

INTERIM MEMO FOR COMMENT

Posted: 04-22-2011

Comment period ends: 05-05-2011

This memo is in effect until further notice.

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director (MS 2000)
Washington, DC 20529-2000



**U.S. Citizenship
and Immigration
Services**

April 15, 2011

PM-602-0036

Policy Memorandum

SUBJECT: Procedures for Recommending Revocation of a U.S. Passport to the Department of State; Adjudicators Field Manual, Chapter 83 (AFM Update AD 10-46)

Purpose

To provide guidance to USCIS employees regarding requests for revocation of U.S. Passports, as established by communication from the Department of State (DOS).

Scope

The operational guidance contained in this memorandum is binding on all USCIS employees.

Authority

DOS has authority to issue and revoke passports. Specifically, 22 U.S. Code (U.S.C.) 211a authorizes the Secretary of State and his or her designee (the U.S. Passport Office of the Bureau of Consular Affairs) to grant, issue, and verify passports. Through Executive Order No. 11295, 31 Fed. Reg. 10603, the President designated and empowered the Secretary of State with the authority to designate and prescribe the rules governing the granting, issuing, and verifying of passports.

DOS revokes passports in accordance with Title 22 of the Code of Federal Regulations (CFR) sections 51.60-62, and 51.65. There are also several statutes under which passports may be revoked and that are incorporated into DOS's regulations, including: 8 U.S.C. 1504 (the passport was illegally, fraudulently or erroneously obtained); 42 U.S.C. 652(k) (for non-payment of child support); 22 U.S.C. 2714 (for certain drug traffickers); 22 U.S.C. 2671(d)(3) (non-repayment of repatriation loan); and 22 U.S.C. 212a (adds authority to revoke passports of persons convicted of sex tourism).

The regulations also require DOS to send written notification of the revocation of a passport to the bearer. See 22 CFR 51.65(a).

Background

In recent months, USCIS employees have on occasion informed customers that their U.S. Passports were invalid and should be surrendered to DOS. Upon review of certain cases, DOS determined that the passports were, in fact, valid and recognized in accordance with DOS policies and statutes. DOS has requested that USCIS direct any concerns regarding the validity of passports to DOS and not to the bearer of the passport.

Policy

USCIS lacks the authority to revoke or confiscate a U.S. Passport. If reasons to doubt the validity of a passport come to the attention of USCIS, USCIS will not seize the passport, instruct the bearer to return the passport to DOS, or otherwise notify the bearer that there may be issues with the passport. Instead, USCIS will follow the procedures outlined below to request revocation of a U.S. Passport whenever USCIS encounters an individual who is in possession of a U.S. Passport that USCIS has reason to believe: (1) was issued in error; or (2) the individual is no longer eligible to possess.

Implementation

The *Adjudicators Field Manual (AFM)* is revised as follows:

1. Chapter 83 is revised by adding a new section 83.5 to read:

83.5 Recommendation to the Department of State for Revocation of a U.S. Passport.

If a USCIS employee believes that a passport is not valid or has been incorrectly issued, that employee should submit a request for revocation to the Department of State. The request for revocation of a U.S. Passport must include **a formal memorandum on official letterhead (See [Appendix 83-1](#)), sent through local supervisory review channels and signed off by the Field Office Director or a designated representative.** USCIS must keep a copy of this memorandum. The memorandum may be kept in the individual's USCIS record if appropriate.

The memorandum must include:

1. The bearer's complete biographic data – including known aliases.
2. The bearer's last known address.
3. All unexpired U.S. Passport and alien registration numbers.
4. A photocopy of the biographical page of the U.S. Passport, if available.
5. An analysis that includes a factual basis, reasons for requesting passport revocation, and an explanation of why the individual is not entitled to bear a U.S. Passport.
6. Copies of all documentary evidence in support of the request, including certified translations of any documents written or originally prepared in a foreign language.
7. The name and contact information of the USCIS employee making the request.

Requests for revocation can be submitted by one of the following methods:

- FAX: 202-663-2654. The submission should be clearly identified as a revocation request.
- E-mail: CA-PPT-Revocations@state.gov. The subject line should read: "Revocation Request: Name of the individual, USCIS." If the request is time

sensitive or urgent, the subject line should include "Urgent" as the first word. The e-mail must be encrypted.

- Mail:
Revocations Officer
Office of Passport Legal Affairs
Bureau of Consular Affairs
2100 Pennsylvania Ave. NW, 3rd Floor
Washington, DC 20037

When, on rare occasion, there is a particularly high profile or special interest case requiring specialized handling, the USCIS Field Office Director may call the Director of Passport Legal Affairs for guidance at 202-663-2662.

After reviewing the revocation request and reaching a determination, DOS will notify the referring contact person of the decision. DOS (Passport Office of Legal Affairs) generally processes revocation requests within 30-60 days of receipt.

In the case of revocation, DOS will transmit a copy of the revocation letter to the referring contact person. The DOS revocation letter must be placed in the individual's USCIS record. If DOS revokes the passport, the passport is then marked revoked in the Passport Information Electronic Records System (PIERS) and the information is transmitted to TECS.



2. Appendix 83-1 is added to read:

U.S. Department of Homeland Security

U.S. Citizenship and Immigration Services

[INSERT Local USCIS Office Information]

[City, State, Zip]



U.S. Citizenship
and Immigration
Services

Date:

File Number:

Memorandum

To: Department of State

Attention: Revocations Officer

Office of Passport Legal Affairs/Bureau of Consular Affairs

2100 Pennsylvania Avenue, NW, 3rd floor

Washington, DC 20037

From:

Field Office Director, USCIS Field Office

Subject: Request for Revocation of U.S. Passport

The purpose of this memorandum is to request that the Department of State review the U.S. passport of XXX. USCIS encountered the U.S. passport during a routine procedure and believes the individual should not be in possession of a U.S. passport. The following information is provided as required by USCIS *PM-602-0036 Procedures for Recommending Revocation of a U.S. Passport to the Department of State*;

1. The bearer's complete biographic data – including known aliases.
2. The bearer's last known address.
3. All unexpired U.S. passport and alien registration numbers.
4. A photocopy of the biographical page of the U.S. passport when available.
5. An analysis that includes a factual basis and reasons for requesting passport revocation, and explains why the individual is not entitled to bear a U.S. passport.
6. Copies of all documentary evidence in support of the request, including certified translations of any documents written or originally prepared in a foreign language.

Contact Information

Questions regarding this request for revocation should be directed to XXX. This individual can be reached by telephone at XXX or by email at XXX@DHS.GOV.

- ☞ 3. The *AFM Transmittal Memorandum* button is revised by adding, in numerical order, the following entry:

AD10-46 [April 15, 2011]	Chapter 83.5; Appendix 83-1	Provides procedures and a template for recommending to the Department of State the revocation of a U.S. Passport
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Use

This memorandum is intended solely for the guidance of USCIS personnel in the performance of their official duties. It is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law or by any individual or other party in removal proceedings, in litigation with the United States, or in any other form or manner.

Contact Information

Questions or suggestions regarding this memorandum should be addressed through appropriate channels to the Field Operations Directorate.