

# OUR PRACTICE

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## U.S. Passports

**Anyone who claims already to be a U.S. citizen may apply for a U.S. passport. A passport can serve as proof of citizenship for various purposes and is needed for international travel. The State Department has a detailed and helpful set of official web pages for making passport related applications. The site includes the application forms for download.**

### Application Procedures

Any person seeking a U.S. passport for the first time, or for the first time in 12 years, must apply by appearing personally and providing an oath or affirmation before one of the following: a U.S. consular office abroad, a State Department passport agent, a clerk of a federal court, state court of record or probate court, an authorized postal worker, or any other person authorized by the Secretary of State. One of the most convenient places to make an application is a participating U.S. post office, where the application forms are available and a qualified postal worker can simultaneously swear the applicant, collect the application papers, and send them directly to the correct U.S. passport agency office. All applications must be passed on to one of the State Department's Passport Agencies in major cities across the United States.

A passport applicant seeking expedited processing (i.e., faster than the typical 6 weeks) may pay an extra expediting fee and submit the application, along with proof of upcoming travel or foreign visa application deadline, either:

- By mail. Be sure to use overnight delivery to a passport agency office, providing a return overnight delivery envelope for about 2 week turn around. It is handiest to do this from a post office that has a passport clerk.
- By personal appearance at one of the 14 passport agency offices that handle set up appointments by automated phone systems. It has been possible for the applicant to swear the application locally and then have someone else appear with the application papers at the passport office to expedite processing.

One can check the status of a passport application already submitted by calling a toll-free service call center or checking online on the government web site.

There are special rules, forms and procedures for several types of special applications:

- Applicants who are under age 14
- Passport renewal
- Replacement and report of a lost or stolen passport
- Adding extra pages to a passport that is full
- Changing the name in the passport
- Diplomatic, Official, Military Dependent, Peace Corps or Other No Fee Regular Passport
- Obtaining copies of passport records (i.e., prior applications)
- Applicants for special passports as non-citizen "nationals."

The State Department has general instructions on the urgent need to replace a passport that is lost or stolen while abroad. That site links to the web sites of each consulate, whose "Citizens Services" branches process passport applications abroad.

## Documentation

Passport applications usually must include birth, marriage, divorce or other personal records that must be submitted in original form (and will be returned to the applicant with the passport or denial notice). The National Center for Health Statistics has compiled a helpful web site for obtaining U.S. vital records. There is a special procedure for obtaining U.S. military records, which also sometimes have relevance to passport applications. The State Department's "Visa Reciprocity and Documentation Finder" provides information on the availability of vital records in each country. Sometimes the relationship must be established by DNA tests, and the State Department has published an Information Sheet on DNA testing.

## U.S. Passport Denial and Revocation

If the application is denied, the Department of State will send the applicant a written notice setting forth the reasons for the denial and procedures for review. Within 90 days, the applicant can submit documentation to overcome the denial without a new application. If the passport is denied because the applicant is not a citizen, the only appeal is to a federal court. If the denial is for some other reason, such as criminal convictions or incompetence, the applicant may obtain an administrative hearing, with right to further administrative appeal.

A U.S. Passport may even be revoked or canceled in certain circumstances such as when an applicant is under criminal orders; under incompetence proceedings; has been convicted as a drug trafficker or owes more than \$5,000.00 in back child support payments as certified by the department of Human Health Services.

## How We Can Help

The Baker Donelson Immigration Group helps clients evaluate, develop and present claims to citizenship through passport, certificate of citizenship, naturalization, and other applications. We represent clients in appeals of application denials, in both administrative and court proceedings. We help clients in urgent situations such as when their passport and identity documents are stolen while they are traveling abroad. We help evaluate the prospects of dual citizenship and its numerous ramifications and help preserve it when desired. We help defend government actions to cancel someone's citizenship.

## Important Links

- [Passports](#)
- [Tips for Traveling Abroad](#)
- [Western Hemisphere Travel Initiative](#)