

7 FAM 1300 Appendix E (Excerpts-Old 8 FAM 280, MISCELLANEOUS MATTERS)

(TL:CON-38; 12-30-86)

This appendix contains text from subchapter 280 of the old 8 FAM, Citizenship and Passports. Because this material has not been revised and issued, the old (and still valid) text is being published in this format to alleviate some of the confusion caused by having old 8 FAM subchapter numbers still existence. When this material is revised and issued, this appendix will be deleted. Until then, continue to refer to this appendix. The relevant material is taken from TL's:CP-20, 11-1-66; CP-23, 10-30-67; CP-24, 3-4-68; CP-29, 2-14-69; and CP-30, 7-14-69.

INTERPRETATIONS

8 FAM 280 MISCELLANEOUS MATTERS

8 FAM 286 TRUST TERRITORY OF THE PACIFIC ISLANDS

8 FAM 286.1 Status of Inhabitants of the Trust Territory of the Pacific Islands

The inhabitants of the Trust Territory, under the Trusteeship Agreement effective July 18, 1947, are governed by the High Commissioner of the Trust Territory of the Pacific Islands. The obligations which the United States, as the administering authority, assumed under the terms of the agreement and the Charter of the United Nations include all powers of government and jurisdiction in the Trust Territory and over the inhabitants thereof. The Trust Territory consists of the Mariana Islands other than Guam, and the Marshall and Caroline Islands.

8 FAM 286.2 Nationality of Inhabitants

All persons born in the Trust Territory are deemed to be citizens of the Trust Territory, except those persons who at birth or otherwise acquired another nationality.

8 FAM 286.3 Travel Documentation of Citizens

While Trust Territory residents by virtue of 22 CFR 41.6(d) do not require a visa and a passport to enter the United States if they have proceeded in direct and continuous transit from the Trust Territory to the United States, they must present evidence to the U.S. Immigration Officer that they are in fact natives and residents of the Territory. Passports are required for travel outside the United States as well as for natives and residents who enter the United States as Immigrants.

On October 7, 1959 the High Commissioner issued Executive Order No. 80, effective immediately, providing for the issuance of passports by his office to citizens or inhabitants of the Trust Territory. These passports are issued by the High Commissioner upon application through the District Administrator or at Trust Territory Headquarters at Saipan. The passport is valid for a period of five years from the date of issue and is subject to renewal for an additional five-year period. The passport issued to citizens and nationals of the United States.

Each District Administrator of the Trust Territory is authorized to issue Certificates of Identification which are valid for emergency travel, such as that occasioned by emergency medical reference to Guam, in the event that the traveler does not possess a valid Trust Territory passport, or other means of identification. Travel documents issued by the Government of the Trust Territory of the Pacific Islands are considered to be valid for the return of the bearer to the Trust Territory for a period of six months beyond the expiration date specified therein (Department of State, Public Notice 195, published in the Federal Register, September 27, 1961, page 9092).

8 FAM 286.4 Physical Description of Passport

The regular passport issued by the High Commissioner of the Trust Territories is a 32-page booklet, 5-7/8 inches high and 3-3/4 inches wide bound in a blue cover. Imprinted on the front cover in gold type are the words "Passport Trust Territory of the Pacific Islands" and the seal of the High Commissioner. The interior pages are of salmon-colored safety paper. While the contents of the passport are somewhat similar in format to that of a United States passport, it is clearly indicated that the information contained therein relates to citizens of the Trust Territories and that the issuing authority is the High Commissioner. The passport can be easily distinguished from a United States passport by its color and the distinctive seal of the High Commissioner on the cover.

The original passport issued in October 7, 1959, and a pink cover with imprint in bold black type. While a number of the earlier passports still are valid and in use, non are being renewed and new "blue cover" versions are issued to current applicants. Additionally, an "official" passport, with a black cover and gold imprint on cover, is issued to members of the Congress of Micronesia and other dignitaries.

8 FAM 286.5 Diplomatic and Consular Protection

In accordance with Article Eleven of the Trusteeship Agreement between the United States and the United Nations Security Council, effective July 18, 1947, the rightful holder of a Trust Territory passport issued by and under the authority of the High Commissioner is entitled to receive the diplomatic and consular protection of the United States.

PROCEDURES

8 FAM 287 PROCEDURE FOR CONTROL OF RECORDS OF CITIZENSHIP AND PASSPORT SERVICES

8 FAM 287.1 Objectives of Procedure

A uniform procedure for the control of citizenship and passport services was installed on or about October 1, 1961 at all posts. This procedure is referred to as the Card File System. The objectives are reduction of filing space, man-hours and paper previously required with improved and efficient service to the public.

8 FAM 287.2 Application of Procedure

8 FAM 287.21 Cases in which Reference to Department is not Required

The procedure prescribed herein is followed from the beginning in all citizenship and passport cases where officers are authorized to take final action without reference to the Department (see section 8 FAM 287.32).

8 FAM 287.22 Cases in Which Authorization or Instruction by Department is Required

In those cases requiring Departmental authorization or instruction, the procedure consisting of preparation of pertinent forms to include a post file copy is followed. Upon receipt of the Department's authorization or instruction, the procedure prescribed herein is followed (see section 8 FAM 287.33) unless it is a type of case contemplated by section 8 FAM 287.23 .

8 FAM 287.23 Cases Involving Classified Files

The procedure is not to be followed in any case which involves a classified file.

8 FAM 287.3 Installation of Procedure

8 FAM 287.31 Passport and Nationality Card (Form FS-558)

a. Description of Form.

Form FS-558, Passport and Nationality Card, is a white 5" x 8" card containing printed items designed for recording on the card information found in foreign service forms such as form FS-176, FS-299, and other citizenship and passport documents. (See 7 FAM 1343 Exhibit 1343.3 .)

b. Purpose of Form FS -558

The purpose of form FS-558 is to provide the post with a record summary of information contained in the applicant's file maintained in the Department. It is the post record of citizenship and passport services. Routine transient services are not noted on a card form. (See section 8 FAM 287.31 c (8).)

c. Preparation of Forms

(1) Typewriter to be Used

The card is completed by typewriter from information contained in the applications, affidavits or evidence submitted by or on behalf of the person concerned.

(2) After Final Action Taken

The card is completed after the applicant has left the consular office and final action has been taken. Where authorization from the Department is required before a consular officer may take final action in the case, the card is completed only after such authorization is received and final action has been completed.

(3) Recording Action Taken

The final action ordinarily is recorded under "Action Taken" in one or two lines showing the date first and the description of the action taken. A separate item is shown by date for each separate action taken.

(4) Additional Information or Comment

The consular officer may wish to record under the item "Action Taken" such additional information or comment as may be pertinent. For example, he may wish to call attention to card or file of a member of applicant's family by recording "see father's," or "see husband's card," etc.

(5) Actions Prior to October 1, 1961

The post records on the card all pertinent actions taken after October 1, 1961, by the post, the Department, or another consular office. Case files which have remained uncarded to that date may be considered obsolete. They are to be screened and destroyed. Original documents which the consular officer considers belong in the files of the Passport Office are clearly marked and forwarded to the Department. (See section 8 FAM 287.32 c)

(6) Photograph of Applicant

The applicant's photograph is to be attached on the card in those cases where a photograph is required for the action taken. Also, a photograph may be attached to the card in any other case if, in the discretion of the consular officer, it is considered necessary. The applicant is required to affix his signature and date across the photograph before it is attached. Photographs submitted conform to the general criteria established for passport photographs (see section 8 FAM 242.42). They may be attached to the card by whatever method is found to be most useful. The photograph is replaced when the physical features of the applicant have changed to such an extent that a new photograph is necessary to aid in identification. When a new photograph is required, it replaces the old one on the card. If the first photograph cannot be removed, the new photograph is attached over it, or a new card made up and the first card destroyed. All information appearing on the previous card is transferred when a replacement card is prepared. Photographs of children under five who are included in their parent's passports need not be submitted.

(7) Inclusion of Children

The names and dates of birth of the children included in their parent's passport or registration are recorded on the parent's card.

(8) Routine Transient Services

A card record is not kept for routine, transient services, except when the consular officer considers it useful in performing future citizenship and passport services. This includes cases where the application is brought to the consular office by military courier, received by mail, or made by the individual in person. The term is interpreted broadly to include any action where repetitive services are not reasonably anticipated in the near future. Card Forms FS-558 must not be made unnecessarily, or the system will not function efficiently.

(9) Verifying Accuracy of Entries

Each card prepared is initialed by the clerk who prepares it, and checked and initialed by the officer acting on the case.

(10) Continuation Cards

Post may obtain blank white 5" x 8" continuation cards through normal supply channels. The continuation card is stapled behind the form FS-558. d. Procurement of Forms Supplies of form FS-558 are ordered in accordance with established requisitioning procedures.

8 FAM 287.32 Processing Cases in Which Reference to Department is not Required

a. New Case

Upon determination by the consular officer that the requested passport or citizenship service is one which will require the completion of form FS-558, for use in providing future services, the card is prepared after the service has been granted. After the card is prepared and filed, the application is sent to the Department promptly. If the case requires approval of the Department, the card is to be prepared as provided in section 8 FAM 287.31c(2).

b. Old Case

Passport and citizenship services performed for persons already of record are noted briefly on the card previously made. If the person is leaving the jurisdiction to reside elsewhere abroad, the card is sent to the post having jurisdiction over his new place of residence and a cross-reference card is placed in the file. If he is taking up a residence in the United States, the card is marked "INACTIVE" and a review date is assigned.

c. Disposal of Previous Consular File

Unclassified consular files which have not been carded as previously instructed and which have remained inactive for 5 years after transfer to the inactive files are considered as obsolete. The files are screened and original documents of value forwarded to the Department for filing. Such documents are marked clearly "FOR PASSPORT OFFICE FILES ONLY". After this is done, the consular files are destroyed.

8 FAM 287.33 Processing Cases in Which Department's Authorization, Instruction, or Other Action is Required

a. Post File Copy Prepared

Where the Department's authorization or instruction is required before final action on a case can be taken, as described in section 8 FAM 287.22, a post file copy is prepared at the time the application is taken. Upon receipt of the Department's authorization or instruction, and provided the case is not one involving classified information as described

in section 8 FAM 287.23 , action is taken in accordance with the provisions of section 8 FAM 287.31 (c)(2). After the card is completed, the post file copy of the application is completed and forwarded to the Department.

b. Noting Action Taken in Cases Involving Documentation

In cases involving application for the issue of a passport, notations regarding action taken are made in the upper right corner. All pertinent items are completed, namely, the number of the passport issued, date of issuance, period of validity, and fee collected. The copy is then forwarded to the Department for its files. "Memorandum of Issuance of Service Passport," formerly required, is not sent.

The copy is identified in these cases by the words "Post Duplicate Application" stamped or written in red ink diagonally across the face of the application. Only pages 1 and 2 are sent to the Department. All additional pages, and copies of evidence, opinions, etc., which are already in the Department's files, are removed and destroyed.

Similar action is taken in other cases involving documentation, such as issuance of a card or certificate of identity and registration, and renewals, extensions, or amendments of passports.

If an applicant is merely registered, and no documentation is issued, the post copy of the application is destroyed, after appropriate notation on the form FS-558.

c. Cases Not Involving Documentation

After receipt of the Department's instruction and completion of final action in cases not involving the issue of documentation, the post file copy of the document is destroyed in accordance with section 8 FAM 287.32 (c). Unless specifically instructed, no report is made to the Department.

d. Procedure when Department Issues Passport Upon Application Sent in by Post

Posts may send certain passport applications to the Department for action. The Department will issue passports in satisfactory cases and forward them to the post for delivery to the applicant. This procedure is followed with all applicants for diplomatic passports initiated abroad. Posts not authorized to issue official passports or 48-page passports can send the applications to the Department for issuance. In these cases the Department does not need the post duplicate copy of the application, since the passport will not be issued unless the original application sent in for action shows collection of execution fees, issuance fee in the case of a 48-page passport, and the citizenship record of the applicant is established. (See sections 8 FAM 241.1 e, and 8 FAM 244.35 a)

Accordingly, the post duplicate copy is destroyed when the post receives the passport from the Department and delivers it to the applicant. If a card record is maintained for the applicant, appropriate notation is made on FS-558.

8 FAM 287.34 Processing Cases in Which Need Develops for Authorization or Instruction by Department

a. Duplicate Copy Prepared of Application or Evidence

Where processing of a case has started under section 8 FAM 287.21 and before completion it develops that the case is one coming within section 8 FAM 287.22 or 8 FAM 287.23 , the consular officer makes duplicate copies of applications or evidence which had been prepared in single copies as provided by section 287.37. Photo or typewritten copies may be made for the post file. When final action is taken, in accordance with the Department's authorization or instruction, the case is processed as provided by section 8 FAM 287.33 .

b. Procedure When New Applicant After Previous Action Taken Requires Submission to Department

Where final action has been taken on a case under section 8 FAM 287.21 and a subsequent development requires submission to the Department for action, the case is handled as one coming within section 8 FAM 287.22 or 8 FAM 287.23 and an appropriate notation is made on the card. Upon completion of final action and unless the case is one of the type described in section 8 FAM 287.23 , a record of all action is then made on the card. The duplicate applications and evidence are destroyed.

c. Procedure When Classified Information Originates

When classified information originates concerning a previously unclassified case recorded on form FS-558, the card is removed from the file and placed in an individual file folder with the related classified information or documents in a classified file series. A cross-reference is placed in the card file indicating that the case has been transferred to the classified files.

8 FAM 287.35 Correspondence Regarding Passport or Citizenship Matters

a. Recording and Disposition of Correspondence

Correspondence to and from a consular office regarding a passport or citizenship matter is recorded on form FS-558 in accordance with the procedure prescribed herein. This includes requests for information from the Department, from the person concerned, or from someone requesting information on behalf of the person concerned. If the correspondence is part of the evidence in the case it is attached to the application and forwarded to the Department for information and filing. Otherwise, appropriate information is recorded on the card and the file destroyed in accordance with section 8 FAM 287.32 (c).

b. Maintaining Chronological File of Post's Correspondence with Department

The post maintains in the citizenship and passport section a separate, complete, chronological file of all communications to and from the Department on passport and citizenship matters. The file is kept by fiscal year, and is destroyed when 4 years old, under the disposition instructions given in the Records Management Handbook (Part II, item 4(a)(11)).

8 FAM 287.36 Recording Personal Visits to Consular Offices

Any visits of a significant nature by or on behalf of an applicant are recorded on form FS-558. The purpose and result of the visit are noted briefly.

8 FAM 287.37 Discontinuance of Post Copies of Certain Citizenship and Passport Forms

The preparation in duplicate of an application for registration or a passport service is discontinued in all cases where the consular officers are authorized to take action without prior authorization from the Department. The same procedure is followed in such cases with respect to other citizenship and passport services, e.g., Consular Reports of Birth, Certificates of Witness to Marriage, Oaths of Repatriation, etc. Extra copies are made only when the applicant requests them and pays the prescribed fee.

8 FAM 287.4 Maintenance of Card File

8 FAM 287.41 Filing Directives

a. Active File

All cards (form FS-558) are filed alphabetically in the master card index (see section 8 FAM 261.81 , Procedures) by name of the individual citizen. A flexible review date is assigned each card as it is made and placed in the upper right corner. Lookout notices must also be placed in this file if the post does not maintain a single master card index file. (See 8 FAM 287.41 (c) for a discussion of lookout notices.)

A review of cards with current review dates is made at least one a year. These cards should either be given a new review date or put in the inactive file. The fact that no activity has occurred for a period prior to the review date does not necessarily mean that the card is to be removed to the inactive file. The card is retained and given a new review date if, in the opinion of the consular officer, it has probable current value.

b. Inactive File

Cards in the inactive file for 5 years are destroyed unless the consular officer believes some purpose is served by keeping them for 10 years.

If a case is reactivated, the card is transferred from the inactive to the active file and assigned a review date.

c. Master Card Index File (Optional Procedure)

As an optional procedure, all Passport and Nationality Cards, active and inactive (form FS-558 and obsolete form FS-558-A), and Registration Card Applications (section 261.9, Procedures) may be filed in a single master card index file. The lookout notices must be put in this file unless the post maintains separate active and inactive files. Since November 1968 these 5x8 notices have been forwarded to appropriate posts by the Department. The notices contain a date upon which the lookout may be canceled and purged from the post's files.

Posts which previously maintained their own 5x8 lookouts should incorporate them into the passport and nationality master cards must, of necessity, maintain two lookout files. The new lookout notices are filed with the passport and nationality cards. The old lookout files may be continued until such posts have sufficient personnel to incorporate the old lookout cards into the nationality master card index file.

Review dates are placed on all active cards, with the exception of lookout notices, which already have a cancellation date. An annual review of cards with current review dates should be made and, if appropriate, such cards should be marked "INACTIVE" as soon as the post is informed of his death or departure. The fact that no activity occurred for a period prior to the review does not mean the card must be marked "INACTIVE". If continued as an active card if, in the opinion of the consular officer, it has a probable current value and a new review date is placed on it.

Cards marked "INACTIVE" for a period of 5 years are destroyed in accordance with the Records Management Handbook (Part II, item 4a(14)). An exception is made in cases where the consular officer determines that a useful purpose would be served by maintaining the cards for a period up to 10 years. If a card marked "INACTIVE" should become active again, the "INACTIVE" marking is removed or obliterated and a new review date is assigned.

8 FAM 287.42 Filing Equipment and Supplies

All posts must have suitable equipment and supplies for installing and maintaining the card file system. Larger posts may find it possible to purchase 5"x8" card file cabinets while other posts can utilize present four-drawer file cabinets by procuring cross trays available to fit the cabinets. An adequate supply of guide cards will facilitate quick reference service. The most suitable and economical type of equipment will vary, depending on the volume of cards maintained by each post. The Department provides technical advice to posts requesting assistance with file maintenance or equipment problems.

8 FAM 287.43 Reference Service from Department's Files

In a case where the only post record is form FS-558 and the post requires the Department's file, or a pertinent part, such file or part may be requested by operations memorandum or telegram. The name of the applicant, his date and place of birth, and the reason why the file is needed is furnished. If the file is requested by operations memorandum, the yellow tag, REQUIRES PASSPORT OFFICE ACTION, is securely attached to the upper left corner of the operations memorandum to obtain expeditious action.

8 FAM 287.44 Maintaining Security of Card Files

As in the case of the post files previously maintained, the card file must be kept under lock during nonworking hours and when unattended. All card file cabinets used must have installed on them approved bar-lock sets.

8 FAM 287.5 Special Procedures Authorized for Certain Posts and for Training Purposes

8 FAM 287.51 Hong Kong and Manila Authorized to Meet Local Needs by Deviating from Established Procedures

Fraudulent practices at Hong Kong and Manila necessitate certain minor variations of the Card File System at those posts. They are authorized to deviate from the above procedures as follows:

a. Revised Passport and Nationality Card for Use by Hong Kong

Since the use for Form FS-558 would make it difficult to identify related cases in the absence of space code numbers, the use of a revised Passport and Nationality Card, similar to the specimen copy attached to Hong Kong Despatch No. 485 of March 7, 1960, is authorized for use by Hong Kong. The necessary supply of such cards is printed locally.

b. Retention by Manila of Case Files Necessary in Fraud Investigations

Manila cards all old cases used by its research branch. Fraud investigation entries are made on the reverse of form FS-558. The case files are retained as long as necessary for completing action on an investigation. When case files cease to be of value, the post may destroy material which is duplicated in the Department's files. If it is original, or is not duplicated in the Department's files, it is handled as prescribed in section 8 FAM 287.32 (c).

c. Both Posts to Retain Copies of Reports of Consular Investigation

A file copy of the Report of Consular Investigation submitted in an individual case may be kept at the post. In cases of unusual complexity, a copy of certain reports of investigation and reviews made of immigration records may be kept with the post's file copy of the Report of Consular Investigation.

d. Use of "Father Cards" Authorized at Hong Kong and Manila

Hong Kong maintains a 3"x5" card index relating to alleged fathers of passport applicants. These are indexed in the name of the alleged father and include information about children who may have been claimed by those persons at various times. The purpose is to detect irregularities in claims of derivative citizenship through a father whose status as an American citizen is of record. This index is to be retained and continued. Manila has maintained a similar card file. This index is also to be retained and continued.

8 FAM 287.52 Retention of Typical Files for Training Purposes

Posts with exceptionally complex citizenship problems or loss nationality cases may wish to retain a few typical duplicate files to be used for the training of newly-assigned personnel. These training cases, selected from those mentioned in section 8 FAM 287.32 (c) may be retained, after carding. They are to be segregated from any other files and identified.

8 FAM 287.53 Transfer of Card Files to Other Posts

Whenever a post requests the transfer of an applicant's previous file from another post whose record is on form FS-558, the card record is sent to the requesting post for its use and records. A dummy card is inserted in the file giving the name of the applicant, his date and place of birth, and the name of the post to which the form FS-558 was transferred, and the date of transfer.