

# **7 FAM 1400 Appendix F (Old 8 FAM 270 - MISCELLANEOUS APPLICATIONS, CERTIFICATES, AND OTHER FORMS)**

*(TL:CON-50; 9-7-90)*

This appendix contains text from subchapter 270 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 chapter numbers in 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-1, 7-15-60; CP-13, 10-30-64; CP-23, 10-30-67; CP-29, 2-14-69; and CP-30, 7-14-69.

## **INTERPRETATIONS**

### **8 FAM 270 MISCELLANEOUS APPLICATIONS, CERTIFICATES, AND OTHER FORMS**

*(TL:CON-50; 9-7-90)*

#### **8 FAM 274 CERTIFICATES OF CITIZENSHIP**

Section 341 of the Immigration and Nationality Act provides that persons who claim to have acquired United States citizenship in one of several manners specified in that section of law may apply to the Attorney General of the United States for a certificate of citizenship. Upon proof to the satisfaction of the Attorney General that the person is a citizen and upon taking the prescribed oath of allegiance before a member of the Immigration and Naturalization Service within the United States, the Attorney General is authorized to issue a certificate of citizenship, provided the person is in the United States at the time.

Congress has authorized the Attorney General, however, to issue in the Canal Zone certificates of citizenship to United States citizens eligible to receive them under section 341 of the Act. (See § 8 FAM 213.7, Laws and Regulations, for Public Law 89-710, approved November 2, 1966, 80 Stat. 1104.)

The certificate of citizenship authorized under the provisions of section 341 is obtained through application made directly to the Attorney General and should not be confused with the consular report of birth issued by the Department reporting the birth abroad of United States citizens.

#### **8 FAM 275 CERTIFICATES OF NATIONALITY**

Any person who acquire the nationality of the United States at birth and who is involved, in any manner, in judicial or administrative proceedings in a foreign state in connection with which the establishment of his nationality in the United States is pertinent may apply for a certificate of United States nationality in the form prescribed by the Secretary of State. (Sec. 359, 66 Stat. 273; 22 CFR 50.10(a).)

#### **8 FAM 276 CERTIFICATES OF NATURALIZATION**

The certificate of naturalization issued to a naturalized United States citizen is regarded as conclusive evidence of his acquisition of United States citizenship, provided the certificate is in proper form (see Section 338 of the Immigration and Nationality Act) and provided there is no evidence of fraud in its procurement. On the other hand, a certificate of a court to the effect that a declaration of intention to become a citizen of the United States has been made does not constitute evidence of the declarant's United States citizenship.

## **8 FAM 277 CERTIFICATE OF IDENTITY FOR TRAVEL TO THE UNITED STATES TO APPLY FOR ADMISSION**

### **8 FAM 277.1 Purpose of Certificate**

a. Certificates of identity should be issued sparingly, since a person who has exhausted his administrative remedies in the Department of State generally cannot show that his continued claim to citizenship is made in good faith and has a substantial basis. The Department believes that the issuance of such certificates should be confined, primarily, to cases involving controversial questions of law. For example, it would be appropriate to issue a certificate when the provision of law upon which the decision in the case was based is susceptible of two or more interpretations and the point of difference has not been clarified by judicial decision, or when the case presents a new question of law on which there are no administrative or judicial guides. There may also be a few cases in which it is considered that issues of fact may be further and better explored and resolved at hearings conducted at ports of entry to the United States or in habeas corpus proceedings than at Foreign Service offices.

b. In cases not involving controversial questions of law, if the Foreign Service officer is reasonably convinced, from the new evidence submitted or the new presentation of facts by the applicant, that the case merits reconsideration, he shall transmit the application and the evidence to the Department for an advisory opinion. The Department contemplates treating most of these cases as a further appeal and will reconsider the basic issue in the case rather than merely the question whether the applicant is entitled to receive a certificate of identity.

### **8 FAM 277.2 Meaning of Good Faith**

Good faith means an honest belief of the applicant that he is a national of the United States, and is to be determined by the diplomatic or consular officer of the United States in the light of the facts and circumstance of each case. For example, where it appears that United States nationality has been lost by naturalization of the person upon his own application in a foreign state, good faith would appear to be lacking in the absence of a satisfactory showing to the contrary. Good faith may be considered as lacking when false statements have been made or false documentary evidence has been submitted to the Department, independent agency, or official thereof. Also, special care should be taken in the examination of the case of an applicant where the facts of the case indicate that he may have expatriated himself in some manner. Good faith will not be considered as established unless the applicant is able to present evidence to show that he is in fact the individual he claims to be.

### **8 FAM 277.3 Meaning of Substantial Basis**

A substantial basis of a claim of United States nationality means one which satisfies the diplomatic or consular officer of the United States that the claim of the applicant that he is a national of the United States is, notwithstanding any previous ruling of a department agency or executive official of the United States sufficiently meritorious to justify a determination of the question by the Attorney General in connection with an application for admission into the United States. A substantial basis may not be deemed to exist where a court of the United States has held that the person concerned is not an American national.

## **8 FAM 277.4 Denial of Right or Privilege As a National of the United States**

Denial by a department or agency or official of the United States of a right or privilege as a national of the United States may occur in the administration of various laws. It should appear that the right or privilege denied was one to which the person would otherwise have been entitled but for the fact that he was deemed not to have been a national of the United States. For example, such denial may occur where a person has applied as a national of the United States for a passport or for registration at an American consulate or for non-quota status of an alien wife or minor child, and the application is denied on the ground that the applicant is not a national of the United States. The denial of a right or privilege on the ground that the person has not established his identity is not a denial of any right or privilege as a national of the United States within the meaning of section 360(b) of the Immigration and Nationality Act.

## **8 FAM 277.5 Doubtful Cases of Certificate of Identity**

Where it appears that the presence of the applicant in the United States would endanger the public safety or where the diplomatic or consular officer believes that the applicant is a national of the United States and entitled to a passport as such or where the diplomatic or consular officer has any doubt with respect to the action he should take upon the application for a certificate of identity, the officer should suspend action and consult the Department of State.

# **PROCEDURES**

## **8 FAM 270 MISCELLANEOUS APPLICATIONS, CERTIFICATES, AND OTHER FORMS**

### **8 FAM 271 OATHS**

The oath required in any passport or nationality application by any applicable law or regulation issued pursuant to such law must be administered by a person qualified to administer an oath. The classes of persons having authority to administer an oath in passport or nationality matters are set forth in section 8 FAM 242.61 in the stated order of preference. In exceptional circumstances, where an oath is not required by law or regulation issued pursuant to law, certain forms used in connection with passport and nationality matters may be executed before two witnesses (see section 8 FAM 273 ). Passport applications executed abroad must be verified by an oath taken before a competent official. Such applications may not be executed before two witnesses. Waiver of the oath is now permitted only for certain passport applications executed in the United States. (See 8 FAM 242.61 (c), Procedures.)

### **8 FAM 272 AFFIRMATION IN LIEU OF OATH**

When a law applicable to any passport or nationality matter, or a regulation issued pursuant to such law, requires that an oath be taken, a person who has conscientious scruples which prohibit the taking of the oath may be permitted to make an affirmation in lieu of taking the required oath. The affirmation should be made before a person authorized to administer an oath (see section 8 FAM 242.61 ).

## **8 FAM 273 EXECUTING FORMS BEFORE TWO WITNESSES**

In the event that a United States citizen is so situated that it is impracticable for him to execute the appropriate form before a diplomatic or consular officer of the United States or before a notary public or other local official qualified to administer an oath, he shall fill in the proper blanks on the form and, in lieu of taking the oath, shall execute the following certificate to be transmitted to the appropriate Foreign Service Office:

I, the undersigned, do hereby certify and affirm that the matters which I have stated in Form No \_\_\_\_\_ are true; and I do hereby consent that this statement shall in all respects be held and treated as if I had personally executed such form before an officer of the Foreign Service of the United States.

\_\_\_\_\_

Witnesses:

\_\_\_\_\_  
\_\_\_\_\_

The foregoing certificate is to be signed by the United States citizen by whom it was filled out and by two witnesses. This procedure does not apply to the execution of applications for passports. Passport applications must be executed before a diplomatic or consular officer of the United States or some other official qualified to administer the required oath when the Foreign Service officer is not available.

The procedure prescribed in this section for the execution of certain forms before two witnesses may be resorted to only where it is clearly impracticable for the individual concerned to apply in person at a diplomatic or consular office.

## **8 FAM 275 CERTIFICATES OF NATIONALITY**

### **8 FAM 275.1 Application for Certificate**

#### **a. Application**

In the United States, the application must be executed before a federal or state court authorized by Section 310(a) of the Immigration and Nationality Act (66 Stat. 239) to naturalize aliens within the jurisdiction in which the applicant resides, or before an agent of the Department of State. In an insular possession of the United States, the application must be executed before a person in the office of the chief executive who has authority to administer oaths. In a foreign country, the application must be executed before a diplomatic or consular officer of the United States. When an application is executed before a diplomatic or consular officer, it shall be in duplicate.

#### **b. Evidence of Judicial or Administrative Proceedings and Photographs**

There shall be submitted with the application documentary evidence establishing that the applicant is involved in judicial or administrative proceedings pending in a foreign country in connection with which the establishment of his nationality of the United States is pertinent. There shall be affixed to each application, including the duplicate application when required, his photograph which shall be not more than 3 x 3 inches and not less than 2-1/2 x 2-1/2 inches in size, unmounted, printed on thin paper, showing the full front view of the features of the applicant, and taken within six months of the date when submitted. A separate photograph, which must be identical to that affixed to the application, shall be submitted, in order that it may be affixed to the certificate of nationality if and when issued. The original copy of the application shall, in all cases, be submitted to the Department of State.

**c. Evidence of Nationality Required**

Each application for a certificate of nationality must be accompanied by evidence of nationality of the character required by the passport regulations (see section 8 FAM 243.31 ; also 22 CFR 51.43 and 51.44). If the applicant has previously submitted satisfactory evidence of U.S. nationality in connection with a passport or registration application, he need not duplicate such evidence. However, it will be necessary for the applicant to satisfy the Department that he has not expatriated himself under the Immigration and Nationality Act or any prior act.

**d. Form of Application**

The application for a certificate of nationality must be in the following form (compressed format):

**APPLICATION FOR A CERTIFICATE OF NATIONALITY FOR USE IN A JUDICIAL OR ADMINISTRATIVE PROCEEDING IN A FOREIGN STATE**

Consulate \_\_\_\_\_ of the United States of America at \_\_\_\_\_, ss:  
I, \_\_\_\_\_, a national of the United States,  
(Name of Applicant)

do hereby apply to the Secretary of State for the issue of a certificate of nationality for use in a judicial or administrative proceeding in a foreign state in which I am involved and in connection with which the establishment of my nationality in the United States is pertinent. I solemnly swear that I was born at

\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_,  
(Town or city) (Province or county) (State or country)

on \_\_\_\_\_; That my father, \_\_\_\_\_  
(Date) (Name)

was born at \_\_\_\_\_,  
(Town or city), (State or country)

on \_\_\_\_\_, was naturalized as a citizen of  
(Date)

the United States by the \_\_\_\_\_ Court at  
\_\_\_\_\_

(City) (State)

and is now residing at \_\_\_\_\_,  
(Town or city), (State or country);

That my place of permanent residence is at \_\_\_\_\_ in \_\_\_\_\_,  
(Street) (Town or city)

\_\_\_\_\_, \_\_\_\_\_,  
(Province or county) (State or country);

That since my birth I have resided at the following  
places for the following  
periods:

\_\_\_\_\_, from \_\_\_\_\_ to \_\_\_\_\_  
\_\_\_\_\_, from \_\_\_\_\_ to \_\_\_\_\_  
\_\_\_\_\_, from \_\_\_\_\_ to \_\_\_\_\_

That I have heretofore  
(been issued a passport by)  
(been registered in)

\_\_\_\_\_ at  
(Department of State or consulate)

\_\_\_\_\_;  
(Washington or location of consulate abroad)

That I have not done anything which, to my knowledge and belief,  
caused me to lose my nationality of the United States, under any  
provision of the Immigration and Nationality Act or other law of the  
United States; That proceedings are pending in

\_\_\_\_\_  
(State judicial or administrative office)

at \_\_\_\_\_ in connection with  
(City and country)

which the establishment of my nationality in the United States is pertinent, evidence of which is submitted herewith: That the name, official title, and address of the officer of the foreign country to whom I desire that the certificate of nationality, if and when issued, be transmitted,

are: \_\_\_\_\_;

That my personal description is: age \_\_\_\_\_ years; sex \_\_\_\_\_; color \_\_\_\_\_; complexion \_\_\_\_\_; color of eyes \_\_\_\_\_; color of hair \_\_\_\_\_; height \_\_\_\_\_ feet \_\_\_\_\_ inches; weight \_\_\_\_\_ pounds; visible distinctive marks \_\_\_\_\_; and

That a photographic likeness of myself is affixed hereto.

Further, I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I take this obligation freely, without any mental reservation or purpose of evasion; So help me God.

\_\_\_\_\_  
(Signature of applicant)

\_\_\_\_\_  
(Address at which applicant receives mail)

The aforesaid applicant, being duly sworn, deposes and says that he is the person named herein and whose signature appears above; that he has read the foregoing application and knows the contents thereof; that the same is true of his/her own knowledge except as to matters therein stated to be alleged upon information and belief, and that as to those matters he believes them to be true.

Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
(Signature of attestor)

(Seal)

\_\_\_\_\_  
(Title of attestor)

#### **e. Issuance of Certificate**

Upon the approval of the application a certificate of nationality for use in a judicial or administrative proceeding in a foreign state shall be issued.

**f. Form of Certificate**

**CERTIFICATE OF NATIONALITY**

(This certificate has been prescribed by the Secretary of State pursuant to Section 359, Chapter 4, Title III of the Immigration and Nationality Act (66 Stat. 273). It is valid only for transmission through the appropriate official channels to the judicial or administrative officer of a foreign state for use solely in judicial or administrative proceedings pending in such state in which the establishment of American nationality is pertinent.)

This is to certify that \_\_\_\_\_ who now resides at \_\_\_\_\_  
\_\_\_\_\_ in \_\_\_\_\_,  
(Street) (Town or city),  
in \_\_\_\_\_,  
(Province or county) (State or country)

has applied to the Secretary of State of the United States of America for a certificate of nationality and has submitted evidence of his acquisition of nationality in the United States at birth and of the pendency of judicial or administrative proceedings in a foreign state in connection with which the establishment of his nationality in the United States is pertinent, and it has been found that he is now a national of the United States. A photographic likeness of the applicant for this certificate is affixed hereto.

In testimony whereof this special Certificate of Nationality, the issuance of which is authorized under section 359, Chapter 4, Title III of the Immigration and Nationality Act is issued this \_\_\_ day of \_\_, 19\_\_\_\_\_.

(Seal)

(Secretary of State)

**g. Transmission of Certificate to Foreign State**

When a certificate of nationality is issued, it shall be transmitted, through official channels, to the judicial or administrative officer of the foreign state in which it is to be used.

**h. Fees Chargeable**

The services set forth in the above quoted regulations shall be performed gratis under Item No. 58(f) of the Tariff of United States Foreign Service Fees.

## **8 FAM 276 CERTIFICATES OF NATURALIZATION**

### **8 FAM 276.1 Action on Reported Loss or Destruction of Certificate**

When a naturalized United States citizen reports the loss or destruction of his naturalization certificate to an officer of the Foreign Service, such officer shall carefully investigate the circumstances surrounding the loss or destruction of the original certificate and shall prepare a report stating whether, in his opinion, the statements made and the evidence submitted by the person concerned are bona fide. He shall also request the person in question to execute an affidavit setting forth the facts concerning the loss or destruction of his naturalization certificate in triplicate and to include in such affidavit the following information:

- a. Length of residence abroad;
- b. Circumstances relating to such residence;
- c. Registration, if any, in a Foreign Service office;

d. Statement regarding intention to return to the United States to reside permanently. The officer shall forward the original and duplicate of the executed affidavit to the Department, together with his report in the premises, and shall file the triplicate copy of the executed affidavit in the Foreign Service office.

### **8 FAM 276.2 Prohibition Against Taking Application for Duplicate Certificate**

Officers of the Foreign Service are prohibited from taking applications for duplicate naturalization certificates. Persons making inquiries concerning the submission of applications for such certificates shall be advised to address themselves directly to the Department of Justice, Washington, D. C.

### **8 FAM 276.3 Verification of Naturalization by the Immigration and Naturalization Service**

Officers of the Foreign Service may find it necessary to request the Department to verify the statements of applicants concerning the naturalization of their parents in the United States. In making such requests, the following identifying data should be given if available:

- a. Name of person allegedly naturalized, including any variant spellings;
- b. Date and place of birth;

- c. Date and place of naturalization;
- d. Periods and places of residence about the time of the alleged naturalization.

## **8 FAM 276.4 Reproduction of Certificates**

Under 18 U.S.C. 1426, the reproduction by any means of naturalization certificates is prohibited (see section 8 FAM 276.4 , Laws and Regulations). Any copies of such certificates which come into the possession of consular officers must be retained and forwarded under cover of an operations memorandum direct to:

Assistant Commissioner for Investigations  
Immigration and Naturalization Service  
Department of Justice  
Washington, D.C. 20025.

If possible, the memorandum should indicate how the reproduced naturalization certificate came into possession of the bearer, the name and address of the firm or person making the reproduction, the approximate date on which the copy was made, and whether any other copies are known to exist.

## **8 FAM 276.5 Application for Special Certificates**

When applications are made before officers of the Foreign Service for special certificates of naturalization under Section 343(c) of the Immigration and Nationality Act (a special certificate for use by the citizen for the purpose of obtaining recognition as a citizen of the United States by a foreign state), such an officer should make a certification that he has questioned the applicant and that he is or is not satisfied that the applicant has not been expatriated since his naturalization.

## **8 FAM 277 CERTIFICATES OF IDENTITY FOR TRAVEL TO THE UNITED STATES TO APPLY FOR ADMISSION**

### **8 FAM 277.1 Application Procedure - Content of Application**

The application for a certificate shall show:

- a. The full and true name of the applicant;
- b. The period(s) and place(s) of his residence outside the United States;
- c. That he has been physically present in the United States or that he is under sixteen years of age and was born abroad of a citizen parent;
- d. That he claims to be a national of the United States, and the basis of such claim and evidence submitted in support thereof;
- e. That such claim is made in good faith and upon a substantial basis;
- f. That he claims a right or privilege as a national of the United States, and specifically the nature of such claim;

g. That such right or privilege has been denied him by a specified department or agency or official of the United States on the ground that the applicant is not a national of the United States, and the date and place of such denial;

h. That he desires to proceed to a port of entry in the United States and there to apply for admission;

i. That he understands that he may apply for admission into the United States at any port of entry and that he shall be subject to all the provisions of the Immigration and Nationality Act relating to the conduct of proceedings involving aliens seeking admission into the United States;

j. Such other facts and proofs, with respect to the foregoing, as may be required by the application form or by the diplomatic or consular officer before whom the application for a certificate of identity is executed.

### **8 FAM 277.2 Affidavit of Supporting Witness**

The application for a certificate of identity shall be supported by the affidavit of a credible witness, but this requirement may be waived in the discretion of the diplomatic or consular officer before whom the application is executed.

### **8 FAM 277.3 Supporting Evidence**

The application for a certificate of identity shall be supported by evidence of the official decision of the specified department, independent agency, or official thereof denying the applicant a right or privilege upon the ground that he is not a national of the United States and evidence that he has exhausted his administrative remedies with such department, agency, or official. The applicant shall submit with his application for a certificate of identity a statement setting forth in detail the reason why he considers the final decision of the department, independent agency, or official thereof to be erroneous. The applicant shall submit a statement that he fully and truthfully disclosed all pertinent facts to the department, independent agency, or official thereof and that he had no additional evidence to submit at that time. The diplomatic or consular officer may require such other evidence as may appear to him to be available and desirable.

## **8 FAM 277.4 Form and Execution of Application**

a. The application for a certificate of identity shall be made in quadruplicate on Form FS-343 (revised) and shall be signed and sworn to (or affirmed) by the applicant in person before a diplomatic or consular officer of the United States.

b. The affidavit of the witness, if not waived, shall also be made before a diplomatic or consular officer of the United States.

c. The application shall be accompanied by 9 identical photographs of the applicant taken within 30 days of the date on which the application is filed. The photographs shall be 2 x 2 inches in size, unmounted, printed on this paper, have a light background, and clearly show a full front view of the features of the applicant (with head bare, unless the applicant is a member of a religious order wearing a headdress), with the distance from the top of head to point of chin approximately 1-1/4 inches. Snapshot, group or full-length pictures will not be accepted.

d. The applicant, except in the case of a person physically or otherwise incapable of signing his name, shall sign each copy of the photograph with his full, true name in such manner as not to obscure the features. The signature shall be by mark if the applicant is unable to write.

e. One photograph shall be glued to the original application and one to each copy thereof and impressed with the legend machine so as not to cover the features.

f. The remaining 5 photographs shall be affixed in like manner to the certificate of identity and copies thereof in the event that document is issued to the applicant.

g. Officers not having a legend machine will use the impression seal. The consular impression seal shall invariably be used in completing the application.

h. Fingerprints of the applicant shall be required and attached to the application and each copy thereof, as in the case of a visa.

i. Form FS-343, Application for Certificate of Identity. (See 8 FAM 277 Exhibit 277.4 .)

## **8 FAM 277.5 Factors in Determining Whether to Issue Certificates**

### **a. Independent Investigation**

When an application for a certificate of identity is executed before a diplomatic or consular officer, an independent investigation of the facts in the case should be made, as far as practicable, by such officer, even though the application and proofs submitted therewith may, on their face, appear to justify the issuance of a certificate of identity. Such investigation should include an investigation of all the facts and circumstances which would result in loss of American nationality.

### **b. New or Additional Evidence**

At any time during the processing of an application for a certificate of identity, when new or additional evidence which casts doubt on the validity of the original decision that the applicant was not a citizen of the United States comes to the attention of a diplomatic or consular officer, he shall forward the evidence together with his comments regarding its credibility, to the Department of State. Pending the receipt of the Department's decision in the matter the diplomatic or consular officer shall take no further action on the application for the certificate of identity.

## **8 FAM 277.6 Issuance Procedure**

### **a. Sixty Days' Notice Prior to Issuance of Certificate of Identity**

If the diplomatic or consular officer decides that issue of a certificate of identity is warranted, he shall give the Department of State by cable 60-days notice of his intention to issue a certificate of identity and of the travel plans and port of arrival of the applicant. At the same time, he shall forward to the Department by mail 3 copies of the application for a certificate of identity, a report in triplicate of the result of the independent investigation conducted by him, and the original documentary evidence which was submitted in support of the application. Upon the receipt of the copies of the application and evidence, the Department will forward to the District Director of the Immigration and Naturalization Service at the port of arrival full details concerning the case.

### **b. Form and Execution of Certificate of Identity**

The certificate of identity shall be prepared in quintuplicate on Form FS-343a. It shall be signed and sealed by the diplomatic or consular officer, who shall state on the original and each copy thereof the date and place of issuance. The original shall be delivered to the applicant. The 4 copies shall be marked "copy." One copy shall be retained in the files of the issuing office, one copy shall be sent to the District Director of the Immigration and Naturalization Service at the port of arrival, and 2 copies shall be sent to the Department. (See 8 FAM 277 Exhibit 277.6 .)

### **c. Period of Validity of Certificate of Identity**

A certificate of identity is issued only after the applicant has completed his travel plans. The certificate expires 2 months from the date of its issuance and is extended only upon the recommendation of the Immigration and Naturalization Service.

#### **d. Denial of Certificate of Identity**

In case the certificate of identity is denied by a diplomatic or consular officer, a notation to that effect is made in the space provided therefor at the end of the original application and on each copy thereof. The notation sets forth definitely the factual and/or legal grounds for the denial. The original application is retained in the files of the office to which the application was submitted, one copy is returned to the applicant, and two copies are sent to the Department together with all original documentary evidence submitted by the applicant.

### **8 FAM 277.7 Appeal by Applicant**

a. When an applicant is denied a certificate of identity he may appeal by means of a written statement to the Secretary of State, setting forth the pertinent facts and the grounds upon which United States nationality is claimed and his reasons for considering that the denial of his application by the diplomatic or consular officer is not justified.

b. The statement shall be executed in quadruplicate and submitted to the diplomatic or consular office in which the denial was made. If the statement contains facts not set forth in the application, it shall be sworn to (or affirmed) by the applicant before a diplomatic or consular officer of the United States and an investigation shall be made by the diplomatic or consular officer of the new or additional facts alleged. A report of this investigation shall accompany the applicant's statement to the Department. The original statement and one copy are forwarded by the diplomatic or consular officer to the Department. One copy of the statement is retained in the files of the diplomatic or consular office in which the denial was made and a copy returned to the applicant.

c. If it is not practicable for the statement to be sworn to or affirmed by the applicant in the diplomatic or consular office in which the denial was made, it may be sworn to or affirmed in any other diplomatic or consular office of the United States. In such case, the original and two copies of the statement are forwarded by that office to the diplomatic or consular office in which the application was denied, but, if that is not practicable, they can be sent directly to the Department. One copy is returned to the applicant by the taking office. The office in which the application was denied retains one copy and forwards the original and the other copy to the Department.

### **8 FAM 277.8 Direct Appeal to the Secretary of State by Attorney in the United States**

When a certificate of identity has been refused by a diplomatic or consular office abroad, the applicant may appeal directly to the Secretary of State through his attorney in the United States. The appeal shall be directed to the Passport Office of the Department. No special form is prescribed for such appeal. The evidence to be furnished in the appeal through the attorney in the United States shall be as prescribed in section 8 FAM 277.7 of these regulations. The Passport Office will process the appeal in due course in accordance with the facts in each individual case.

### **8 FAM 277.9 Certificate of Identity Obtained by Fraud or Other Illegality**

Whenever a certificate of identity is found by a diplomatic or consular officer of the United States to have been obtained by fraud or other illegality, or to be in the possession of a person other than the rightful holder, such officer shall, if practicable, obtain possession of the certificate and send it, together with a report on the matter, directly to the Department.

## **8 FAM 278 ANNUAL REPORT ON AMERICAN CITIZENS ABROAD**

All posts are required to compile a statistical report on the Americans in their consular jurisdiction as of June 30 of each year. The report, designated as Report No. F-77, is described in detail in CA-7688 of May 1, 1968. It must be submitted by July 10. The completed report contains, among other things, statistics on the number of Americans residing within the post's jurisdiction and the number that are formally registered. (See 2 FAM 144.8 .)

# 8 FAM 277 Exhibit 277.4

## Form FS-343, Application for Certificate of Identity

### Exhibit 277.4 – Form FS-343, Application for Certificate of Identity

FORM FS-343 2-1-60		U.S. GOVERNMENT PRINTING OFFICE: 1959 O-317-000		PAGE 1	
DEPARTMENT OF STATE BUREAU OF CONSULAR AFFAIRS APPLICATION FOR CERTIFICATE OF IDENTITY (Under Section 260(b) of the Immigration and Nationality Act)				APPLICATION NO.	
If more space is needed for any item or comment, see back of form.					
(First name) _____		(Middle name) _____		(Last name) _____	
I am _____ Foreign apply for a Certificate of Identity under Section 260(b) of the Immigration and Nationality Act.					
DATE OF BIRTH (Month, day, year)		HEIGHT _____ FT _____ IN		EYES _____ HAIR _____	
VISIBLE Distinguishing MARKS _____					
NOW RESIDING AT _____					
PERMANENT RESIDENCE				HAS BEEN IN U.S.	
RESIDENCES SINCE BIRTH					
ABROAD		FROM (Mo., day, yr.)		TO (Mo., day, yr.)	
FORM FS-343 2-1-60 PAGE 2					
I HAVE NOT COMMITTED ANY ACT WHICH, TO MY KNOWLEDGE, MIGHT HAVE IMPLIED ALLEGIANCE TO OR A CLAIM OF NATIONALITY OF A FOREIGN STATE, OR COMMITTED ANY ACT OR FULFILLED ANY CONDITION WHICH WOULD HAVE CAUSED MY EX- RESTRICTION UNDER THE PROVISIONS OF ANY LAW OF THE UNITED STATES, EXCEPT AS FOLLOWS: (If any such act has been committed by the applicant, he shall specify in the following space the exact nature of the act, the date when and the place where committed, and explain how re-accepting such act, his status of United States nationality is made in good faith.)					
FORM FS-343 2-1-60 PAGE 3					
I HAVE NOT APPLIED FOR UNITED STATES IMMIGRATION VISA AND IN THE STATES VISA OR PASSPORTS AS FOLLOWS:					
OFFICE	PLACE	DATE	STAMP NUMBER OR AMPLINE FOR	EXPIRES	DATE
				TAG NO.	
NAME OF MOTHER		ADDRESS			
NAME OF FATHER		ADDRESS			
NAME OF NEAREST RELATIVE IN THE UNITED STATES		ADDRESS			
PLACE OF MOTHER'S BIRTH		DATE			
SHE RESIDED IN THE U.S. AT FROM _____ TO _____		STAPLE ONE PHOTO HERE DO NOT WAS FALK  The same photographs required must be 2 by 2 inches in size, uncut, un- printed on this form, have a light background, and clearly show a full front view of applicant (with bare head, unless the applicant is a mem- ber of a religious order wearing a head-dress), with the distance from the top of head to point of chin approximately 1.5 inches. Same group or full-length photo may be attached to this form.			
PLACE OF FATHER'S BIRTH		DATE			
HE RESIDED IN THE U.S. AT FROM _____ TO _____					

# 8 FAM 277 Exhibit 277.6

## Form FS-343a, Certificate of Identity

### Exhibit 277.6 — Form FS-343a, Certificate of Identity

FORM FS-343a 11-14-52			
DEPARTMENT OF STATE FOREIGN SERVICE OF THE UNITED STATES OF AMERICA <b>CERTIFICATE OF IDENTITY ISSUED UNDER SECTION 360(b) OF THE          IMMIGRATION AND NATIONALITY ACT</b>			
AMERICAN <input type="checkbox"/> EMBASSY <input type="checkbox"/> LEGATION <input type="checkbox"/> CONSULATE		AT _____	DATE _____
<p>This is to certify that _____ whose signature and photograph appear hereon, has presented evidence satisfying the undersigned that he has been denied a right or privilege by a department, independent agency, or official of the United States on the ground that he is not a national of the United States and that he has acted in good faith and had a substantial basis for filing his application for this certificate of identity to permit him to travel to a part of either in the United States and to apply for admission therein. This certificate is issued to him under the provisions of section 360(b) of the Immigration and Nationality Act and upon the condition that he shall be subject to all the provisions of that Act relating to the conduct of proceedings involving aliens seeking admission into the United States.</p> <p style="text-align: right;">_____ of the United States of America.</p>			
<b>DESCRIPTION OF BEARER OF CERTIFICATE OF IDENTITY</b>			
AGE _____	SEX _____	RACE _____	HEIGHT _____ FEET _____ INCHES
COMPLEXION _____	COLOR OF HAIR _____	COLOR OF EYES _____	
DISTINGUISHING MARKS OR FEATURES			
TRANSPARENT	<div style="border: 1px solid black; padding: 10px; text-align: center;"> <p>A photograph of the applicant, as required by the regulations, and signed with his full true name in such manner as not to obscure the features, shall be glued in this space. The photograph shall be impressed with the legend machine so as not to cover the features. Officers not having such machine shall use the impression seal.</p> </div>		
THIS CERTIFICATE OF IDENTITY SHALL EXPIRE TWO MONTHS FROM THE DATE OF ITS ISSUANCE AND SHALL BE EXTENDED ONLY UPON THE RECOMMENDATION OF THE IMMIGRATION AND NATURALIZATION SERVICE.			

