

7 FAM 370

REPATRIATION LOANS

(CT:CON-267; 10-08-2008)
(Office of Origin: CA/OCS/PRI)

7 FAM 371 INTRODUCTION

(CT:CON-267; 10-08-2008)

- a. This subchapter concerns repatriation loan assistance to destitute travelers and repatriation of U.S. citizens residing abroad, including medical evacuation repatriation to the United States. This subchapter provides guidance on:
- (1) Consular authority to issue repatriation loans of a certain amount without specific authorization from the Bureau of Consular Affairs, Directorate of Overseas Citizens Services, Office of American Citizen Services and Crisis Management (CA/OCS/ACS);
 - (2) Adjudication of eligibility for a repatriation loan;
 - (3) Documentary requirements for completion of the Form DS-3072, Emergency Loan Application, and Evacuation Documentation;
 - (4) Prompt entry of the case into the American Citizen Services (ACS) system;
 - (5) Authority to expend funds;
 - (6) Passport actions and entry of looking into the Consular Lookout and Support System (CLASS) via the Passport Lookout Tracking System (PLOTS);
 - (7) Disbursement or return of any approved funds;
 - (8) Repayment procedures for the applicant;
 - (9) Special procedures required to approve a second repatriation loan for an individual who has outstanding indebtedness; and
 - (10) Reporting and record keeping regarding repatriation loans.

- b. Consular officers can assist destitute U.S. citizens/ nationals abroad by:
 - (1) Preparing information on sources of financial assistance; 7 FAM 320 provides guidance about the role of the consular officer in developing information and identifying local resources to assist in destitution cases.
 - (2) Contacting family, friends and employers for assistance;
 - (3) Processing Overseas Citizen Services (OCS) trusts (see 7 FAM 324) provided by family, friends, employers, etc.;
 - (4) Processing repatriation loans.
- c. CA may in its discretion, but is not required to, provide a repatriation loan to an eligible U.S. citizen and/or accompanying family member(s).
- d. Financial assistance under the repatriation loan program is on a reimbursable basis only. (See 7 FAM 378 for a discussion about loans for unaccompanied minors.)
- e. A Form DS-3072, Emergency Loan Application and Evacuation Documentation must be completed for all cases. (See 7 FAM 374.1 – 7 FAM 374.3 (in general), 7 FAM 374.6 (minors); and 7 FAM 374.7 (incompetents)).
- f. 7 FAM 377 and 7 FAM 1385 provide guidance regarding passport action related to recipients of repatriation loans.
- g. Privacy Act: The applicant generally must provide a written Privacy Act waiver before a consular officer can contact any possible source of financial assistance, including the applicant's immediate family. A Privacy Act waiver generally is not necessary if the applicant is a minor and the point of contact is a parent or legal guardian (see 7 FAM 060 and 7 FAM 1720 if the minor does not want the parents notified or if there are considerations such as runaways, possible abuse or neglect, and other special children's issues). Form DS-3072, Emergency Loan Application and Evacuation Documentation, includes a Privacy Act waiver.

NOTE: Health and Safety Exception and the Privacy Act ...

The Privacy Act's "health or safety" exception allows disclosure of information without a Private Act Waiver (PAW) to a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual" (5 U.S.C. 552a(b)(8)).

This exception requires a "showing of compelling circumstances affecting the health or safety of an individual".

This section of the Act may be invoked to save the life of the U.S. citizen/national, notwithstanding his/her written affirmation of his/her right to privacy. You are also permitted to disclose Privacy Act-protected information about an individual "in compelling circumstances" in order to remove that person from harm's way. In determining whether the "health or safety" exception is applicable in any given case, you should consider what reasonable course of action would safeguard the welfare of an individual whose physical or mental well-being is at stake in light of all the relevant circumstances - i.e., age of individual, nature of condition, availability of medical facilities, degree to which individual and/or local health facilities can communicate with next-of-kin or friends stateside, etc. The officer should document contemporaneously in writing the basis for acting pursuant to 5 U.S.C. 552a(b)(8).

Information may be released to any person who can reasonably be expected to assist the individual whose health or safety is at risk, e.g., relative, friend, attorney, clergyman, member of Congress, etc. (though not the media).

Questions: Contact your CA/OCS/ACS liaison officer or ASKPRI@state.gov

(See 7 FAM 066)

h. Inter-agency Coordination: Repatriation cases often require coordination with other federal and state agencies. They also tend to evolve from a straightforward destitute situation into more complex scenarios requiring greater support and documentation. It is therefore imperative that posts alert CA/OCS/ACS to every case where such complexities are suspected as soon as possible. (See 7 FAM 390.)

i Expenses Covered by Repatriation Loans: In addition to transportation expenses, the repatriation loan includes other expenses incidental to return of the individual, which may include but are not limited to:

- (1) Temporary food and lodging pending repatriation to the United States;

NOTE: At the discretion of the consular officer, the subsistence aspect of a repatriation loan may be provided in the form of a room and meals at a less-costly hostelry or by direct disbursement to the applicant; Subsistence funds cannot be used to pay for nonessentials such as tobacco or alcohol. Subsistence is defined as the minimum necessary for clean, simple lodging plus adequate food. The consular officer may designate the hotel or lodging

and meal plan consistent with this definition.

- (2) Related sundries;

What are sundries?

Your destitute U.S. citizen may have been the victim of a robbery and lost everything except the clothes on his/her back. The family could include small children in need of diapers, etc.

In these circumstances sundries means vital hygiene/health related items such as toothbrush, toothpaste, shampoo, diapers, soap, razor, deodorant, feminine hygiene products, etc. which the destitute citizen may need to tide him/her over until the repatriation flight. (See 7 FAM 356 Problems Involving Prescription Medications, Lost or Stolen Medical Equipment.)

- (3) Visa fees, airport departure fees, and/or immigration penalties required for departure, but not funds for an improper or illegal purpose, such as payment of bribes;
- (4) Medical expenses necessary to stabilize the individual in preparation for return to the United States; (see 7 FAM 380 for guidance about the Emergency Medical and Dietary Assistance (EMDA) program, 7 FAM 350 regarding medical assistance, and 7 FAM 360 regarding medical evacuation.)
- (5) Reasonable and appropriate transportation costs for the repatriate. Transportation expenditures are limited to minimum cost to transport the applicant and accompanying dependents to the United States, and to include travel within the United States to an airport beyond the port of entry, under the following limitations:
- (a) Travel to and within the United States should be accomplished by the least expensive means available. This may include the applicant's use of a foreign carrier airline, as authorized in the Comptroller General's decision B-2-2410, dated September 29, 1981 (interpretation of the Fly America Act).
- (b) It is not permissible to purchase a less expensive round-trip ticket for the repatriate and not use the return portion, rather than a one-way ticket. Repatriation funds can be used to purchase tickets to the United States, but not from the United States.
- (c) A person being repatriated to the United States cannot be issued a Government Transportation Request (GTR). The tickets purchased must be:

- Not refundable
 - Not re-routable
 - Not endorsable
 - Tickets should not be purchased at U.S. Government rate because the loan is for use by a private individual, not the U.S. Government.
- (d) See also 7 FAM 374.2(12) and 7 FAM 395 for guidance on documenting Health and Human Services (HHS)-reimbursable domestic travel expenses.
- (6) Reasonable authorized escorts fees (see 7 FAM 374.4);
- (7) Reasonable and appropriate transportation and per diem costs for escorts.
- (8) Subsistence While Traveling: Expenditure costs for subsistence while traveling are limited to the minimum amount required for subsistence while en route to the United States. The traveler will ordinarily require no funds for subsistence en route to the United States, unless some distance must be traveled to the point of embarkation or stopovers must be made where food and lodging would not be provided.
- (9) Unauthorized expenditures: In the absence of specific prior approval by CA/OCS/ACS, funds may not be used for:
- (a) Liquidation of any indebtedness incurred prior to the date of the application for repatriation, for example, a month long hotel stay, etc. This prohibition does not include visa or exit fees incurred prior to the date of application for repatriation;
 - (b) Transporting excess baggage or pets (**Note** that HHS will not pay any such costs);

NOTE ABOUT PETS: The Department of Health and Human Services (HHS) advises that including pets in repatriation, other than service animals, is extremely problematic. HHS has no way to find shelter and care for the animals when they provide reception and resettlement services for the repatriate. (See 7 FAM 390.) If a repatriate's mental or physical condition is such that the presence of the pet is extremely important to keeping the person calm, the matter should be raised by the post with CA/OCS/ACS, which will attempt to obtain concurrence of HHS on a case by case basis.

This authorization is extremely rare.

or

- (c) Medical expenses: Repatriation loans can only be used to pay medical expenses necessary to stabilize a patient to facilitate medical evacuation to the United States incurred after application for the loan. For guidance see 7 FAM 380 about use of Emergency Medical and Dietary Assistance (EMDA) loans for medical evacuation to a third country. EMDA and repatriation funds are not available to pay long-term medical expenses, non-emergency medical expenses or expensive critical care. Such costs should be borne by personal health insurance, private funds, or paid for by the host government either through that country's medical program, crime victim assistance program, or as humanitarian gesture. If the individual is a victim of crime, consult CA/OCS/PRI crime victim assistance specialists to ascertain whether victim assistance funds might be available from U.S. federal or state sources. See 7 FAM 1900.

- (10) Inappropriate Use of Funds: Repatriation loan funds may not be used for an improper or illegal expenditure such as paying bribes.

7 FAM 372 AUTHORITIES

(CT:CON-267; 10-08-2008)

- a. Section 4 of the State Department Basic Authorities Act, 22 U.S.C. 2671 (b)(2)(B) (Public Law 98-164), authorizes the Secretary of State to "make expenditures, from such amounts as may be specifically appropriated therefore, for unforeseen emergencies arising in the diplomatic and consular service," including "loans made to destitute citizens of the United States who are outside the United States and made to provide for the return to the United States of its citizens."

NOTE: 22 U.S.C. 2671(d) establishes certain requirements for the repatriation loan program, including that "the Secretary of State shall(1) require the borrower to provide a verifiable address and social security number at the time of application; (2) require a written loan agreement which includes a repayment schedule;" [and] (3) bar passports from being issued or renewed for those individuals who are in default."

- b. 22 U.S.C. 2671(d)(4) – 22 U.S.C. 2671(d)(11) direct collection of repatriation loans, in accordance with Federal government-wide debt

collection laws codified at 31 U.S.C. 3711 and 31 U.S.C. 3717. If a loan is not repaid when due, the Department will take action to collect the loan under the Federal Claims Collection Standards (31 CFR Parts 900-904) and 22 CFR Part 34.

- c. The "Fly America Act", 49 U.S.C. 40118, does not require the use of United States air carriers where the individuals use funds loaned by the Department of State for their subsistence and repatriation to purchase the tickets themselves.
- d. 22 CFR Part 71 is being revised and expanded to include regulatory provisions regarding repatriation loans.
- e. 22 CFR 51.70 includes the regulatory provisions regarding denial and limitation of passport services due to default on or non payment of a loan received from the United States.

7 FAM 373 ELIGIBILITY FOR REPATRIATION LOANS

7 FAM 373.1 Nationality

(CT:CON-267; 10-08-2008)

A U.S. citizen/national abroad and/or eligible citizen/alien accompanying family member(s) abroad is eligible to receive a repatriation loan to return to the United States if the responsible U.S. consular officer determines the following:

- (1) The applicant is a U.S. citizen. The U.S. citizen applicant may be located abroad, in the United States or in a third country.

NOTE: 7 FAM 374.6 provides guidance about how to handle cases in which the only U.S. citizen applicant in a family is a minor child.

The U.S. citizen recipient of the repatriation loan, or eligible accompanying family member must be located abroad. U.S. citizenship/nationality must be established by clear documentary evidence acceptable as proof of U.S. citizenship or nationality. (See 7 FAM 1300 and 7 FAM 1100.) Proof of citizenship/nationality includes:

- (a) A U.S. birth certificate certified by the issuing authority (vital records office/civil registry);

- (b) A U.S. passport;
 - (c) A Passport Issuance Electronic Records System (PIERS) record;
 - (d) A Form FS-240, Consular Report of Birth Abroad of a Citizen of the United States of America;
 - (e) A naturalization certificate or certificate of citizenship bearing the seal of the issuance authority. (See 7 FAM 1150.)
- (2) The applicant's identity is satisfactorily established. An applicant for a repatriation loan must establish identity to the satisfaction of the consular officer. (See 7 FAM 1320.)

NOTE: While citizenship and identity of the applicant are always required, the next two criteria, destitution and absence of family or friends able to assist are not applicable to a U.S. citizen who is involved in, or the cause of, a situation which may damage the prestige of the U.S. Government or which may provide some other compelling reason to effect the applicant's prompt repatriation, without meeting the requirements of destitution and lack of relatives or friends in the United States or abroad able to assist. This provision of the repatriation loan program is rarely invoked. Posts must consult CA/OCS/ACS to obtain authorization from the Managing Director of CA/OCS before invoking this provision.

7 FAM 373.2 Destitution

(CT:CON-267; 10-08-2008)

- a. The U.S. citizen applicant(s) and accompanying family member(s) traveling abroad is/are destitute. The applicant claims reasonable attempts to obtain private resources from the individual's family, friends, etc. have failed, or such resources do not exist, and the individual would experience hardship if not returned to the United States.
- b. For the purposes of this subchapter, destitute means the citizen/national:
 - (1) Has little or no visible means of support or liquid assets, (no job; no cash; no benefits or retirement check pending; no savings; no return ticket, no credit cards, etc.);
 - (2) Has no family, friends, neighbors, employers, charitable groups, etc. willing and able to provide adequate financial assistance;
 - (3) Has inadequate food or shelter; and

- (4) Has no funds available to him or her to pay for the cost of repatriation.

NOTE: This checklist should be strictly observed, although there are cases where mitigating or exigent circumstances will outweigh these considerations. An example would be a battered spouse who technically may have a place to stay, but cannot remain there without risk of serious harm.

c. The applicant's claim of destitution is substantiated. To determine if an applicant is destitute, the consular officer must:

- (1) Interview the citizen to obtain additional details about his or her financial situation. Questions to be asked should include, but not be limited to:

Do you have a return ticket?

Did you purchase traveler's insurance?

Do you have access to funds in the United States? Can you contact your financial institution to obtain a replacement ATM, credit card, debit card,, arrange a wire transfer or ask for an emergency increase in your credit card?

Have you contacted family members, friends or your employer? The embassy can assist you in contacting them.

What are the names, phone numbers and email addresses of at least 3 individuals, in the United States or in any other country, who we can contact on your behalf to secure all or part of the necessary funds? These private resources may be in a position to transmit funds via OCS Trust (see 7 FAM 324), pre-pay an airline ticket with an air carrier, pay hotel bills by credit card from the United States, etc.

NOTE: The applicant should be advised that if he/she does not provide the names of at least 3 individuals to be contacted for assistance he/she will not be eligible for consideration for a repatriation loan.

- (2) Prior to recommending approval of any repatriation loan, good faith efforts must be made to obtain funds from private sources, and all such efforts should be properly documented in the ACS system case file.
- (3) Form DS-3072, Emergency Loan Application and Evacuation Documentation, includes a Privacy Act waiver for all repatriation loan applicants, giving the consular officer authority to contact any and all potential sources in relation to the loan application process,

including those not initially provided by the client but later recommended by other contacts.

- (4) Consular officers are also required to provide an explanation in the loan request cable (see 7 FAM Exhibit 373) when the minimum number of contacts are not made, and to document in the applicant's ACS system case file the reasons for non-compliance or non-applicability. Such reasons may include, for example, the fact that a citizen was impaired and unable to assist, but refusal to cooperate with procedures outlined in this subchapter is not reason enough to waive those procedures.
- (5) CA/OCS/ACS and posts abroad do not consult credit bureaus to verify that an individual is destitute or credit eligible.

d. A U.S. citizen residing abroad (as opposed to traveling abroad) is destitute. The following are additional questions a consular officer may reasonably ask a U.S. citizen who is a resident of the consular district:

- (1) Where do you live? With whom?

NOTE: The consular officer should observe the individual carefully during questioning for any indications of abuse or neglect.

- (2) Is there someone else with whom you can stay in this country temporarily?

Example: A 20 year old residing at home with limited education and a subsistence level income wishes to relocate to the United States. Such an individual may or may not meet the definition of destitute. Individual circumstances will affect your determination of whether destitution exists. A young adult who travels abroad to join a "fiancé" met over the Internet, who arrives in a foreign country and finds that the relationship is not working out, may be able to find temporary lodging with the ex-fiance's family for a few days. This does not constitute a long term solution. If the young person is destitute and no family or friends are available to assist with funds, and the host country will not permit the person to work, such an individual may be eligible for a repatriation loan. Such situations will be reviewed based on the facts and circumstances of the individual case.

- (3) What is the contact information for persons who may assist in verifying your circumstances?.

NOTE: The individual may claim that if you contact his/her parents the individual will face consequences. Be sensitive to such a claim, but explain you may need to make other inquiries, such as at a school, religious or

social organizations, or with other family members or friends. Your judgment is important. (See 7 FAM 1740 Forced Marriage of Minors; 7 FAM 1720 Child Abuse and Neglect; 7 FAM 1730 Child Exploitation; 7 FAM 1760 Runaways, Abandoned Children and Unaccompanied Minors; 7 FAM 180 Refuge; 7 FAM 170 Reporting on American Communities Abroad (including cults); and 7 FAM 1780 Behavior Modification Facilities.

7 FAM 373.3 Accompanying Alien Family Members

(CT:CON-267; 10-08-2008)

- a. Accompanying alien family members are eligible to be included in the loan. To be included in a repatriation loan, accompanying alien family members must be members of household and possess a U.S. visa or other travel document valid for entry into the United States. Members of the household include:
 - (1) Alien spouse;
 - (2) Alien minor children;
 - (3) Alien adult child (unmarried);
 - (4) Other accompanying dependent members of the household.
- b. A foreign national spouse's first recourse would be to the embassy or his or her own nationality.

NOTE: This FAM revision now allows the U.S. citizen to include in the debt he or she incurs funds for the eligible accompanying alien member(s) of the household. This provision would only be used in extraordinary circumstances and would require authorization from the Managing Director/Deputy Assistant Secretary for Overseas Citizens Services.

- c. Household staff members are not members of the household for the purposes of repatriation loans.

7 FAM 373.4 Medical Repatriation Eligibility

(CT:CON-267; 10-08-2008)

- a. 7 FAM 360 provides extensive guidance about medical evacuation options.
- b. When a U.S. citizen or accompanying family member requires a repatriation loan in order to be medically evacuated, additional eligibility

requirements must be assessed before a loan may be approved. The following criteria must be met:

- (1) The U.S. citizen and/or accompanying family member(s) is "destitute," meaning that the individual does not have available to him/her, while abroad, adequate funds or insurance for necessary emergency care;
- (2) Adequate medical treatment is not available from the host government;
- (3) Reasonable attempts to obtain private resources (from the individual's family, friends, etc.) have failed, or such resources do not exist;
- (4) There are medical indications identified by the attending physician that the emergency medical assistance is necessary to sustain life, to prevent the death of the U.S. citizen and/or accompanying family member(s), or to prevent a disability, serious injury, or other significant deterioration of the individual's physical or mental health;

NOTE: Repatriation loans can only be used to pay medical expenses necessary to stabilize a patient to facilitate medical evacuation to the United States incurred after application for the loan. (See 7 FAM 371 i(9)(c)). EMDA and repatriation funds are not available to pay long-term medical expenses, non-emergency medical expenses, or expensive critical care. Such costs should be borne by personal health insurance, private funds or paid for by the host government either through that country's medical program or as humanitarian gesture. If the individual is a victim of crime, consult CA/OCS/PRI crime victim assistance specialists to ascertain whether victim assistance funds might be available from federal or state sources. (See 7 FAM 1900).

- (5) If feasible, the U.S. citizen, spouse and/or accompanying adult family member(s) or family members/friends in the United States or in a third country have executed a promissory **Note**.
- c. For guidance about U.S. citizens who have an outstanding repatriation or Emergency Medical and Dietary Assistance (EMDA) loan, refer to 7 FAM 380.

7 FAM 373.5 Ineligible Active Duty Members of the U.S. Armed Forces

(CT:CON-267; 10-08-2008)

Active duty members of the United States Armed Forces abroad on official orders and not in leave status are ineligible for a repatriation loan. (See 7 FAM 192 for guidance about deserters and stragglers from the U.S. Armed Forces.)

7 FAM 374 APPLICATION PROCESS

7 FAM 374.1 Overview of Application Process

(CT:CON-267; 10-08-2008)

- a. A U.S. citizen applicant for a repatriation loan must complete Form DS-3072, Emergency Loan Application and Evacuation Documentation. This form includes a loan application and promissory **Note**. 7 FAM 380 provides guidance on the use of Form DS-3072 for Emergency Medical and Dietary Assistance (EMDA) loans. 7 FAM 1800 Appendix D provides guidance on the use of Form DS-3072 for crisis evacuations.
- b. The applicant may be the destitute U.S. citizen/national appearing before the consular officer, or a relative or friend, who is physically present in the host country, the United States or in a third country, who is applying for the loan on behalf of the destitute U.S. citizen.

For example ...

You have an unaccompanied minor in the consular district. The grandmother in the United States executes the loan application.

You have a qualified alien relative traveling with the minor U.S. citizen child. The child is the applicant. The alien relative signs the Form DS-3072. Refer to 7 FAM 374.6.

- (1) If executing the Form DS-3072 in the United States, the applicant must fax the executed Form DS-3072 to CA/OCS/ACS and express mail the original notarized signed copy of the document to CA/OCS/ACS for coordination with the post.

CA/OCS/ACS Express Mail Address

Overseas Citizens Services
U.S. Department of State
2100 Pennsylvania Avenue, N.W.
4th Floor

Washington, D.C. 20037
(202)647-5226

- (2) If executing the Form DS-3072 in a third country, the applicant may execute it before a notary public and express mail it to the U.S. embassy or consulate where the loan recipient is situated, if authorized by CA/OCS/ACS. It is preferable that the form be executed by the applicant before a U.S. consul in the third country, but CA/OCS/ACS may authorize execution before a notary public on a case by case basis.
- c. Each adult U.S. citizen seeking a repatriation loan who is physically able to do so, except an adult who has been declared incompetent by a U.S. or foreign court of competent jurisdiction, must execute Form DS-3072. Spouses may co-sign one loan form and promissory note.
- d. Instruct the applicant to complete the form using block letters (printing) as legibly, neatly and as fully as possible.

7 FAM 374.2 Content of the Loan Application

(CT:CON-267; 10-08-2008)

The Form DS-3072 was designed as a combined application for repatriation, emergency medical and dietary assistance, or crisis evacuations. To apply for repatriation each adult applicant, unless determined incompetent by a court of competent jurisdiction (U.S. or foreign), must provide the following information which corresponds to the number blocks on the form:

- (1) Name. The applicant's full legal name, including "also known as" (AKA) names and aliases. The applicant's name(s) must be cleared in the Consular Lookout and Support System (CLASS) before the loan application is processed;

Who is the Applicant?

The applicant must be a U.S. citizen.

Situation 1. In most cases the applicant and the beneficiary are identical. You will issue the loan to the U.S. citizen applicant who appears before you.

In situations where a U.S. citizen applicant is unable to sign the loan form, a non-citizen may do so (see example above of qualified alien relative signing the form.)

Situation 2. Unaccompanied U.S. citizen minor. No adults available to

assist. The child's name is listed as the applicant.

Situation 3. Unaccompanied U.S. citizen Minor. U.S. Adult Located. The child's name is listed as the applicant, but the adult(s)' name(s) are listed in the signature block and the adult(s) sign the application.

Situation 4. Unaccompanied alien child of U.S. citizen requiring repatriation. U.S. citizen adult located. The U.S. citizen is listed as the applicant. The U.S. citizen parent must apply on behalf of the child. Details should be listed in the consular adjudication section of the form.

Situation 5. Incompetent U.S. citizen Adult. U.S. citizens Family/Friends Located. A competent adult if available should sign loan form.

Situation 6. Minor is Only U.S. Citizen in Family. You have a destitute family before you who meet the eligibility criteria for a loan and U.S. immigrant visas. The only U.S. citizen is a minor child. In this scenario the applicant is the U.S. citizen minor child because a loan can only be issued to a U.S. citizen. The eligible alien family members are included in the loan. The application in the name of U.S. citizen child, listing the alien family members in line 7, is executed by the adult alien parents. (See 7 FAM 374.6)

- (2) Social Security Number (SSN). 22 U.S.C. 2671(d)(1) requires that the applicant provide a SSN. A repatriation loan will not be issued without a verifiable address and SSN, except in extraordinary circumstances when failure to issue the loan may result in endangerment of the life or limb of the U.S. citizen or other very compelling circumstances.

For example ...

Potential kidney failure for which no adequate medical care is available in the host country or nearby. In the opinion of the attending physician, as verified by qualified medical personnel, failure to repatriate may result in endangerment of the life of the citizen.

Battered spouse and children apply for repatriation. No personal resources exist; local police and social services are non-existent, ineffective or potentially adversarial. Return to their residence in the host country may result in endangerment to the lives or limbs of the citizens.

The Social Security Administration (SSA) advises CA that, even in a crisis situation a SSN cannot be issued in less than 6 weeks for a person abroad. In such cases, CA/OCS/ACS may authorize issuance of the loan, but the applicant must provide a SSN as soon as practicable. Before processing the

loan, the consular officer must assist the loan applicant in applying for an SSN using SSA Form SS-5, Application for a Social Security Card. CA will coordinate with SSA to share the SSN with RM and HHS, where appropriate, for debt collection purposes. The consular officer should annotate line 20 of the Form DS-3072 to explain the absence of a SSN.

- (3) Nationality. The country of the applicant's nationality listed in item 3 will almost always be U.S., except in crisis evacuations when the evacuee is a third country national or host country national seeking evacuation assistance by the United States.
- (4) Date of birth. This should be listed in numerals (MM-DD-YYYY);
- (5) Place of birth. This should include the city, state, country of birth;
- (6) Sex. The applicant should check the box for male or female;
- (7) Accompanying Family Members. For purposes of inclusion within a repatriation loan, this includes spouse, children and other immediate family members of the household. It does not include household staff. Other adult eligible persons must apply individually. Item 7 also asks for identifying information about the family members including name, sex, date and place of birth, relationship to the principal applicant listed in item 1, nationality, whether the person is a minor (yes/no) and whether there are any medical issues associated with each individual listed.

NOTE: There is additional space on page 3, Part 2 of the form for medical need information for the consular officer to use in the event of a crisis evacuation. In a medical evacuation there is additional space in line 20, consular adjudication notes. Information about all family members included in a repatriation loan should also be included in the ACS system case record;

- (8) Verifiable Address at Final Destination in the United States (or other Home of Record). 22 U.S.C. 2671(d)(1) requires that the borrower provide a verifiable address at the time of application. This is required for billing/collection purposes. A verifiable address is the applicant's intended place of residence (not a post office box) upon return to the United States. If the applicant is homeless, is not being resettled with family or friends and does not possess a verifiable address, but will be assisted with resettlement in the United States by state social services, this information should be included by the consular officer in Part 3, item 20, consular adjudication notes. (See 7 FAM 380 regarding use of emergency medical and dietary assistance funds to resettle a U.S. citizen whose permanent residence is outside the United States. See and

7 FAM 1860 regarding crisis evacuation.) If HHS and/or its partners and grantees are resettling the person in the United States, they will be required to provide CA with the final destination address, which CA will relay to RM.

- (9) Identity of Person Whose Verifiable Address is listed in Item 8. If the onward address is unknown because the borrower is being resettled at a new address in the United States by social services (see 7 FAM 390), the borrower should check box "Other" and state "To be determined – local social services resettlement). CA/OCS/ACS will share onward destination information obtained by HHS and/or its partners and grantees with:

Bureau of Resource Management
Office of Global Financial Operations,
Accounts Receivable Division
RM/GFS/F/AR
1-800-521-2116
843-308-5417 (if dialing from outside the U.S. or Canada)
FMPARD@state.gov

- (10) I HEREBY APPLY FOR A U.S. GOVERNMENT ASSISTANCE LOAN (check all that are applicable). For a repatriation loan, the applicant should check the repatriation box. If the case involves a medical repatriation, the applicant should check the Medical Repatriation of U.S. Citizen (and/or accompanying family members) box. If an escort is participating in the repatriation, the Escort box should also be checked.
- (11) Promissory notes. The applicant should check all appropriate boxes. This will usually include the first, second and fifth boxes on the form). The third and fourth boxes pertain to crisis evacuations.
- "I am a citizen of the United States and I hereby promise to repay to the United States Government within 90 days after the signing of this note, and at an interest rate established in accordance with Federal law, all applicable expenses (including, but not limited to, transportation, subsistence, medical attention) incurred by the United States Government incident to my repatriation."
 - "I further understand that as the principal adult U.S. citizen applicant(s) for repatriation my U.S. passport will be canceled and I will be issued a passport limited for direct return to the United States. As the principal adult U.S. citizen applicant(s), my name will be included in the passport lookout system until the debt has been repaid. So long as the debt is not in default, I will be eligible

for passport services.”

- ❑ “I understand that assistance requested from the Department of Health and Human Services (HHS) will be provided based on availability upon arrival in the United States. In addition, reception and resettlement assistance provided by HHS is in the form of a loan which has to be paid back to the U.S. Government.”

NOTE: Form DS-3072 contains at the top of pages 2-4 a field for the last name, first name, middle names and social security number. These are automatically populated when completing the form on line. Applicants completing the form in pen and ink must fill in each field. This will assist in ensuring that any separated pages can be reassociated.

(12) LOAN AMOUNT. TO BE COMPLETED BY THE CONSULAR OFFICER.
The consular officer should enter:

- (a) The total amount of the repatriation loan in foreign currency;
- (b) The amount of the repatriation loan in U.S. currency equivalent of (a);
- (c) The portion of the total repatriation loan expended for subsistence;
- (d) The beginning date of the subsistence period;
- (e) The end date of the subsistence period (lodging, food, sundries, etc.); and
- (f) The dollar amount for the transportation costs (and escort fees where appropriate.) This includes a breakdown of the domestic portion of the trip.

For example:

A cable from Embassy Budapest might reflect: Budapest to New York, 600 dollars; Budapest to Detroit, 750 dollars. HHS will pay 150 dollars. On the other hand, a cable from Embassy Seoul might reflect: Seoul to Los Angeles, 850 dollars; Seoul to Detroit, 1050 dollars. HHS will pay 200 dollars. These figures should be given on the final report cable along with the date of travel. A copy will be provided to HHS by CA/OCS/ACS.

(13) TO BE COMPLETED BY THE CONSULAR OFFICER. This section pertains to evacuation from a crisis location to a safe haven, and is not to be completed in repatriation cases.

(14) LOAN REPAYMENT AGREEMENT – TO BE COMPLETED BY LOAN APPLICANTS. The U.S. dollar (\$\$) amount of the loan should be written in the space provided in item 13 either by the consular officer or the applicant.

(15) SIGNATURE BLOCK FOR APPLICANT(S). This item provides for the signatures and typed or printed names of the applicants. If spouses are applying jointly there is space for joint signatures.

NOTE: In the case of a minor or a judicially declared incompetent applicant, refer to 7 FAM 374.6 or 7 FAM 374.7.

(16) If applying jointly: Item 16 provides for the Spouse's date and place of birth and SSN.

(17) Verifiable Address. Item 17 provides for the applicant's verifiable address abroad and in the United States.

(18) Emergency Contacts. Item 18 provides for the name, address, phone number, fax, e-mail and relationship of the applicant's emergency contacts.

(19) Authorizations for Release of Information Under the Privacy Act. Item 19 includes two Privacy Act waivers, one covering the release of information to the Department of State and one for release of information to HHS and/or its partners and grantees and for use of that information by HHS and its partners/grantees.

NOTE: Parts 2 and 3 of Form DS-3072 are for use by the consular officer. The information in Part 2, Evacuation Documentation, is used to assist in developing a manifest during a crisis evacuation.

Part 3 of Form DS-3072 includes the consular officer adjudication notes, signature and certification.

(20) Consular Adjudication notes. This space is provided for the consular officer to include notes explaining special circumstances of the case and/or the lack of any required information.

(21) Consular Officer Signature and Certification. This space is provided for the consular officer's signature, seal and jurat signifying authorization and approval of the loan.

NOTE: The consular officer should advise the citizen to read page 5 of Form DS-3072 regarding the Privacy Act and Paperwork Reduction Act (PRA).

7 FAM 374.3 Applicant Signing the Loan Application

(CT:CON-267; 10-08-2008)

- a. The applicant should not sign line 15 of Form DS-3072 until the dollar amount of the loan is entered in line 14, item 2.
- b. One original copy of the repatriation loan application must be signed by the principal applicant. If a family is applying together the spouse should also sign the application in the space provided in item 15 and complete item 16.
- c. Since the dollar amount of the loan is usually not known until the loan recipient appears before the consular officer, it is preferable that the application be signed in the presence of the consular officer, but it is not required.
- d. If the estimated cost changes or if additional costs are identified and added to the indebtedness, the consular officer may require the applicant to complete a new Form DS-3072.
- e. If you make a minor change, both the applicant and the consular officer must initial and date the amount changes in lines 12, 13 and 14.

7 FAM 374.4 Escorts For U.S. Citizen Minors, Physically Or Mentally Disabled U.S. Citizens, And U.S. Citizens Otherwise In Need

(CT:CON-267; 10-08-2008)

- a. Escorts may be required for the following:
 - (1) Unaccompanied U.S. citizen minors;
 - (2) Physically ill or mentally disabled U.S. citizens; and
 - (3) Other U.S. citizens in need of an escort (such as a fragile, disoriented elderly citizen, etc.)
- b. Escorts must either be U.S. citizens, already have their visa, or be visa-eligible aliens.
- c. As the signatory of the loan, an applicant has the right to concur in the selection of the escort, based on information provided by the consular officer and subject to airline restrictions and attending physician

recommendations.

- d. It is also possible for a family to retain a qualified person to travel to the host country to escort the U.S. citizen. Travel costs from the United States to the host country cannot be included in a repatriation loan. However, travel costs from a third country to the host country to serve as escort can be included in the loan.

NOTE: 7 FAM 362 provides detailed guidance about medical escort requirements and options. Most commercial carriers require that escorts for medically or mentally ill individuals be either a doctor or nurse. However, some airlines allow a family member to serve in this capacity under certain circumstances. The passenger's condition mandates the number of escorts and their qualifications.

- e. The repatriation loan may also include the cost of the escort's travel and per diem (Meals, Incidentals and Expenses (MI&E) and Lodging) to the last U.S. city where the repatriate(s) will be received by local authorities or family members. Normally the Department reimburses for lodging for a single night for the escort. In extraordinary instances in which the length of travel is 16 hours or more, two nights lodging may be authorized by CA/OCS.

NOTE: The escort should make his/her own hotel reservation in the United States. This will require securing the reservation using his/her own credit card, or for a professional medical escort, that of his/her employer. The escort may pay the hotel bill using the lodging per diem provided to him/her in U.S. dollars by the post. If the escort decides to remain in the United States beyond this period of time, any expenses incurred are the responsibility of the escort.

- f. Reasonable and appropriate escort fees may be included in the repatriation loan subject to approval by CA/OCS/ACS and the applicant. CA considers that a fee of generally under \$1000 is reasonable. Posts must obtain concurrence of CA/OCS/ACS before expending such funds.

NOTE: CA/OCS/ACS will not authorize escort fees for official personnel, including Locally Engaged Staff (LES), eligible family members (EFM), etc.

- (1) These fees are not intended to cover the lost wages or time of the escort.
- (2) In assisting families or repatriates to identify escorts in accordance with 7 FAM 362, posts should endeavor to find escorts who will provide the service without charging a professional escort fee.

- (3) For overseas escorts there is no standard fee regulation; fees vary from country to country. Commercial medical evacuation companies include such professional escort costs in their fees.
 - (4) Any professional escort fee exceeding \$1000 must be justified and approved by the Managing Director for Overseas Citizens Services.
- g. See 7 FAM 395 and 7 FAM 396.4 b(5) for guidance regarding resettlement.

7 FAM 374.5 Using Good Office in Discussing Repatriation Costs with Host Countries, Transportation Carriers and Escorts

(CT:CON-267; 10-08-2008)

- a. It is important to remember that repatriation funds are loans to a destitute citizen. Posts should highlight this point when discussing transportation arrangements with airline officials and potential escorts. In the event that the airlines being considered is a State run entity, you may be able to enlist host government assistance in negotiating a favorable rate. Consular sections should work with the economic section at post to explore their aviation contacts. Stress in these discussions the humanitarian aspects of the repatriation case, e.g., abandoned, abused, exploited minors; abducted children; individuals who are victims of serious crime, etc.

See: 7 FAM 364.2 for guidance about private charitable options and commercial air carrier special compassionate rate programs for travel related to family emergencies (deaths, etc.).

- b. Posts should make every effort to negotiate the lowest possible rate for such individuals well in advance. Don't wait until you have a repatriation case. Discuss the issue with your contacts to attempt to negotiate a most favorable rate.
- c. Similarly, posts should use good offices to encourage host government officials to waive immigration overstay fees or penalties for repatriates or to reduce the fines. Make it clear that it is not the U.S. Government but the individual that is paying for the travel. Moreover, repatriates often have other problems such as mental illness, physical impairment or are victims of domestic violence. Stress that it is to the benefit of the host country and the individual to facilitate the individual's departure without additional financial burden or bureaucratic requirements.

- d. When discussing escort fees with medical professionals, stress the humanitarian nature of the case and that fact that any professional fees will have to be borne by the individual who is already destitute. We would also stress these factors in coordinating with escorts for minor children and elderly repatriates who do not need medical assistance.
- e. This is consistent with sound fiscal decision making outlined in 7 FAM 376.3 d.
- f. Your establishment of good contacts is essential in such circumstances.
- g. CA/OCS/ACS can assist you in strategizing solutions to such problems.

7 FAM 374.6 Loan Applications on Behalf of Minors

(CT:CON-267; 10-08-2008)

a. Unaccompanied U.S. Citizen Minors:

- (1) When confronted with a destitute unaccompanied minor in need of repatriation, consular officers and CA/OCS/ACS will attempt to identify a parent, guardian, family member, or other party who will agree to pay the costs of repatriation (OCS Trust).

NOTE: 7 FAM 1760 provides guidance about the Department authority to assist abandoned or unaccompanied minors without parental approval. In considering whether to contact a family member, posts and CA/OCS/ACS will take into account special circumstances. We would not for example, contact an abusive parent or parents of a minor who was forced or attempted to be forced into marriage, female genital mutilation, behavior modification facility resident or other dire circumstances. In such cases, the consular officer will note in line 20 of Form DS-3072 and in the ACS system the reason why it was inappropriate to contact the parent/guardian.

- (2) If no such individual has funds available, we will ask them to complete Form DS-3072 on behalf of the child.
- (3) If we cannot find a parent, guardian, family member or other party to execute the Form DS-3072, we can approve a loan on behalf of the child under the age of 18 even though the form does not have a signature of an applicant.

NOTE: RM and the Office of the Legal Adviser for Employment Law (L/EMP) have advised CA that even if a parent/guardian does not sign the Form DS-3072, RM may pursue debt collection from such individuals for repayment of the debt consistent with the Federal Claims Collections standards, 31 CFR

Parts 900-904 and 232 CFR Part 34. However, consular officers should not engage in discussions with parents or guardians about this procedure.

- (4) The U.S. consular officer will explain in line 20, the absence of the signature in line 15 of the Form DS-3072. The consular officer will then authorize the loan and sign on line 21.

NOTE: Elimination of Consular Signature "Without Recourse"

With the publication of this subchapter, the Department is eliminating the practice of consular officers signing loan applications "without recourse." In redesigning the Form DS-3072, we created a consular adjudication signature block (line 21) to establish more clearly that the consular officer is adjudicating and approving the loan on behalf of the beneficiary, but is not applying for the loan. For such cases there is a loan beneficiary, but no applicant signature in line 15.

A consular officer may use his or her discretion to seek the signature of a mature, nearly major minor, in full realization that the minor cannot legally contract and thus the loan is not enforceable, voidable though not void. Minors cannot be forced to sign loan forms and there is no requirement in the regulation that they be asked to do so.

- (5) Normally in the case an unaccompanied minor repatriate, it is the responsibility of the consular officer (see 7 FAM 1385 and 7 FAM 377, 7 FAM 1330) to enter a "D/B" lookout in the CLASS system via PLOTS in the names of:
- (a) The U.S. citizen adult applicant(s); and
 - (b) The U.S. citizen unaccompanied minor (except in those instances where child has been the victim abuse at the hands of the parents or legal guardian(s) or the child is fleeing a dire circumstance imposed by the parent such as female genital mutilation, force marriage of minors or similar situations.) In those cases the minor's name should not be entered in CLASS which could result in revictimization in the future by requiring the person to relive the memories of the period when he/she was repatriated.
- (6) The existence of a D/B indebtedness lookout in the name of a minor U.S. citizen is a collection technique to facilitate payment of the debt by the adults. This is not a basis for passport denial for the minor.

b. Minor U.S. citizen accompanied by non citizen family member(s):

- (1) If a family group of Lawful Permanent Resident Aliens (LPR) with a U.S. citizen minor child applies for repatriation, the alien parents may sign the Form DS-3072 on behalf of the U.S. citizen minor child and be included in the child's application as accompanying family members.
- (2) In such a circumstance, the U.S. citizen child's name may be entered in the CLASS system as a collection technique to facilitate payment of the debt by the adults. This is not a basis for passport denial for the minor.

NOTE: Names of minors may be included in CLASS to support debt collection, but a minor should not be denied a passport based on a debt incurred by a parent or a loan issued to an unaccompanied minor for whom no adult was available to sign the loan application. When a new passport application is made by the minor recipient of a consular loan, CA will share the contact information with RM and issue the passport to the minor. The CLASS record, which includes the date of birth, will reflect that at the time the debt was incurred, the individual was a minor. However, CA also pays heed to humanitarian circumstances attending the original loan application (such as the destitution of a young, unaccompanied, abused or neglected child) in which attempted collection would be against equity and good conscience. CA no longer enters the names of such unaccompanied minors in the CLASS system for indebtedness. When previously entered names result in a CLASS hit, the names will be removed from the consular lookout system and there will be no impediment to issuance of a passport to the repatriated/EMDA-receiving, unaccompanied, abused, or neglected minor when he/she reaches the age of majority.

- (3) The names of the LPR parents of a minor U.S. citizen child receiving a repatriation loan may be entered in the CLASS system as a D/B indebtedness hold. (CLASS includes other data on non-citizens such as No Claim to U.S. Citizenship and Loss of U.S. Nationality cases.) (See 7 FAM 377 and 7 FAM 1385, as well as 7 FAM 1330 and 7 FAM 1300 Appendix A for additional guidance.)

c. 7 FAM 396.1 provides guidance about resettlement issues and minors.

7 FAM 374.7 Incompetent Applicants

7 FAM 374.7-1 Declared Incompetent by Court

(CT:CON-267; 10-08-2008)

- a. For the purpose of issuance of repatriation loan, mental incompetence

must be declared by a court. (See 7 FAM 396.4 (b)(3) regarding certificate of incompetence for the purposes of HHS resettlement which can be executed by an attending physician.) 7 FAM 374.5-2 provides guidance about repatriation of citizens who have not been declared incompetent by a court, but exhibit irrational behavior.

- b. A U.S. citizen who has been legally declared incompetent by a U.S. or foreign court should not be asked to execute the Form DS-3072 or a Privacy Act waiver (see 7 FAM 060).
- c. The post and CA/OCS/ACS will attempt to identify a guardian, family member, friend, employer, insurance company or other party prepared to pay the costs of repatriation or to execute the Form DS-3072 on behalf of the individual, if the individual is unable to pay any or all of the costs of repatriation in advance.
- d. If such a person cannot be identified, the consular officer will explain in line 20 of Form DS-3072 the absence of an applicant's signature in line 15, and the consular officer will only sign line 21 of the form.

NOTE: Elimination of "Signature Without Recourse": With the publication of this subchapter, the Department is eliminating the practice of consular officers signing the signature block for incompetent applicants "without recourse." In redesigning the Form DS-3072 we created the consular adjudication signature block in line 21 to establish more clearly in what capacity the consular officer signs the form, that is, as the adjudicator and approver of the loan, not in lieu of the applicant.

- e. 7 FAM 396.4 provides guidance regarding resettlement issues regarding mentally ill citizens.

7 FAM 374.7-2 Not Declared Incompetent by a Court but Exhibiting Irrational behavior

(CT:CON-267; 10-08-2008)

- a. A destitute U.S. citizen exhibiting irrational behavior who appears to be a potential threat to himself/herself and others comes to your attention.
- b. The role of the consular officer is:
 - (1) Verify citizenship and identity (see 7 FAM 1320);
 - (2) Obtain Privacy Act waiver, if possible (see 7 FAM 060);

Health and Safety Provision of Privacy Act: The Privacy Act's "health or

safety" exception allows disclosure of information without a PAW "to a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual" (5 U.S.C. 552a(b)(8)). (See 7 FAM 060.)

- (3) Assess immediate needs; 7 FAM 340 provides guidance about assisting mentally ill citizens;
- (4) You must have a conversation with the citizen to:
 - (a) Determine possible sources of financial assistance;
 - (b) Determine possible sources of information about the person's medical history or needs;
 - (c) Ascertain the citizen's wishes regarding remaining in the host country or returning to the United States. This may require you to use your skills to persuade the individual to return to the United States before the host country arrests or deports him/her, or before the individual causes serious harm to him/herself or others.

NOTE: The U.S. Government DOES NOT repatriate a U.S. citizen without his/her consent. Only a foreign government can order the removal of a visitor from its territory through deportation or cancellation of immigration status.

- c. The post and CA/OCS/ACS will attempt to identify a guardian, family member, friend, employer, insurance company or other party prepared to pay the costs of repatriation or to execute the Form DS-3072 on behalf of the individual, if the individual is unable to pay any or all of the costs of repatriation in advance.
- d. A destitute U.S. citizen adult who has not been found to be mentally incompetent by a court, but who exhibits irrational behavior suggesting possible mental illness or lack of comprehension, may execute the Form DS-3072.
- e. If the citizen is willing to be repatriated but declines to sign the Form DS-3072, and post and CA/OCS/ACS have been unable to identify private sources of assistance, the consular officer must:
 - (1) Exercise judgment regarding the safety and security aspects of the case and the propriety of suggesting that the person think about whether or not to apply for a loan and contact the post if he/she wishes to proceed, sending the person away or contacting local

authorities. 7 FAM 340 provides guidance about contacting local authorities in such circumstances.

NOTE: Is the person a dual national or a permanent resident of the host country, or a long-term resident? Are there host country resources available for which he/she is eligible? (See 7 FAM 086.)

- (2) Determine if the person's circumstances are so dire that you should approve the loan without an applicant's signature. In such a case, the consular officer should annotate line 20 of the Form DS-3072 to **Note** in objective terms the behavior exhibited, efforts made to identify sources of help and absence of a signature. The consular officer should not sign line 15. The consular officer should only sign line 21.
- f. See 7 FAM 361.1, 7 FAM 345, 7 FAM 362 b regarding stabilization, notification to airlines, possible escort needs.
 - g. See 7 FAM 396.4 regarding resettlement issues for citizens in these circumstances.

7 FAM 374.8 Applications by Persons Who Have Physical Disabilities

(CT:CON-267; 10-08-2008)

This section discusses the fact that the consular officer is required to document how you communicated with the applicant and how you were satisfied that the applicant knowingly signed the Form DS-3072. 7 FAM 396.3 provides guidance regarding resettlement issues and repatriates with a medical condition.

- (1) **Visually Disabled Persons:** The consular officer must make sure that the blind or visually impaired person is fully informed of and understands the contents of any instrument to be executed. You should read the document, or have the document read, aloud to the visually impaired person, and ask whether the person understands the document and/or has any questions about its meaning. Section 20 of Form DS-3072 should reflect the special procedures employed. For example: Today, Thomas Martin personally appeared before me and was read aloud the Form DS-3072. Having established that he understood the contents of the document, I approved the loan." Questions about such situations may be directed to CA/OCS/PRI at ASKPRI@state.gov.

- (2) **Hearing Disabled Persons:** It may be necessary to communicate in writing with a hearing impaired person. The consular officer must make sure that the deaf person is fully informed of and understands the contents of any instrument to be executed. You should have the person read the document in your presence. You should then ask the hearing impaired person in writing whether he or she understands the document and/or has any questions about its meaning. Section 20 of Form DS-3072 should reflect the special procedures employed. For example: "Today, Alice Walker personally appeared before me and read the annexed instrument in my presence. Having established through written questions that she understood the contents of Form DS-3072, I approved the loan. Questions about such situations may be directed to CA/OCS/PRI at ASKPRI@state.gov.
- (3) **Speech Disabled Persons:** When a person is mute or physically unable to speak, he or she may respond in writing to the consular officer's questions concerning identity, competence, and understanding. Section 20 of Form DS-3072 should reflect the special procedures employed. For example: "Today, Mary Smith personally appeared before me, established her identity, competence to execute Form DS-3072, and understanding of the document hereto annexed by virtue of her written responses to standard questions put to her. She acknowledged her signature on the annexed document." Similarly, a speech-impaired person should be allowed to take an oath or affirmation by responding in writing. Questions about such situations may be directed to CA/OCS/PRI at ASKPRI@state.gov.
- (4) **Persons Unable to Sign:** When a person is physically unable to sign a Form DS-3072 or make an identifying mark, the impaired person should give oral responses in the presence of two consular officers, who should then attest to the manner in which the Form DS-3072 was executed in lines 20 and 21 of Form DS-3072.

NOTE: -- At a small post with only one consular officer, or where the second consular officer is away on official business or annual leave, a diplomatic officer may act in place of the second consular officer. Questions about such situations may be directed to CA/OCS/PRI at ASKPRI@state.gov.

7 FAM 375 ADJUDICATION PROCESS

7 FAM 375.1 Adjudication Process Checklist

(CT:CON-267; 10-08-2008)

The following is a checklist of steps the post must take in adjudicating and processing a repatriation loan:

Verify identity and search the ACS system for any previous case history on the individual;

If there is no ACS system profile, create one;

Clear the name in CLASS so you have a fuller picture of the repatriate;

Verify citizenship through passport presented or the Passport Issuance Electronic Record System (PIERS) record;

Verify destitution;

Obtain Privacy Act Waiver (except for minor or incompetent);

Obtain at least 3 possible sources of private funds;

Ascertain if any resources in the host country are available;

Assess citizen's immediate needs;

Obtain Form DS-3072 if subsistence funds are to be committed prior to receipt of OCS Trust or pending approval of loan;

Amend ACS record with final dollar amount of repatriation loan upon disbursement;

Loan approved by consular officer;

Passport canceled and limited validity passport issued limited for direct return to the United States;

Name(s) entered in CLASS system via PLOTS (except abused, exploited minors);

Final reporting cable prepared and sent;

Copy of approved Form DS-3072 provided to repatriate or other applicant;

Original of approved Form DS-3072 transmitted to RM.

Copy of approved Form DS-3072 scanned into ACS case record.

Case closed in ACS system.

Coordinate disbursement of funds with financial management officer.

7 FAM 375.2 How To Adjudicate A Loan Application

(CT:CON-267; 10-08-2008)

- a. The revised Form DS-3072 includes an adjudication function for consular officers approving loans.
- b. Before exercising this authority, the consular officer must determine that the applicant meets all of the eligibility requirements for a repatriation loan and correctly completes and signs an application and promissory **Note**.
- c. Department of State and Treasury regulations require that a promissory **Note** be executed whenever loan funds are to be disbursed or committed. If the applicant has sufficient funds for room and board while awaiting approval from CA/OCS/ACS for a transportation loan, defer completion of the promissory **Note** until the loan has been approved and the funds are ready for disbursement.
- d. If, however, the applicant is indigent and the post must provide subsistence money while awaiting CA/OCS/ACS's approval of the transportation loan, do not disburse any funds until a promissory note has been signed by the applicant.

NOTE: Do not give money or commit funds on behalf of a repatriate before executing Form DS-3072. The consular officer is personally liable for funds committed or expended in the absence of an executed Form DS-3072. There are no funds available to reimburse an officer who provides monies to a repatriate but who fails to have the individual complete Form DS-3072.

- e. Where subsistence funds are needed for more than 1 day, estimate the dollar amount to be expended and include it in the loan total. This will allow you to avoid the necessity of amending the form or executing a new one.
- f. Disbursement of Funds: It is preferable to disburse subsistence funds directly to the service provider as opposed to the applicant. Similarly, transportation costs should be paid directly to the service provider or obtain a non-refundable, non-exchangeable ticket. Cash, if any, should be provided to the applicant consistent with the situational needs, in small increments. Cash provided for incidental expenses en route to the United States should be provided in U.S. dollars. The consular officer will coordinate documentary and disbursement requirements with the financial management officer at post.

- g. Entry of Case Record into ACS System: (See ACS User's Manual.)
- h. Entry of indebtedness Passport hold in CLASS via PLOTS: (See 7 FAM 1300 Appendix A.)
- i. Final Report: Following disbursement of authorized funds, the consular officer must submit a final report by telegram to the Department captioned for CA/OCS/ACS, CA/PPT/TO/RS/RR/C and RM/GFS/F/AR not later than 72 hours after the completion of each case. 7 FAM Exhibit 376.1 provides a sample final payment report.
- j. The format for the final report is as follows (give all amounts in U.S. dollars):
 - (1) Name(s) of loan recipient(s);
 - (2) Recipient's date and place of birth;
 - (3) Total amount expended;
 - (4) Amount expended for subsistence;
 - (5) Amount expended for repatriation travel including the domestic portion for which HHS reimburses the Department;
 - (6) Amount expended for other authorized expenses;
 - (7) A statement releasing unexpended balance of authorized funds or a request for additional funds to cover a small amount expended in excess of funds authorized;
 - (8) A brief summary of final action taken, including estimated time of arrival (ETA) and point of entry (POE) in the United States;
 - (9) Social security number(s) of loan recipient(s);
 - (10) Complete U.S. billing address (not a post office box) of loan recipient(s); and
 - (11) Remarks--any pertinent information not already furnished to the Department (such as passport number with date and place of issuance, U.S. address of next of kin, telephone numbers, and so forth).
- k. Prompt completion of this report permits RM to meet its requirement to bill loan recipients immediately upon their return to the United States. Failure to complete and submit promptly may prevent RM from obtaining reimbursement from HHS for domestic travel expenses.

7 FAM 376 AUTHORIZATION AND REPORTING PROCESS

7 FAM 376.1 Post Spending Authority

(CT:CON-267; 10-08-2008)

- a. Posts currently have the authority to expend up to \$2000 per eligible applicant without prior CA/OCS/ACS approval.

NOTE: CA may limit post spending authority because of funding limitations such as a continuing resolution or end of fiscal year funding shortfalls.

- b. Before exercising this authority, the consular officer must determine that the applicant meets all of the eligibility requirements for a repatriation loan (see section 7 FAM 373). In all cases posts must first attempt to secure funds from private resources before adjudicating a repatriation loan application.
- c. The consular officer must determine that the applicant correctly completes and signs an application and promissory note (see 7 FAM 374).
- d. Reporting:
 - (1) The consular officer exercising this authority must submit a final report via cable to CA/OCS/ACS, CA/PPT/TO/RS/RR/C and RM/GFS/F/AR within 72 hours of final disbursement of funds. (See 7 FAM Exhibit 376.1.)
 - (2) The final report must also identify all expenses including HHS associated domestic costs.
 - (3) All case details should be made a part of the ACS system case file.

For example: If an applicant applies for a repatriation loan for herself and her five children totaling \$2000 x 6, the post must request authorization from CA/OCS/ACS prior to approving the loan and disbursing the funds.

If the initial post estimate of the cost of repatriation was below \$1700, and subsequently, prior to the travel, the post learned of additional expenses, e.g., a \$400 immigration overstay penalty which pushes the total repatriation loan above the \$2000 post authority limit, the post must come into CA/OCS/ACS for authorization to approve the loan.

7 FAM 376.2 Repatriation Loans Above Post

Spending Authority

(CT:CON-267; 10-08-2008)

- a. In every case when the repatriation loan amount exceeds \$2000 the consular officer must
 - (1) Enter the case in the ACS system;
 - (2) Use the ACS system to request Department authority to expend the estimated funds.
 - (3) Calculate the domestic portion of the repatriation loan. (See 7 FAM 395)
- b. You must alert CA/OCS/ACS by phone or email of requests requiring urgent approval.
- c. Post's requests must provide a breakdown of all expenses included in the loan estimate.

For example ...

- \$1600 total airfare transportation for repatriate
- \$30 transportation to airport
- \$40 airport departure fee
- \$200 lodging
- \$400 immigration fine
- \$50 food and sundries
- \$1400 Round-trip transportation for Escort
- \$300 Escort Per Diem 1 day
- \$1000 Authorized Escort Fee
- \$200 HHS-reimbursable domestic airfare costs

7 FAM 376.3 Department Oversight and Authorization

(CT:CON-267; 10-08-2008)

- a. CA/OCS/ACS will review the post's request for authorization in the ACS system.
- b. If CA/OCS/ACS determines proposed expenses reasonable and appropriate, we will approve the loan in the ACS system. The ACS system will return the case to post for further action. In urgent cases CA/OCS/ACS may also communicate with the post by email or phone.

- c. If CA/OCS/ACS does not approve the repatriation loan, the loan will be denied in the ACS system. The post will also be advised by email or phone of the reason for the denial.

Exigent Cases: CA/OCS will work with posts to grant expedited approval in exigent cases where expedited transport of the destitute citizen is imperative. OCS Duty Officers are available to assist you after hours. Such cases often require coordination with local state authorities to assist with reception and resettlement. Such services are frequently not available on short notice, weekends or holidays. (See 7 FAM 390.) Posts must communicate with CA/OCS as soon as you become aware of them.

d. Fiscal and Financial Good Practices:

- (1) Consular managers in OCS and at posts abroad must manage public monies expended on behalf of destitute citizens responsibly and ensure that our records are accurate and up to date;
- (2) Posts should routinely review outstanding cases in ACS at least quarterly to ensure that authorized funds have been properly disbursed and/or returned, that the account has been properly closed in the ACS system and that the final reporting cable has been sent. This ensures that the ACS tracking system adequately supports information and data. CA/OCS/ACS has responsibility for oversight of the financial assistance portfolio and relies heavily on the accuracy of data entered by posts to project year end expenditures, future financial needs, and generate accurate statistical reports for CA management budget requests to Congress. 7 FAH-1 provides general guidance about consular management and internal controls;
- (3) In order to exercise proper fiscal control it is imperative that dollar amounts of loans be accurately and promptly recorded in the automated systems; that unexpended funds be returned in accordance with established ACS system procedures (see the user's guide) and that a final report detailing expenditures be completed within 72 hours.
- (4) Because RM and PPT do not have access to the ACS system, it is imperative that posts follow procedures for disposition of original signed copies of the Form DS-3072 and completion of the final reporting cable.

NOTE:

4 FAM 033.3-1 Accounting for Loans Receivable

4 FAM 036.1 Types of Revenues

4 FAH-1 H-613 Object And Sub-object Class Codes And Standard Title Abbreviations

4 FAH-1 H-621.5 Repatriation Loans Financing Account (19X4107)

4 FAH-1 H-621.3 Revolving Funds

4 FAM 492.2 Types of Debt

4 FAH-3 H-232.1-2 Accounting for Accounts Receivable

7 FAM 377 PASSPORT ACTIONS AND REPATRIATION LOANS

(CT:CON-267; 10-08-2008)

- a. 7 FAM 1385 provides specific guidance about passport actions to be taken in repatriation loan cases.
- b. Before issuing any repatriation loan, the name(s) of the applicants/recipients must be cleared in the Consular Lookout and Support System (CLASS). (See 7 FAM 1330).
- c. Officers at posts must enter the names of loan recipients in CLASS via PLOTS. 7 FAM 1300 Appendix A provides guidance about entry of indebtedness lookouts in CLASS (Consular Lookout and Support System) via the Passport Lookout Tracking System (PLOTS).

NOTE: Names of minors may be included in CLASS to support debt collection, but a minor should not be denied a passport based on a debt incurred by a parent or a loan issued to an unaccompanied minor for whom no adult was available to sign the loan application. When a new passport application is made by the minor recipient of a consular loan, CA will share the contact information with RM and issue the passport to the minor. The CLASS record, which includes the date of birth, will reflect that at the time the debt was incurred, the individual was a minor. However, CA also pays heed to humanitarian circumstances attending the original loan application (such as the destitution of a young, unaccompanied, abused or neglected child) in which attempted collection would be against equity and good conscience. CA no longer enters the names of such abused and neglected unaccompanied minors in the CLASS system for indebtedness and when previously entered name result in a CLASS hit, the name will be removed

from the consular lookout system and there will be no impediment to issuance of a passport to the repatriated recipient unaccompanied abused or neglected minor when he/she reaches the age of majority.

- d. To assist the Department in its efforts to secure repayment of repatriation and EMDA loans, passport services are limited to recipients of such loans. At the time the loan is issued, the applicant's full validity passport is canceled. The applicant is issued a limited validity passport at no charge as explained in 7 FAM 1385.2, 7 FAM 1385.3, and 7 FAM 1385.4.
- e. Subsequent passport services may be withheld for such applicants until repatriation and/or EMDA loans are paid in full or satisfactory arrangements are made to settle their accounts.
- f. If the applicant is making satisfactory payments, but has not paid the debt in full, the applicant is only eligible for a one year limited validity passport, as explained in 7 FAM 1385.3 and 7 FAM 1385.4. The applicant should be advised of the reason for the limitation as described in 7 FAM 1385.5.
- g. By statute, passports may not/not be issued for applicants who are in default on a repatriation loan. This is an express prohibition under 22 USC 2671(d)(3). In a critical emergency such as a medical evacuation, crisis evacuation, travel to a funeral, authorization may be granted for a short-term limited validity passport on a case by case basis. Posts abroad should contact CA/OCS/PRI (ASKPRI@state.gov). Passport agencies and centers should contact CA/PPT/L/LE (CAPPTAdjQ@state.gov).
- h. Eligibility for a U.S. passport is strictly a decision for the Bureau of Consular Affairs (CA). The Bureau of Resource Management (RM) does not authorize issuance or denial of a passport. When a debt has been paid in full, RM notifies CA/PPT/TO/RS/RR/C. Authorized individuals in CA/PPT/TO/RS/RR/C and CA/OCS/ACS have the authority to remove (D/B - Indebtedness) lookouts from CLASS.

NOTE: It is always up to CA to decide whether or not a passport can be issued.

7 FAM 374.7 Disposition of Copies

(CT:CON-267; 10-08-2008)

Upon completion of the Form DS-3072:

- (1) The signed original is sent by registered pouch to:

Accounts Receivable Division (RM/GFS/F/AR)
Global Financial Services
P.O. Box 150008
Charleston, SC 29415-5008

Or by express mail:

Accounts Receivable Division
Global Financial Services
1969 Dyess Ave.
Building 646-B
Charleston, SC 29405
1-800-521-2116

- (2) A photocopy/certified copy of the executed Form DS-3072 is delivered to the post's financial management officer. The consular officer should advise the financial management officer that the consular section must send the signed and sealed original of the Form DS-3072 to Accounts Receivable Division, Global Financial Services in Charleston directly. The financial management officer may request to see the signed and sealed original before disbursing the funds.
- (3) A photocopy of the executed Form DS-3072 is scanned by the post into the ACS system case file;
- (4) A photocopy of the executed Form DS-3072 accompanies post's transmittal of the CLASS lookout file to Passport Services for scanning after the consular officer enters the name in CLASS through PLOTS in accordance with 7 FAM 1300 Appendix A. The post should then send the lookout file to the following address for scanning:

U.S. Department of State
Passport Services
Record Services Division (CA/PPT/TO/RS)
1111 19th Street, N.W., Suite 560
Washington, DC 20522-1705

- (5) A photocopy of the executed Form DS-3072 must be given to the applicant. If the applicant is a minor or an incompetent the photocopy should be transmitted to the person applying for the loan on behalf of the individual.
- (6) A photocopy of the executed Form DS-3072 should be retained in post paper files in accordance with the Records Disposition

Schedule.

7 FAM 378 REPAYMENT PROCESS

(CT:CON-267; 10-08-2008)

- a. Repayment of repatriation loans may be made by check or money order payable to the Department of State, Accounts Receivable and mailed to:

Accounts Receivable Division
P.O. Box 979005
St. Louis, MO 63197-9000

Loan recipients can also contact RM/GFS to make arrangements for payment by credit card at the phone numbers provided on Form DS-3072.

- b. Inquiries about repatriation loans should be sent to:

Accounts Receivable Division
Global Financial Services
P.O. Box 150008
Charleston, SC 29415-5008

- c. If a citizen wishes to pay all or part of a repatriation loan, the post should contact CA/OCS/ACS, which will then verify with RM/GFS/F/AR the current amount of the loan, including interest and penalties. The post will be advised by CA/OCS/ACS to collect the payment due. Posts abroad cannot accept personal checks. Payments must be made at post either by money order, cashier's check, or cash. Consular sections can post the monies for repatriation loans to fund 19X4107.

Note: the "X" is an integral part of the fiscal strip code) and send RM/GFS/F/AR a copy of the Form OF-158, General Receipt to the address below.

Send Form OF-158 to:

Accounts Receivable Division
Global Financial Services
P.O. Box 150008
Charleston, SC 29415-5008

Or by express mail:

Accounts Receivable Division
Global Financial Services

1969 Dyess Ave
Building 646-B
Charleston, SC 29405

1-800-521-2116
or
fax: 843-746-0556

- d. A person residing overseas, however, will need to dial the commercial (toll) number; tel. 8430308-5417, to contact RM/GFS/F/AR. Inquirers can also email that office at FMPARD@state.gov.
- e. 7 FAM 1385.4 provides guidance about resolving CLASS holds for repatriation indebtedness and receipt of payments at posts abroad.
- f. RM/GFS/F/AR routinely pursues debt collection for a repatriation loan incurred by a minor child when the minor reaches 18 by inquiring if the person would like to voluntarily ratify the debt and begin payment. CA recognizes the importance of RM's efforts to collect outstanding repatriation loans and very much supports those efforts. In such cases CA encourages RM to exercise its discretionary authority to suspend further collection activity regarding such void and voidable loans and loans that have no merit. CA also pays heed to humanitarian circumstances attending the original loan application (such as the repatriation of a young, unaccompanied child) in which attempted collection would be against equity and good conscience. CA no longer enters the names of such unaccompanied minors in the CLASS system for indebtedness and when previously entered name result in a CLASS hit, the name will be removed from the consular lookout system, and there will be no impediment to issuance of a passport to the repatriated unaccompanied minor when he/she reaches the age of majority.

See...

- 4 FAM 493.1 Notices to Debtors
- 4 FAM 493.2 Referral to Accounts Receivable Office for Collection
- 4 FAM 493.3 Assessment of Charges
- 4 FAH-3 H-232.2 Credit Reform and Repatriation Loans

- g. The Department's debt collection efforts may be impaired unless posts put forth their best efforts to obtain the information required under Section 122(d) of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (Public Law 98-164), during the initial contact or interview with a loan applicant. Section 122(d) deals with the administration of the

repatriation loan program, and debt collection (see section 7 FAM 351). It provides that the Secretary of State shall:

- (1) Require that a loan applicant furnish, at the time of application:
 - (a) A SSN, and
 - (b) A verifiable address (for billing purposes).
- (2) Require a written loan agreement which includes a repayment schedule; and
- (3) Bar issuance of passports to borrowers who are in default.

7 FAM 379 APPLICATION FOR FURTHER FINANCIAL ASSISTANCE WHILE REPATRIATION LOAN IS OUTSTANDING

(CT:CON-267; 10-08-2008)

- a. EMDA I Former Prisoners Applying for Repatriation: If the applicant received an EMDA I loan as an incarcerated citizen abroad, the subject's name should have been entered in the CLASS system at the time that loan was issued. If the subject appears at a post abroad to apply for a passport, wishes to return to the United States, and requires and is eligible for a repatriation loan (see 7 FAM 373), the procedures described 7 FAM 1385.4 and 7 FAM 1385.5 should be followed. The fact that a person was the recipient of an EMDA I loan does not make him/her ineligible for a repatriation loan. The consular officer should adjudicate the application for the repatriation loan in accordance with normal procedures outlined in 7 FAM 375.
- b. If a person has received an EMDA II loan previously that does not make him/her ineligible for a repatriation loan. The consular officer should determine eligibility under 7 FAM 373 and adjudicate the application for the repatriation loan in accordance with normal procedures outlined in 7 FAM 375. However, approval of such a case would not come under the consular spending authority outlined in 7 FAM 376. Authorization for such a loan would have to be approved by the Managing Director of CA/OCS or the Deputy Assistant Secretary for Overseas Citizens Services.
- c. The recipient of a previous repatriation loan which has not been repaid in full and who applies for a new repatriation loan may or may not be eligible for a new loan. The consular officer should determine destitution

under 7 FAM 373 and adjudicate the application for the repatriation loan in accordance with normal procedures outlined in 7 FAM 375. However, approval of such a case would not come under the consular spending authority outlined in 7 FAM 376. Authorization for such a loan would have to be approved by the Managing Director of CA/OCS or the Deputy Assistant Secretary for Overseas Citizens Services.

- d. Likelihood of repayment is generally not a factor in adjudicating repatriation loan eligibility. CA does not conduct credit checks on repatriation loan applicants.

7 FAM EXHIBIT 373 REPATRIATION LOAN INITIAL CABLE

(CT:CON-267; 10-08-2008)

FROM AmEmbassy Harare

TO SecState WashDC IMMEDIATE

INFO USOFFICE FSC CHARLESTON IMMEDIATE

DEPT FOR CA/OCS/ACS/AF

RM/GFS/F/AF

CA/EX/RES

CA/PPT/IML/RS

E.O. 12958: N/A

TAGS: CASC, AFIN, CPAS (last name, first name middle name)

SUBJECT: FIMED: REPATRIATION OF JOHN Q. PUBLIC

REF:

1. Name/Date and Place of birth (DPOB):
2. Passport Number date of issuance and expiration date.
3. Source of Funds Contacted: (List at least three)

Name, relationship, address, phone number;

Name, relationship, address, phone number;

Name, relationship; address, phone number.

4. Prior Post Action:

5. Privacy Act Waiver: YES to family waiver; friend waiver, congress waiver.

6. Total Assistance Required: \$2500.

7. Desires to Return to U.S.: Yes.

8. HHS Assistance: YES.

9. Date Last Departed U.S.:

10. Last Residence in U.S.:

11. Final Destination (including address if known):

12. Federal benefits/SSN:

13. Reason for Destitution:

14. Diagnosis:

15. Present Location:

16. Attending Physician: (Name, address, phone number, email, English language ability)

17. Date Able to Travel:

18. Hospitalization required:

19. Medical records:

20. Medical escort:

21. Escort to Final Destination:

22. Special Requirements:

23. Remarks:

7 FAM EXHIBIT 376.1

REPATRIATION LOAN FINAL REPORT

(CT:CON-267; 10-08-2008)

UNCLASSIFIED

From AmEmbassy PARIS

E.O. 12356 N/A

TAGS: CASC, CPAS, AFIN

SUBJECT: Repatriation: Final Report Repatriation Case of William Ferguson

ACTION: Secstate washdc immediate

Ref: (A) State 357427; (B) Paris 235698

1. Name: John William Ferguson.
2. DPOB: March 3, 1954, Missouri.
3. TOTAL EXPENDED: U.S. dollars 1615.
4. SUBSISTENCE: U.S. dollars 420.
5. TRAVEL: John William Ferguson and Escort Jean Pierre Avignon \$1170.
6. OTHER EXPENSES: U.S. dollars 25 for taxi to airport.
7. ADJUSTMENT: Reftel authorized U.S. dollars 1800. Left is unused balance of U.S. dollars 185, which may be released from FY-xx allotment xxxxxxxx, Appropriate xxxxx, obligation xxx.
8. FINAL ACTION: Mr. Ferguson returned to the United States with Dr. Jean

Pierre Avignon, medical escort, on August 31, 2007 by Air France flight 123 to New York.

9. Social Security Number: xxx-xx-xxxx.
 10. U.S. Billing Address: care of mother, Mrs. Elaine Ferguson, 12304 Flamingo Road, Merced, California.
 11. REMARKS: Mrs. Ferguson's passport xxxxxxxxx issued n February 2, 2006 was canceled. He was issued limited validity passport xxxxx valid only for travel to the United States on xx-xx-xxxx which expires on xx-xx-xxxx.
- b. The format for the final report is as follows (give all amounts in U.S. dollars):
- (1) Name(s) of loan recipient(s);
 - (2) Recipient's date and place of birth;
 - (3) Total amount expended;
 - (4) Amount expended for subsistence;
 - (5) Amount expended for repatriation travel;
 - (6) Amount expended for other authorized expenses (see section 7 FAM 358.1);
 - (7) A statement releasing unexpended balance of authorized funds or a request for additional funds to cover a small amount expended in excess of funds authorized;
 - (8) A brief summary of final action taken including estimated time of arrival (ETA) and port of entry (POE) in the United States;
 - (9) Social security number(s) of loan recipient(s);
 - (10) Complete U.S. billing address (not a post office box) of loan recipient(s); and
 - (11) Remarks--any pertinent information not already furnished to the Department (such as, passport number with date and place of issuance, U.S. address of next of kin, telephone numbers, and so forth).