Policy**

*(TL:CON-65; 4-15-96)*

Pursuant to 22 CFR 51.2(b), no person shall bear more than one valid or potentially valid passport of the same type, at any one time unless authorized by the Department. There are a small number of cases in which the issuance of a second passport is appropriate [see 7 FAM 1314.2 ] .

### **7 FAM 1314.2 Eligibility for Second Passport**

*(TL:CON-65; 4-15-96)*

In the absence of any other factors affecting the person's entitlement to receive a passport, passport-issuing posts may issue a second, regular but limited validity passport without the prior approval of the Department, if neither a change of itinerary, nor cancellation of the current passport coupled with issuance of a new passport, is possible or practicable and the:

(1) Applicant plans to travel to a foreign country that may deny a visa or entry to the bearer of a passport containing markings or visas evidencing travel to certain other countries; or

(2) Passport needed for current travel purposes is unavailable due to prolonged visa processing delays.

### **7 FAM 1314.3 Application for Second Passport**

*(TL:CON-65; 4-15-96)*

a. Execute and process applications for second passports in the same manner as other applications. The applications must be accompanied by the necessary passport fees, photographs and, as appropriate, evidence of citizenship and identity. Applications must be accompanied by a written statement that sets forth the reason(s) why a second passport is required and confirms the bearer's intent to notify immediately the Department or nearest American Embassy or Consulate of the loss of either passport.

b. The application for a second passport should not be accepted by the post unless the passport will be issued by the post. When issuance of the second passport by the acceptance post would preclude its use for travel to the country with restrictive policies, direct the applicant to apply in a third country. If this is impracticable, accept and forward the application to Washington for issuance of the second passport.

### **7 FAM 1314.4 Issuance of Second Passport**

*(TL:CON-65; 4-15-96)*

a. If a traveler encounters a situation mentioned in 7 FAM 1314.2 , and cannot, by changing itinerary, avoid the need for a second passport, posts may issue a second passport valid for two years [see 7 FAM 1314.5 ] If the bearer subsequently indicates that extension of the validity period is needed, the post may extend the passport for an additional period of 2 years as long as such periods do not extend beyond the normal period of validity prescribed for such passports in the regulations.

b. Each application for extension of validity of a second passport must be accompanied by a letter of request indicating that the original conditions under which the traveler obtained the second passport still exist or that the traveler otherwise qualifies for a second passport.

c. Use Endorsement Code 50 under circumstances described in 7 FAM 1314.2(1) and Endorsement Code 45 under circumstances described in 7 FAM 1314.2(2) .

Endorsement code 50 reads as follows:

THIS PASSPORT EXPIRES ON (MON/DAY/YR). IT MAY BE EXTENDED UPON AUTHORIZATION OF THE DEPARTMENT OF STATE.

Endorsement code 45 reads as follows:

THIS PASSPORT EXPIRES ON (MON/DAY/YR). EXTENSION OF VALIDITY MUST BE APPROVED BY THE DEPARTMENT OF STATE UNDER 22 CFR 51.2(b).

d. The determination of which passport to limit depends upon the applicant's future travel plans. If the previous passport has a validity of less than two years, an endorsement is not necessary.

e. The full passport fee is charged for a second passport.

f. Effective April 25, 1992, all passports endorsed for travel to Israel only, including passports limited for Israel and other countries, are canceled. The canceled passports may be replaced by another time limited passport at no charge. Second passports with geographic limitations are no longer issued (22 CFR 51.4(g)).

## **7 FAM 1314.5 Temporarily Unavailable Passports**

*(TL:CON-65; 4-15-96)*

a. Passports issued to replace passports which are temporarily unavailable (for example, locked in a safe deposit box, packed in household goods, or lost or misplaced in the process of obtaining a visa) are not issued as second valid passports. A passport which is replaced for such a reason is to be invalidated when the new passport is issued.

b. Make the new passport valid for one year, using Endorsement Code 46 which reads as follows:

THIS PASSPORT EXPIRES ON (MON/DAY/YR) AND SHALL NOT BE EXTENDED WITHOUT THE EXPRESS AUTHORIZATION OF THE DEPARTMENT OF STATE.

c. The limited passport may be extended to full validity upon presentation of the original passport for cancellation.

d. The full passport fee is charged for the replacement passport.

## **7 FAM 1314.6 Second Passport Not for Convenience or Fraud**

*(TL:CON-65; 4-15-96)*

Second valid passports will not be issued for the convenience of a traveler for illegal purposes, to aid and abet a traveler to conceal previous trips from foreign officials for the purpose of perpetrating fraud on the foreign government, or to avoid compliance with fiscal or other regulations.

## **7 FAM 1314.7 Care and Use of Second Passport**

*(TL:CON-65; 4-15-96)*

Issuing officials should caution bearers of second passports that they:

(1) Are personally responsible for being in possession of and using the correct passport in their travels; and

(2) Should try to arrange an itinerary that will enable them to be in possession of only one passport when traveling to a country with restrictive visa or entry policies.

## **7 FAM 1314.8 Possession of Two Different Types of Passports**

*(TL:CON-65; 4-15-96)*

The regulation against possession of two passports of the same type (regular, official, diplomatic) does not preclude the simultaneous possession of a no-fee passport, regardless of type, and a full-fee regular passport.

## **7 FAM 1314.9 Two Passports for Peace Corps Personnel**

*(TL:CON-65; 4-15-96)*

Peace Corps volunteers (PCVs) and Peace Corps trainees (PCTs) are entitled to no-fee passports because of the nature of their function. Simultaneous possession of a fee passport and a no-fee passport by Peace Corps personnel is not discouraged and both may be retained as long as the need for both exists. Peace Corps volunteers and former volunteers may use their no-fee passports for travel for a period not to exceed 90 days after the termination of their service abroad and prior to their return to the United States, provided there is no objection by the host governments and, further, that no extension or endorsement of the no-fee passport was (or is) necessary. If action by the consular office is necessary, the volunteers must obtain fee passports for such travel.

## **7 FAM 1315 PASSPORT: GOVERNMENT PROPERTY**

*(TL:CON-65; 4-15-96)*

A passport is at all times the property of the United States and shall be returned to the Government upon demand (22 CFR 51.9).

# **7 FAM 1316 TRAVEL CONTROL LAWS AND REGULATIONS**

## **7 FAM 1316.1 Valid Passport Required to Depart or Enter the United States**

*(TL:CON-65; 4-15-96)*

a. Pursuant to Sec. 215(b) of the Immigration and Nationality Act, 8 USC 1185(b), U.S. citizens must not depart from or enter, or to attempt to depart from or enter, the United States without bearing a valid U.S. passport issued under authority of the Secretary of State, unless the case comes within one of the exceptions prescribed in 22 CFR 53.2.

b. Waivers of the passport requirement [see 7 FAM 1316.2 ] generally require that a fee be charged. Consular officers should be familiar with the regulations (22 CFR 22.1, Item 12) and the circumstances under which a fee is or is not charged [see 7 FAM 1316.3 and 7 FAM 1316.4 ].

## **7 FAM 1316.2 Waiver of Requirement of Valid Passport in Certain Cases**

*(TL:CON-65; 4-15-96)*

22 CFR 53.2(h) waives the passport requirement of U.S. citizens upon departure from or entry into the United States in the following situations:

(1) In departures, when the destination country will admit a citizen without a valid passport and the action officer at the Department is satisfied that either a genuine life or death emergency exists or the situation involves the national interest;

(2) In entries, when the identity and nationality of the individual are established to the satisfaction of the Immigration and Naturalization Service official: or

(3) In departures or entries, when the necessity for the waiver is attributable to an error or failure on the part of the Department.

## **7 FAM 1316.3 Service Fee for Granting Waiver**

*(TL:CON-65; 4-15-96)*

a. A waiver service fee for each person (22 CFR 22.1, Schedule of Fees, Item 12) is charged when a waiver of the passport requirement is granted, unless exempted. The passport waiver fee includes any telegram costs incidental to granting the waiver, but does not include any telephone costs; these must be paid in addition (Schedule of Fees Item 85)

b. The passport waiver fee is not a penalty but an assessment for a Government service provided to an individual. The fee covers but does not exceed the actual cost to the Government of processing and granting the waiver. It also includes the cost of a consul clearing the arrival of a U.S. citizen with a foreign Government or INS verifying citizenship when a U.S. citizen enters the United States.

c. Because the waiver fee is an assessment for a service and not a penalty, in cases where travel from the United States to a foreign country without a valid U.S. passport occurs with no consular intervention, a waiver fee is not charged [see 7 FAM 1316.4-2 ]. A waiver fee is also not charged when the necessity for the waiver is due to Department error.

## **7 FAM 1316.4 Procedures in Granting Waivers**

### **7 FAM 1316.4-1 Departure From the United States When Waiver is Granted**

*(TL:CON-65; 4-15-96)*

a. Individuals granted a waiver to depart the United States without a passport shall be informed of the waiver service fee. They must either pay the fee before departing or make an oral commitment that they understand the requirement and are willing to pay the fee when they apply for passport services at a consular office abroad. Passport officers instruct them to apply for a valid passport at the nearest Foreign Service post as soon as possible after arrival abroad, and before returning to the United States. The Department informs posts whenever a waiver fee should be collected.

b. The Department notifies the post that has jurisdiction over the foreign port of entry about the beneficiary of the waiver and, if necessary, requests that office to assist the traveler in entering the country of destination. The post is instructed to collect the waiver fee if it was not collected before departure.

c. A post that has been notified of the granting of a waiver shall report to the Department any instance in which the recipient does not apply within 30 days for a valid passport, or in which the waiver fee is not collected within 30 days because of the inability or refusal of the recipient to pay. If a waiver fee is collected by a post other than the one to which the notification was sent, the collecting office should report the action to the Department (CA/PPT/TD/AS). These reports enable the Department to demand payment of any unpaid fees.

d. The post does not enforce collection of the waiver fee or deny or limit passport services because of the inability or refusal of the recipient to pay.

### **7 FAM 1316.4-2 Departure From the United States Without Waiver**

(TL:CON-65; 4-15-96)

Individuals who appear at post having departed the United States without a valid U.S. passport or obtaining a passport waiver pursuant to 22 CFR 53.2(h) and who were able to enter the foreign country without any assistance from the post or Department should not be charged a waiver fee. This most often occurs when dual nationals travel on the passport of their other nationality. The Department's previous practice in such cases was to assess a "retroactive waiver fee". The retroactive waiver fee assessment has been discontinued. This change does not affect procedures for a U.S. citizen whose entry into the foreign country without a valid U.S. passport was assisted in any way by an effort of the post, or of the Department through the duty officer program; nor does it affect the waiver procedures for a U.S. citizen entering the United States without a U.S. passport.

## **7 FAM 1316.4-3 Waivers in Cases of Disaster Abroad**

(TL:CON-65; 4-15-96)

In order to give maximum assistance to U.S. citizen survivors of disasters abroad, consular officers are authorized to issue or reissue passports, without charge if necessary, or to waive passport requirements pursuant to 22 CFR 53.2(h), provided the disaster involves several U.S. citizens and their passports were lost, destroyed, or damaged. If the waiver procedure will expedite the return of the survivors to the United States, the consular officer is authorized to:

(1) Make arrangements with local authorities in the country involved, and any in-transit countries, if necessary, to expedite the travel of the survivors;

(2) Telegraph or FAX the District Director of the INS office responsible for the Port of Entry, with information copy to CA/OCS, the following information for each citizen: name; date and place of birth; the transportation company; flight number or vessel name; and the date, port, and time of expected arrival in the United States. CA/OCS will insure that INS is aware of the expected arrival in the United States of such citizens; and

(3) Upon granting the waivers, furnish a letter to the transportation company, giving the names of all citizens and a short statement explaining that a waiver has been granted under 22 CFR 53.2(h). No waiver fee is charged in these cases.

## **7 FAM 1316.4-4 Instances When Waiver Fee is Not Charged**

(TL:CON-65; 4-15-96)

No waiver fee is charged in the following instances:

(1) If the person's lack of a valid passport was caused by U.S. Government action or inaction, as for example, because of an incorrectly issued passport or a passport lost by the U.S. Government;

(2) For an emergency evacuation from a foreign country when it is impossible to obtain a passport;

(3) For invitational travel orders through the Armed Services;

(4) For travel in the national interest;

(5) When a U.S. Government employee is proceeding abroad on official business;  
or

(6) If the departure from the United States and entry into the foreign country occurred without the assistance of the post or Department.

## **7 FAM 1316.5 “Travel Letters” For U.S. Citizens**

### **7 FAM 1316.5-1 When Issued**

*(TL:CON-65; 4-15-96)*

a. “Travel” or “transportation” letters may be issued, in emergency situations, to U.S. citizens abroad seeking to return to the United States or to travel to a third country. A travel letter does not exempt a U.S. citizen from the passport waiver requirements of 22 CFR 53.2, but facilitates the citizen’s departure from the host country and provides immigration officials at the port of entry (POE) with information necessary to admit the traveler.

b. Travel letters are issued when time is insufficient to issue a passport, or when the officer does not have ready access to passport issuance equipment. Typical instances include cases where U.S. citizens abroad are robbed during a weekend and the duty officer is not a consular officer, or the passport’s loss is discovered shortly before travel to the airport. Issuance is particularly warranted when a delay in the individual’s departure could create an extreme personal or financial hardship or would make the person a candidate for subsistence and/or repatriation.

c. Before developing post procedures for issuing travel letters, consultations should be conducted with host country and area transportation line officials to verify that this procedure can be used in emergency situations. Posts may adapt the format shown in 7 FAM 1316 Exhibit 1316.5-1 to comply with host country or carrier requirements, and should provide translations of the documents as needed for host country officials.

### **7 FAM 1316.5-2 Precautions to Prevent Issuance to Aliens**

*(TL:CON-65; 4-15-96)*

Before deciding to issue a travel letter, the officer must be satisfied as to the identity and citizenship of the requester. Information establishing identity and citizenship may be obtained from other documents the person has; statements of Amcit traveling companions; information obtainable from airlines, shipping lines, hotels, or host immigration officials; telephone conversations with and/or FAX submissions from family members or relatives of the requester (usually a U.S. resident) in the United States; the individual’s manner of speech, demeanor, and knowledge of the locality in the United States where he/she claims to reside; police reports of loss or theft of travel or other documents; and so forth.

### **7 FAM 1316.5-3 Procedures For Issuance**

*(TL:CON-65; 4-15-96)*

a. There is no application requirement for the issuance of a travel letter. When the subject of a travel letter is returning to the United States and a passport waiver is thus necessary, concurrently with the issuance of the travel letter, have the citizen complete Form DS-1423. This form, shown in 7 FAM 1316 Exhibit 1316.5-3 and available on the INFOFORMS CD-ROM, is required by the Immigration and Naturalization Service (INS) to grant an exception to 22 CFR 53.1 and is used for record and billing purposes. The citizen need not sign the form in the space provided until the waiver is approved at the POE. All other applicable sections, however, should be completed and the form presented to the INS officer at the POE with a copy of the travel letter.

b. Inform the citizen that the passport waiver is required by law, that such a waiver will be granted at the POE if the INS officer establishes satisfactorily the identity and U.S. citizenship of the applicant for entry, and that, if approved, he/she will be charged a waiver fee under Item No. 12 of the Schedule of Fees and receive a bill for such fee from the Department.

**NOTE:** INS at the POE notifies the Department when a citizen has been granted a passport waiver. The citizen will be billed by CA/PPT/TD/AS.

c. The consular officer should, if possible, inform the officer in charge of INS at the POE of the prospective arrival of the U.S. citizen who requires the waiver. Provide the INS officer with the citizen's arrival date and time, the name of the carrier and any other relevant travel data. When the subject of a travel letter is traveling to a third country, the consular or duty officer should contact his/her counterpart in the third country to ascertain whether the immigration authorities of that country will permit an American citizen to enter on the basis of a travel letter. If no, it is inappropriate to issue a travel letter. If yes, provide the U.S. consular/duty officer with the name of the traveler, the arrival date and time, name of carrier and any other relevant travel data. Modify the text of the travel letter in 7 FAM 1316 Exhibit 1316.5-1 to address the third country immigration authorities.

## **7 FAM 1316.5-4 Format of the Letter**

*(TL:CON-65; 4-15-96)*

The Department suggests that the travel letter format be similar to the one shown in 7 FAM 1316 Exhibit 1316.5-1 adapted for local requirements as necessary. Item three in the exhibit may be used for local addressee requirements or omitted. The INS requires only that the letter contain the citizen's name, date and place of birth, photo, a reason why the passport is not available and be signed and sealed by the consular officer.

## **7 FAM 1316.5-5 Photograph**

*(TL:CON-65; 4-15-96)*

The bearer's photograph should be affixed to the lower left-hand corner of each of the three letters (host country immigration, carrier, and INS). The Embassy dry seal should be impressed over the photograph. Any photograph which presents a good likeness of the person is acceptable, including photo machine strips, other instant photos, etc. The photos on the letters do not need to be identical.

## **7 FAM 1316.5-6 Copies of the Letters**

*(TL:CON-65; 4-15-96)*

a. The travel letter should be prepared in quadruplicate: one copy for host country immigration officials, one copy for the airline officials, one copy for the applicant to present to INS at the POE and one copy for the post's files. Seal each of the first three copies in a separate official envelope addressed to the appropriate authority. Place a consular seal (wet seal) on the envelope seam and cover with a strip of clear tape to prevent tampering.

b. If the traveler must transit other countries en route to a direct flight to the United States, or must change planes or otherwise deal with immigration officials of a third country, the consular or duty officer should contact his/her counterpart in the country(ies) to be transited to ascertain whether the immigration authorities of such country(ies) will permit an American citizen to transit on the basis of a travel letter. If yes, additional copies of the travel letter should be prepared for the immigration officials of such country(ies). If not, it is inappropriate to issue a travel letter.

## **7 FAM 1316.5-7 Fee**

*(TL:CON-65; 4-15-96)*

No fee is charged for the issuance of a travel letter. After-hour surcharges, if applicable, do apply (Item 93 on the Schedule of Fees for Consular Services).

## **7 FAM 1316.6 Alternative to Transportation/Travel Letters**

*(TL:CON-65; 4-15-96)*

In some instances, where time is of the essence in assisting the U.S. citizen in departing from the host country, consuls or duty officers may not have the opportunity to prepare a travel letter. In such instances, provided relations with the departure control authorities and with the airline representatives are friendly, the officer, after determining that the requester is a U.S. citizen, may be able to convince the appropriate officials to allow the passenger to board the aircraft or ship. In this case, the action must be followed-up by a phone call or FAX to INS or third country immigration officials at the POE, advising of the arrival of an undocumented U.S. citizen and, if appropriate, the need for a waiver of the passport requirement. The consular officer should also note in his/her conversation with the INS official that the transportation company should not be fined.

## **7 FAM 1316.7 Procedures for Review of Adverse Passport Action**

*(TL:CON-65; 4-15-96)*

An adverse passport action refers to any action taken on an individual basis that denies, restricts, revokes, invalidates or in any other way adversely affects the ability of a person to receive or use a passport, other than action based on a determination that an individual has not established that he or she is a citizen or national of the United States. The procedure for review of adverse action in the Department is set out in 22 CFR 51.80-51.89.

# **7 FAM 1317 LIMITATIONS ON ISSUANCE OF PASSPORTS**

## **7 FAM 1317.1 Referral to Department**

*(TL:CON-65; 4-15-96)*

a. Applications for passport services by persons believed to come within the provisions of the Secretary's regulations which limit the issuance of passports in certain categories (22 CFR 51.70), shall be referred by the most efficient means to the Department (CA/PPT/PAS) for decision

b. Applications that come within the provisions of the Secretary's regulations on restrictive actions may come to the attention of posts indirectly. Some examples are cases in which "the applicant is the subject of an outstanding Federal warrant of arrest for a felony . . ." (22 CFR 51.70(a)(1)), or the applicant "has not repaid a loan received from the United States as prescribed under 71.10 and 71.11 of this chapter" (22 CFR 51.70(a)(6)). In such cases a CLASS check usually results in a "hold" on these persons.

c. See also 7 FAM 1390 for a discussion of restrictive actions that the Department is required to take. Consular officers perform or participate in these functions under delegated authority.

d. If an escaped felon requests a passport, follow procedures set forth in 7 FAM 462

## **7 FAM 1317.2 Authority for Limitation**

*(TL:CON-65; 4-15-96)*

Posts should refer cases to the Department (CA/OCS and CA/PPT/PAS) for review under the provisions of 22 CFR 51.70 *and* 51.72 if there is any doubt as to the action to be taken.

## **7 FAM 1317.3 Prompt Issuance and Notification**

*(TL:CON-65; 4-15-96)*

Nothing in this section shall be construed to prohibit or restrict the issuance of a passport for direct and immediate return to the United States (22 CFR 51.70 & 51.71). In such cases, promptly notify the Department (CA/PPT/PAS) of the passport number and date of issuance, of the applicant's name, expected time and place of arrival, means of transportation, and address in the United States.

## **7 FAM 1317.4 Misuse of Passport**

*(TL:CON-65; 4-15-96)*

- a. 18 U.S.C. 1544 makes it illegal for a person to willfully and knowingly:
- (1) Use or attempt to use any passport issued or designed for the use of another;  
or
  - (2) Use or attempt to use any passport in violation of the conditions or restrictions therein contained, or of the rules prescribed pursuant to the laws regulating the issuance of passports; or
  - (3) Furnish, dispose of, or deliver a passport to any person, for use by another than the person for whose use it was originally issued and designed.
- b. If a consular officer has reason to believe that this section of law has been violated, he or she should report all the facts to the Department (CA/OCS with info CA/FPP) and await its decision.

# **7 FAM 1318 PASSPORT FRAUD**

*(TL:CON-65; 4-15-96)*

Responsibilities for the Bureau's anti-fraud program for overseas passport issuance are shared by the Office of Fraud Prevention Programs (CA/FPP) and the Office of American Citizens Services (CA/OCS/ACS). While both offices work closely together and share information, they have separate and distinct functions. Posts should direct fraud related work to the appropriate office based on the division of responsibility described below and, in every case, send an information copy of the communication to the other office. All communications should bear the TAGS: CPAS and KFRD with the action office TAGS listed first.

## **7 FAM 1318.1 CA/FPP Responsibilities**

*(TL:CON-65; 4-15-96)*

a. CA/FPP does not handle individual casework. CA/FPP formulates general anti-fraud policy and develops practices to be used within the Bureau. Its responsibilities cover:

- (1) Strategic and operational intelligence analysis and reporting (identifying fraud trends);
- (2) Consular, INS and other training requirements;
- (3) Altered and counterfeit passports, visas and other travel documents;
- (4) Organized alien smuggling rings involving passport, visas and other travel documents;
- (5) Terrorism, narcotics trafficking and other major organized criminal activity involving passports, visas and other travel documents;
- (6) Requests for specimen passports from foreign governments;
- (7) Overall anti-fraud policy, coordination and programs.

b. Any information relating to the above subjects as well as all reporting cables, either spot or incident reporting, quarterly fraud reports, trend and analysis pieces and altered or counterfeit passport cases should be directed to CA/FPP.

## **7 FAM 1318.2 CA/OCS/ACS Fraud Responsibilities**

*(TL:CON-65; 4-15-96)*

Individual passport fraud casework from overseas posts is the responsibility of CA/OCS/ACS. That office handles all inquiries and requests for assistance on individual passport and citizenship fraud cases. Posts should refer to CA/OCS/ACS only those cases which cannot be handled at post. Such cases may involve:

- (1) Verification of birth, death or other records, from United States sources;
- (2) Requests for advice and guidance on legal and regulatory responsibilities or the correct investigative procedures to be followed in a particular case;
- (3) Approval of fraud lookouts.

## **7 FAM 1318.3 Fraud Statutes**

*(TL:CON-65; 4-15-96)*

The statutes below, as amended by the Violent Crimes Control and Law Enforcement Act of 1994, are the principal statutes which pertain to passport fraud.

- (1) Title 18, U.S.C., Section 1541, Issuance Without Authority;
- (2) Title 18, U.S.C., Section 1542, False Statements in Application and Use of Passport;
- (3) Title 18, U.S.C., Section 1543, Forgery or False Use of Passport;
- (4) Title 18, U.S.C., Section 1544, Misuse of Passport;
- (5) Title 18, U.S.C., Section 1001, False Statements or Entries Generally;
- (6) Title 18, U.S.C., Section 911, False Claim to U.S. Citizenship; and
- (7) Title 18, U.S.C., Section 1028, Fraud and Related Activity in Connection with Identification Documents.

## **7 FAM 1319 UNASSIGNED**

# 7 FAM 1316 Exhibit 1316.5-1

## SAMPLE TRAVEL LETTER

U.S. Government  
MEMORANDUM

DATE: March 1, 1995

REPLY TO

ATTN OF: American Consulate General, Frankfurt am Main,  
Germany

SUBJECT: WAIVER OF U.S. PASSPORT REQUIREMENT: 22 CFR 53.2(H)

TO: Officer in Charge  
U.S. Immigration and Naturalization Service at  
(port of entry JFK Airport , New York  
and Immigration Authorities at (Frankfurt Airport)  
and (United Airlies)

1. The bearer of the letter is Isabel Norris

a U.S. citizen born on May 8, 1968 at Buffalo, New York

who does not presently possess a valid passport because:

       his/her previous passport has expired.

  X   his/her passport was lost/stolen while traveling in Germany.

       his/her passport was packed in household goods.

       his/her Consular Report of Birth has not been completed and a passport has accordingly not yet been issued.

\_\_\_\_\_

Because of the bearer's urgent need to travel to the United States before normal passport services can be provided during regular business hours of the Consulate General, it would be appreciate if the passport requirement in this case be waived under the regulatory guidelines of 22 CFR 53.2(h).

2. The bearer has been advised that a passport waiver fee of \$100 will be payable to the Department of State following admission to the United States.

3.

/s/George Landers  
Vice Consul

(signed: name and title)

Photo with  
Seal

American Consulate General  
Frankfurt am Main, Germany

# 7 FAM 1316 Exhibit 1316.5-3

## FORM DS-1423

U.S. DEPARTMENT OF STATE		OMB Approval No. 1420-0075 Expires 9-31-94 Estimated burden: 15 minutes*
<b>REQUEST BY UNITED STATES NATIONAL FOR AND REPORT OF EXCEPTION TO SECTION 53.1, TITLE 22 OF THE CODE OF FEDERAL REGULATIONS</b>		
<b>REQUEST</b>		
I have been informed that a valid passport is required by law to enter the United States. I am unable to present a valid passport at this time for the following reasons: <u>My passport was stolen on the way to the airport.</u>		
I request that an exception be granted to me, as provided in Section 53.2(h), Title 22 of the Code of Federal Regulations. I understand that a fee of \$100 is required under Section 53.2(h) and I will remit such fee to Passport Services, Department of State, Washington, D.C. 20522-1705, attention: CA/PPT/PS/PAS within 30 days.		
Signature _____		
<b>REPORT - Pursuant to Section 215 of the Immigration and Nationality Act of 1952</b>		
<b>SUBJECT</b>		
NAME <u>Isabel Norris</u>	DESCRIPTION (Height, Weight, Color of Eyes, Color of Hair) <u>5'4", 120 lbs., blue eyes, brown hair</u>	
HOME ADDRESS <u>420 E. 79th Street, NY, NY 10020</u>		
BIRTHDATE <u>5-8-68</u>	NATURALIZATION DATE <u>NA</u>	PASSPORT NO., DATE AND PLACE OF ISSUANCE (if applicable) <u>110944665 New York 1994</u>
BIRTHPLACE <u>New York</u>		
<b>DEPARTURE FROM UNITED STATES</b>		
DATE AND PLACE OF DEPARTURE		DESTINATION
FLIGHT NUMBER OR VESSEL		NAME OF CARRIER
<b>TRAVEL TO UNITED STATES</b>		
DATE AND PLACE OF DEPARTURE FROM ABROAD <u>March 1, 1995 Frankfurt</u>		IDENTITY DOCUMENTS PRESENTED <u>NY Drivers License</u>
FLIGHT NUMBER OR VESSEL <u>Flight 916</u>		NAME OF CARRIER <u>United Airlines</u>
DATE AND PLACE OF ENTRY <u>March 1, 1995 JFK</u>		DESTINATION <u>JFK</u>
<b>ACTION TAKEN</b>		
Identity and citizenship established. Exception granted under 22 CFR 53.2(h).		
(Inspector's Stamp)		
PLACE (Immigration and Naturalization Service)	SIGNATURE (Immigration Officer)	
<b>PRIVACY ACT STATEMENT</b> <small>The information on this form is authorized by (a) our fingerprints, those activities codified in Title 8, 18, and 22, United States Code, and all regulations issued pursuant to Executive Order 11752 of August 9, 1969. The primary purpose for soliciting the information is to establish identity and to properly administer and enforce the laws governing those activities.</small> <small>The information is made available as a routine use on a need-to-know basis to personnel of the Department of State and other such information in the performance of their official duties, pursuant to a court order, and, as set forth in Part 171, Title 22, Code of Federal Regulations.</small> <small>Failure to provide the information requested on this form may result in the denial of a United States passport, related document, or service to the individual seeking such passport, document, or service.</small>		

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\*Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing existing data sources, gathering the necessary data, providing the information reviewed, and reviewing the final collection. Send comments on the accuracy of this estimate of burden and recommendations for reducing it to: Department of State, (205)542-1013; Washington, D.C. 20520-1024, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Paperwork Reduction Project (1420-0075), Washington, D.C. 20503.

