

# **7 FAM 1300 PASSPORT SERVICES**

## **7 FAM 1310 INTRODUCTION TO PASSPORT SERVICES**

*(CT:CON-261; 07-09-2008)  
(Office of Origin: CA/OCS/PRI)*

### **7 FAM 1311 SUMMARY**

*(CT:CON-261; 07-09-2008)*

- a. This subchapter of the 7 FAM incorporates changes made in the newly published revised passport regulations, 22 CFR part 51, published at Federal Register Volume 72, No. 249, December 31, 2007, pages 74169-74173 (Public Notice 6044) which implements certain provisions of Section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA, *and 22 CFR part 51, published at Federal Register Volume 72, No. 222, November 19, 2007, pages 64930-64939 (Public Notice 5991).*)
- b. What is a Passport? A U.S. passport is a travel document issued under the authority of the Secretary of State attesting to the identity and nationality of the bearer. 8 U.S.C. 1101(a)(30) defines a passport as “any travel document issued by competent authority showing the bearer’s origin, identity, and nationality if any, which is valid for the admission of the bearer into a foreign country.”
- c. International Civil Aviation Organization (ICAO) sets standards for the format of machine-readable travel documents. Conformity with ICAO standards does not convey any legal status on a travel document. It simply means that the document will be machine-readable by machines that conform to the ICAO standard. ICAO does not rule on whether a particular travel document will be acceptable in other countries. (See 7 FAM 1300 Appendix O regarding documents issued by private persons that do not constitute a valid passport under 8 U.S.C. 1101(a)(30).)
- d. The U.S. passport:
  - (1) Identifies the bearer as a U.S. citizen or non-citizen national; is valid for travel to foreign countries and return to the United States;

- (2) Requests a foreign government to permit travel or temporary residence in that country and access to all lawful local aid and protection; and
  - (3) Is evidence of the bearer's eligibility to receive the protection and assistance of U.S. diplomatic and consular offices while overseas.
- e. Who Has Authority to Issue Passports? Only the Secretary of State has the authority to issue passports. The Secretary accomplishes this function through the Bureau of Consular Affairs (CA) and U.S. embassies and consulates abroad.
- f. Why Passport Issuance Is Important? The determination of citizenship/non-citizen nationality and the issuance of passports to U.S. citizens are among the most visible and important public services carried out by the Department of State. Your conscientious participation in the passport adjudication and issuance processes fulfills three important Department goals:
  - (1) To serve the interests of U.S. citizens traveling internationally and facilitate their right to consular protection when they present the passport in a foreign country;
  - (2) To protect the integrity of the U.S. passport as proof of U.S. citizenship at home and abroad; and
  - (3) To enhance U.S. border security.
- g. Value of a Passport: A U.S. passport is the most valuable travel and identity document in the world because it identifies the bearer as a U.S. citizen/non-citizen national. In addition, it is a highly secure document because of the security features imbedded in the passport book itself. A full validity unexpired passport is acceptable as proof of United States citizenship. (See 22 U.S.C. 2705.)
- h. Domestic Passport Agencies and Centers: The Department issues millions of passports annually at its passport agencies and processing centers located around the United States. (See the Passport Services Intranet page, National Passport Agencies for the addresses of each agency and processing center.)
- i. Passport Acceptance Agents: The passport agencies and centers are assisted by more than 8,000 acceptance facilities nationwide and by U.S. military installations overseas. These facilities accept passport applications but do not adjudicate citizenship claims or issue passports.
- j. Overseas Passport Issuance: All full-validity passport requests submitted at overseas posts are printed at domestic passport centers. The data for overseas applications is transmitted to domestic passport centers electronically, and the centers then return the printed passports to the

adjudicating posts. When necessary, consular officers overseas issue emergency passports for urgent travel, but such passports are valid for one year only. These emergency passports may be turned in for full validity passports if requested within one year from the date of issuance. (See 7 FAM 1360 Overseas Passport Issuance.)

- k. 7 FAM 1300 – Passport Services. This chapter of the Foreign Affairs Manual (FAM) focuses on the adjudicatory decisions and issuance processes that passport specialists and consular officers undertake when considering a passport application or when denying or revoking a passport. The objective is to provide all passport issuing officers with the information and guidance necessary to adjudicate a possible claim to U.S. citizenship for a first time passport applicant or to determine whether passport services are appropriate for a person applying for passport replacement, additional passport pages or some other type of passport such as a diplomatic, official or no-fee regular passport. The chapter also discusses the special requirements involved in adjudicating a passport application submitted by a minor.
- l. Acquisition and Loss of Nationality and Reports of Birth Abroad: These subjects are addressed in-depth in other chapters of the 7 FAM;
  - 7 FAM 1100 Acquisition and Retention of U.S. Citizenship and Nationality
  - 7 FAM 1200 *Loss and Restoration of U.S. Citizenship*
  - 7 FAM 1440 Consular Reports of Birth of a U.S. Citizen Abroad and Related Matters

## **7 FAM 1312 SCOPE AND APPLICABILITY**

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- a. The guidance provided in 7 FAM 1300 applies to all passport-issuing offices, including U.S. domestic passport agencies, passport processing centers; as well as U.S. embassies and consulates. The guidance also applies to U.S. embassies and consulates authorized to accept *applications* but not to issue U.S. passports. The chapter addresses this joint audience as “you” unless procedures vary.
- b. Domestic passport acceptance agents, U.S. military passport acceptance agents and consular agents abroad do not adjudicate citizenship claims, and therefore do not utilize the FAM for passports or citizenship. They have their own training manuals developed by other offices in Passport Services.

## 7 FAM 1313 ENTITLEMENT TO SERVICES

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- a. Citizenship/Nationality and Identity of Applicant Vital: U.S. citizens and U.S. non-citizen nationals who have satisfactorily established their identity and citizenship/nationality and do not fall within a statutory or regulatory basis for denial (see 7 FAM 1380 Passport Denial, Revocation, Limitation, Restriction and Surrender) are entitled to U.S. passports.
- b. *Burden of Proof: Applicants have the burden of proving by a preponderance of the evidence their identity (22 CFR 51.23) and that they are citizens of the United States (22 CFR 51.40). (See also INA 309(a), 8 U.S.C. 1409(a), regarding the burden of proof to establish the citizenship of a child born abroad to an unmarried United States citizen father, 7 FAM 1100.) Nothing contained in 22 CFR 51.42 through 51.46 shall prohibit the Department or the consular officer from requiring an applicant to submit additional evidence deemed necessary to establish U.S. citizenship or nationality (see 22 CFR 51.45).*
- c. It is your responsibility as a passport specialist or consular officer to exercise the utmost care in adjudicating an applicant's eligibility for a passport. (See 7 FAM 1320 Identity of the Passport Applicant, 7 FAM 1100 Acquisition and Retention of U.S. Citizenship and Nationality and 7 FAM 1340 Passport Application Examination and Adjudication (under development).)
- d. Name Check Clearance: You are also responsible for conducting a check of the Consular Lookout and Support System (CLASS) to determine whether there is a reason why the applicant should not be issued a passport. (See 7 FAM 1330 Name Clearance of Passport Applicants.)

## 7 FAM 1314 TYPES OF PASSPORTS

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- a. Regular "Tourist" Passports: Regular passports, also referred to as "tourist" passports, are issued to citizens or non-citizen nationals of the United States proceeding abroad for personal or business reasons. Regular passports containing 52 pages are issued to persons who travel frequently or extensively. Regular passports are issued to persons 16 years of age or older for ten years and to minors under 16 years of age for five years, unless otherwise limited. Regular passports have a blue cover and a fee is charged for their issuance.

NOTE: Due the current record breaking increase in passport demand, the Government Printing Office (GPO) has been working hard to keep up with the demand for blank passport books. In order to maintain an adequate

supply of the 12-page Emergency Photo-digitized Passport (EPDP) and the new 28-page electronic regular books, production on 48-page legacy books was discontinued in April 2006. Production of the new 52-page electronic regular book is not anticipated until 2008.

- b. Diplomatic and Official Passports: The Department issues diplomatic or official passports to certain employees of the U.S. Government and their dependents proceeding or traveling abroad in discharge of their diplomatic or official duties. Diplomatic and official passports are valid for five years unless otherwise limited. Diplomatic passports have a black cover and official passports have a maroon cover. No fee is charged for either diplomatic or official passports. (See 7 FAM 1390 Diplomatic, Official and No-Fee Passports.)
- c. No-Fee Passports: The Department also issues regular no-fee passports to special categories of individuals. These categories include, but are not limited to:
- Spouses and dependents of military members
  - Next of Kin traveling to visit members of U.S. Armed Forces who are ill or injured abroad
  - Employees (and their dependents) of the American National Red Cross
  - Peace Corps volunteers and trainees.

NOTE: Generally, no-fee passports are valid for five years and have a blue cover. Bearers of no-fee passports are exempted from paying passport fees. (See 7 FAM 1390 Diplomatic, Official and No-Fee Passports and 7 FAM 1300 Appendix G Passport Fees.)

d. U.S. Passport Card:

- (1) The Department of State has developed a passport card (a smaller and more portable document) that is valid only for departure from and entry into the United States through land and sea ports of entry between the United States and Mexico, Canada, the Caribbean and Bermuda. The passport card is not a globally interoperable international travel document.
- (2) A passport card is issued to a national of the United States on the same basis as a regular passport.
- (3) Effective February 1, 2008, U.S. citizens may begin applying in advance for the new passport card. 7 FAM 1300 Appendix P (under development) will provide additional procedural guidance about the passport card.

## **7 FAM 1315 POSSESSION OF MORE THAN ONE PASSPORT**

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- a. Single Passport Policy. 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. U.S. citizens may possess both a U.S. passport *book* and a U.S. passport card at the same time. There are a small number of cases in which the issuance of a second passport is appropriate. (See 7 FAM 1300 Appendix R Possession of More than One Passport.)
- b. Possession of Two Different Types of Passports. The general prohibition on possession of two passports of the same type (regular, official, diplomatic, passport card) does not preclude the simultaneous possession of a no-fee passport, regardless of type, and a full-fee regular passport *and* passport card.

## **7 FAM 1316 REQUEST FOR SPECIMEN PASSPORTS**

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- a. Foreign governments occasionally request specimen copies of the U.S. passport. The Department considers these requests individually on a reciprocal basis. Upon receipt of inquiries, overseas posts should normally advise the host government to request the specimen copies through its mission in Washington, DC.
- b. Any formal request received by an overseas mission should be forwarded to the Office of Fraud Prevention Programs in the Bureau of Consular Affairs (CA/FPP).
- c. Any formal request received from domestic law enforcement agencies, forensic laboratories, or other legitimate domestic sources, should be forwarded to the Office of Passport Integrity & Internal Controls Program (CA/PPT/IIC).
- d. If the Department agrees to the request, the appropriate office will forward the specimen passports to the domestic agency or foreign government through its mission in Washington, DC. If more appropriate, the specimen passports will be forwarded to the Foreign Service post for transmission to the host government.

## **7 FAM 1317 PROPERTY OF THE U.S.**

## GOVERNMENT

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- a. A passport remains at all times the property of the United States and must be returned to the U.S. Government upon demand (See 22 CFR 51.7).
- b. *7 FAM 1388 provides guidance regarding passports surrendered to or confiscated by foreign governments.*

## 7 FAM 1318 AUTHORITIES

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- a. Authority to issue, deny and revoke U.S. passports derives from the following treaties, laws, regulations, Executive Orders and Delegations of Authority:
  - (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 provides that a U.S. passport, during its validity period *(and is issued for the maximum period allowed by law)*, has the same force and effect as proof of citizenship as a Certificate of Citizenship and/or a Certificate of Naturalization;
  - (9) Executive Order (E.O.) 11295 of August 5, 1966 Rules Governing the Granting, Issuance and Denial of United States Passports, 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; and

- (10) Section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA), Public Law 108-458.
- b. Federal regulations governing passports are found at 22 CFR *b*51.
- c. Delegation of Authority No. 119 of February 13, 1969, Delegation Of Authority To The Administrator And Deputy Administrators, Bureau Of Security And Consular Affairs, delegated authority to designate persons who shall be authorized and empowered to administer oaths in connection with the execution of passport applications as provided in 22 CFR 51.21(a).
- d. Additional References:
  - (1) 22 U.S.C. 2670(m) Authority to Establish, Maintain and Operate Passport Agencies;
  - (2) 22 U.S.C. 2714 Denial of Passports to Certain Convicted Drug Traffickers;
  - (3) 22 U.S.C. 2709 Special Agents – Investigation Concerning Illegal Passport Issuance or Use;
  - (4) 22 U.S.C. 2721 Impermissible Basis for Denial of Passports;
  - (5) 22 U.S.C. 4807 Responsibility of Secretary of State - Conduct of Investigation Concerning Illegal Passport Issuance or Use;
  - (6) 8 U.S.C. 1104(a)(3) Powers and Duties of Secretary of State ...The Secretary of State shall be charged with the administration and the enforcement of the provisions of this chapter and all other immigration and nationality laws relating to ... the determination of nationality of a person not in the United States;
  - (7) 8 U.S.C. 1104(c) Powers and Duties of the Secretary of State ... “Within the Department of State there shall be a Passport Office”;
  - (8) 8 U.S.C. 1737 Tracking System for Stolen Passports;
  - (9) 8 U.S.C. 1185(b) Travel Control of Citizens and Aliens;
  - (10) 8 U.S.C. 1504 Cancellation of U.S. Passports and Consular Reports of Birth;
  - (11) 42 U.S.C. 652(k) Duties of the Secretary (of Health and Human Services) – Denial of Passports for Non-Payment of Child Support;
  - (12) 18 U.S.C. 1541 Issuance without Authority;
  - (13) 18 U.S.C. 1542 False Statement in Application and Use of Passport;
  - (14) 18 U.S.C. 1543 Forgery or False Use of Passport;



- (15) 18 U.S.C. 1544 Misuse of Passport;
- (16) 18 U.S.C. 1732 Machine Readable, Tamper-Resistant Entry and Exit Documents;
- (17) 18 U.S.C. 1028 Fraud and Related Activity In Connection With Identification Documents and Information;
- (18) 18 U.S.C. 982 Criminal Forfeiture;
- (19) Vienna Convention on Consular Relations (VCCR) (Article 5 (d) provides that consular functions include issuing passports and travel documents to nationals of the sending state); and
- (20) Bilateral Consular Conventions.

## **7 FAM 1319 UNASSIGNED**