

## § 72.6

## 22 CFR Ch. I (4-1-01 Edition)

the Department on Form FS-192 marked "Final Report," in which reference shall be made, under the heading "Remarks", to the provisional report. If feasible, a "Final Report" should be submitted at such time as legal presumption of death arises in accordance with local law.

### § 72.6 Reports of deaths on the high seas.

(a) *On vessels of United States registry.* When a United States citizen (not a seaman) dies on board a vessel of the United States making a voyage from a port in the United States to any foreign port, the master of the vessel is required to enter the circumstances of the death in the official log book (46 U.S.C. 201). Customarily, these circumstances are reported to the consular officer at the first port of call. On the basis of the log entry, the consular officer should report the death on Form FS-192 in the manner prescribed for other United States citizens (see § 72.4). A copy of the text of the log entry, certified by the master, should be retained with the office copy of Form FS-192.

(b) *On vessels of foreign registry.* When a United States citizen dies on a vessel of foreign registry, all information obtained from the master of the vessel for purposes of reporting the death on Form FS-192, should be supported by a certified copy of the text of the log entry, if obtainable.

### § 72.7 Reports on deceased persons believed to be United States citizens.

(a) *Verification of citizenship.* As Form FS-192 may be accepted in courts of law, or considered elsewhere, as evidence of United States citizenship at the time of death, the consular officer should consult the regulations describing the evidence of citizenship which is acceptable for passport and registration purposes and should exercise due care in determining the citizenship status of the deceased. In doubtful cases he should transmit the Form FS-192 to the Department under cover of a despatch stating that the citizenship of the deceased has not been verified. The Department will then determine whether Form FS-192 may be released to the legal representative, next of kin,

or other interested person, and will inform the consular officer of whatever action is taken.

(b) *Presumptions as to citizenship status.* When the deceased was not currently documented at a Foreign Service office as a United States citizen, it must be assumed that, if the deceased was—

(1) A native citizen, he had retained United States citizenship at the time of death, in the absence of evidence of an affirmative act of expatriation under paragraph 1, section 2 of the act of March 2, 1907, section 401 of the Nationality Act of 1940, or section 340 or 350 of the Immigration and Nationality Act;

(2) A naturalized citizen, he had retained United States citizenship at the time of death, in the absence of evidence that he had lost nationality of the United States by having a continuous residence for three years in the territory of a foreign state as provided in section 352(a)(1) of the Immigration and Nationality Act, or by having a continuous residence for five years in any other foreign state or states as provided in section 352(a)(2) of the same act, unless there is evidence that his case comes within one of the exceptions established under section 353 or 354 of the act. Nationality may also have been lost under similar provisions contained in section 404 of the Nationality Act of 1940. The term residence as used herein means the place of general abode, and residence shall be considered continuous for the purpose of sections 350 and 352(a) (1) and (2) of the act where there is a continuity of stay but not necessarily an uninterrupted physical presence in a foreign state or states or outside the United States.

### § 72.8 Disposition of nationality documents.

(a) *Passport.* The passport of a deceased United States citizen should be canceled by the consular officer and either returned to the Department or delivered to the person having a legitimate interest therein. Only a person who is included in the passport may be considered to have a legitimate interest in it. The date and place of death should be noted on the passport, and an