

7 FAM 1400 APPENDIX E (OLD 8 FAM 260 - REGISTRATION AND OTHER SERVICES)

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

This appendix contains text from subchapter 260 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-6, 9-15-61; CP-13, 10-30-64; CP-18, 4-25-66; CP-22, 7-10-67; CP-23, 10-30-67; CP-25, 5-14-68; CP-31, 4-10-70; CP-37, 6-20-72; and CP-38, 4-15-74.

LAWS AND REGULATIONS

8 FAM 260 REGISTRATION AND OTHER SERVICES

8 FAM 261 REGISTRATION

8 FAM 261.1 Authority for Registration Abroad of United States Citizens

The registration of U.S. citizens abroad is governed by Executive Order No. 8820, dated July 11, 1941, which directs that "Officers of the Foreign Service shall perform such duties in connection with the registration of American nationals abroad as may be prescribed by the Secretary of State." The duties of Foreign Service officers prescribed by the Secretary of State concerning the registration of U.S. citizens abroad are set out in these regulations.

NOTE: Executive Order No. 8820 was superseded by Executive Order No. 11295, August 5, 1966. [See 31 F.R. 14521, Nov. 11, 1966.] (See section 8 FAM 241.1 , Laws and Regulations, for the text of Executive Order 11295.)

(22 CFR Sections 50.2, 50.3)

§ 50.2 Determination of U.S. nationality of persons abroad.

The Department shall determine claims to United States nationality when made by persons abroad on the basis of an application for registration, for a passport, or for registration of birth.

§ 50.3 Application for registration.

(a) A person abroad who claims U.S. nationality, or a representative on his behalf, may apply at a consular post for registration to establish his claim to U.S. nationality or to make his residence in the particular consular area a matter of record.

(b) The applicant shall execute the registration form prescribed by the Department and shall submit the supporting evidence required by Subpart C of Part 51 of this Chapter. The diplomatic or consular officer shall determine the period of time for which the registration will be valid.

8 FAM 263.2 Issuance of Card of Identity and Registration

(22 CFR Section 50.9)

§ 50.9 Card of identity and registration.

When authorized by the Department, a consular officer may issue a card of identity and registration for travel to the United States to a national of the United States being deported from a foreign country, to nationals involved in a common disaster abroad, or to a returning national whose passport facilities have been denied or withdrawn under the provisions of this Part 50 or Part 51 or 53 of this subchapter.

(Sec. 1, 63 Stat. 111, as amended (22 U.S.C. 2658)) [Dept. Reg. 108.665, 37 F.R. 11459, June 8, 1972]

8 FAM 264 MARRIAGES OF U.S. CITIZENS ABROAD

Code of Federal Regulations (Title 22 Part 52)

§ 52.1 Celebration of marriage.

Foreign Service officers are forbidden to celebrate marriages.

§ 52.2 Official witness at marriage ceremony.

(a) Diplomatic representative. A diplomatic representative shall not act as an official witness at a marriage ceremony.

(b) Consular officer. A consular officer, when requested, may act as an official witness at a marriage ceremony, in accordance with Title 22 U.S.C. 1172, provided that one of the contracting parties is a national of the United States and provided the consular officer has assured himself, as far as practicable, that the parties have complied with requirements of the applicable law of the place of celebration.

§ 52.3 Certificate of witness to marriage.

Whenever a consular officer witnesses a ceremony of marriage he shall complete a Certificate of Witness to Marriage form, affix thereto the seal of the consulate, certify that the marriage took place in his presence, and sign such certificate.

§ 52.4 Authentication of marriage and divorce documents.

(a) Whenever a consular officer is requested to authenticate the signature of local authorities on a document of marriage when he was not a witness to the marriage, he shall include in the body of his certificate of authentication the qualifying statement, "For the contents of the annexed document, the Consulate (General) assumes no responsibility."

(b) A consular officer shall include the same statement in certificates of authentication accompanying decrees of divorce.

§ 52.5 Certification as to marriage laws.

Although a consular officer may have knowledge respecting the laws of marriage, he shall not issue any official certificate with respect to such laws.

(F.R. Doc. 66-11421; Filed, Oct. 19, 1966; 8:48 a.m.)

INTERPRETATIONS

8 FAM 260 REGISTRATION AND OTHER SERVICES

8 FAM 261 REGISTRATION

8 FAM 261.1 Authority for Registration Abroad of United States Citizens

Prior to 1910 the right of a native-born United States citizen permanently residing abroad to a passport or registration and the accompanying protection of this Government was conditioned basically on whether or not the person maintained a true allegiance to the United States and an intention to return to it for the purpose of residing and performing the duties of citizenship.

Beginning in 1910 the Department considered that the vast improvements in modes of communication and transportation and the corresponding increase in international travel and trade made less significant a definite intention to resume residence in this country by citizens residing abroad as a prerequisite to the privilege of receiving a passport or certificate of registration or if necessary, the protection of this Government.

During the period of United States history preceding World War I, a policy was instituted wherein the cause of the foreign residence was the important consideration in determining the right of a citizen to official registration, as such, during the period of his continued foreign residence. Each case was decided on its own peculiar merits. It was held by the Department that the right of a United States citizen to protection while residing abroad was reciprocal with the performance of the duties and obligations of citizenship. In deciding the right of a person to protection abroad the Department then considered in a less favorable light the case of a person born with dual nationality who voluntarily placed himself within the jurisdiction of the other country claiming his allegiance where he might be called upon to perform duties inconsistent with United States citizenship.

During the years immediately following World War I it became the Department's policy to consider as important the factors of foreign residence which indicated unusual benefits to the United States when passing on the right of a dual national to registration and protection during his period of foreign residence.

The Department under international law recognizes the principle that when a dual national is residing in the other country to which he owes allegiance that country has a paramount right to his allegiance. For this reason the Department for many years consistently refused to register a dual national when such person had habitually resided in another country to which he owed allegiance. However, such a person was always accorded documentation to travel to the United States.

Since 1956, the Department has adopted the view that eligibility for registration is basically determined by a person's claim to United States nationality. Factors which would be considered in determining a citizen's right to passport facilities (Section 8 FAM 241.7) are relevant to eligibility for registration. In some cases it may be appropriate to register a national for purposes of recording his claim even though the circumstances would preclude the issue of a passport or a card or certificate of identity and registration. (See § 8 FAM 261.2-1 d, Procedures).

The Department does not mean to imply that the registration applications of all dual nationals must be approved. For example, the Department has recently declined to register as a United States citizen several dual nationals residing in the other country to which they owe allegiance. Each such disapproval has been founded on unusual circumstances of prolonged foreign residence and an indefinite intention to return to the United States. These cases, all involving native-born citizens of dual nationality who have resided continuously abroad since a very young age, include:

a. A person who refused to register for military service and stated that he desired to continue his foreign residence indefinitely;

b. A person who at the time of application was 27 years of age and had not theretofore sought recognition as a United States citizen although he had continuously resided in the other country to which he owed allegiance since infancy and at the time of application stated he had no plans to return to the United States because of his desire to attain membership in the legal bar of the country in which he was residing; and

c. A person who had actively participated in the political affairs of the country in which he was residing and had otherwise closely identified himself with the local community although he had not committed any overt act by which he could be deemed to have expatriated himself.

It is not intended to limit registration disapprovals to the particular cases enumerated. Any case involving serious doubt concerning an applicant's eligibility for registration should be fully developed by the consular officer and submitted to the Department for decision together with the submitting officer's opinion concerning the case merits.

8 FAM 262 DOCUMENTATION OF REGISTRANTS BY ISSUANCE OF CERTIFICATE OR CARD OF IDENTITY AND REGISTRATION

8 FAM 262.1 Persons Eligible to Receive Certificate or Card of Identity and Registration (Forms FS-225 and FS-225A) and Persons Eligible for Inclusion in Certificate.

The Department does not under ordinary circumstances approve the issuance of a card or certificate of identity and registration to any citizen residing abroad who is the bearer of, or included in, travel documents issued by a foreign government.

An application for registration by a United States citizen who also possessed British nationality was recently approved by the Department although the issuance of a card of identity and registration to the applicant was not authorized for the reason that the applicant refused to have her name excluded from a British passport in which she had been included while a minor. The British passport had been issued to the applicant's mother and had a remaining validity in excess of 2 years at the time of the applicant's application for registration.

8 FAM 262.2 Discontinuances of Special Card of Identification for Mexican Border Crossing Purposes (Form FS-225B)

On July 17, 1961, the Department discontinued the issuance of Form FS-225B, Card of Identification for Use on the Mexican Border, which had been authorized as a war-time measure by Departmental Order 1207 of October 23, 1943. In its place, persons who desire a document for border crossing purposes identifying them as United States citizens may apply for either Form 225, Certificate of Identity and Registration, or Form 225A, Card of Identity and Registration.

PROCEDURES

8 FAM 260 REGISTRATION AND OTHER SERVICES

8 FAM 261 REGISTRATION

8 FAM 261.1 Authority and Duties of Foreign Service Officers

8 FAM 261.11 Registration of Americans Abroad

a. Purpose of Registration

The purpose of registration is to create an official record of United States nationality which will enable consular and diplomatic officers to furnish promptly and efficiently all services which are the inherent right and privilege of such citizenship. Additionally, registration affords the following advantages to United States citizens:

(1) To establish a person's possession of citizenship of this Government while residing abroad;

(2) To provide a citizen who does not wish to possess a passport with a document proving United States citizenship (certificate or card of identity and registration), to satisfy the requirements of local authorities or for other purposes;

(3) To make the issuance of a passport, when needed, a quick and simple matter;

(4) To simplify the issuance of reports of birth to citizens' children who are born abroad;

(5) To be informed, at the time of registration, of any changes in or new interpretations of the nationality laws which might affect his status;

(6) To assure family members of benefits consistent with United States citizenship in event of registrant's death.

b. Officers Authorized to Perform Service

All officers assigned to missions with consular sections or to consular offices shall perform the services hereinafter indicated in connection with the registration of Americans abroad. Officers assigned to missions without consular sections have no authority to perform such services unless no consular office is located in the district. Consular agents are authorized to accept applications for registration to be forwarded to the supervisory consular office.

c. Scope of Registration

Registration should, in general, be encouraged. It is understood, however, that conditions in certain areas may make it advisable to limit the scope of registration activities. Within this context, the extent and scope of the registration procedures shall be determined by the embassy in each country, taking into consideration the conditions existent in constituent consular districts. Cases will also arise in which it is necessary to limit registration to less than the normal 5-year period. (See § 8 FAM 261.72 Procedures.)

d. Registration to Determine Claim to United States Nationality

A person abroad who claims U.S. nationality, or a representative on his behalf, may apply at a consular post for registration to establish his claim to nationality or to make his residence in that consular area a matter of record.

8 FAM 261.12 Providing Information About Registration Facilities

Consular officers shall inform persons in their districts who have a claim to United States nationality that registration facilities are available. Consistent with local conditions, registration of United States citizens should be encouraged by all United States diplomatic and consular posts. All appropriate public communications media and contacts with individual citizens and American firms should be used as means for encouraging registration. Such communications and contacts, while essentially dependent upon the initiative and resourcefulness of each post, might well include reference to the advantages of registration as set forth in § 8 FAM 261.11 a with particular emphasis upon the close relation between registration and effective protection abroad of the person and his property by the Government of the United States.

8 FAM 261.2 Registration Including More Than One Person

8 FAM 261.21 Persons Eligible for Registration

Except in emergency situations indicating that immediate protection is required, only the following persons are eligible for registration abroad as United States citizens or nationals:

- a. Persons bearing United States passports;
- b. Persons who have been previously registered abroad;
- c. Persons who can submit evidence of United States citizenship or nationality which would entitle them to receive a United States passport.

d. A person eligible for registration under the foregoing criteria shall not be refused the opportunity to make his claim to citizenship or nationality a matter of record, on the ground that he may not be eligible to receive the full protection of the United States. For example, a dual national subject to the military conscription law of the other country to which he also owes allegiance, and serving involuntarily in its armed forces pursuant to such law, may be registered upon his request, after authorization from the Department. In such case, however, the issuance of a card of identity and registration is normally not authorized. If such a document is being issued to a dual national, who may eventually be called for military service in the foreign country, it should not be made valid beyond the time when the military service is to begin. (See § 8 FAM 247.23 .)

8 FAM 261.22 Inclusion of More Than One Person in Registration

The regulations with reference to the inclusion of more than one person in a passport also apply to the inclusion of more than one person in a registration (see § 8 FAM 243.4) provided that the persons to be included reside with the applicant for registration and have not been registered separately.

8 FAM 261.3 Applying for Registration

8 FAM 261.31 Application Forms

a. First-Time Applicants

Every person who has not previously been documented as a United States citizen and who applies for registration in any consular district shall execute an application for the service on Forms FS-176 and FS-176S.

b. Previously Documented Applicants

Persons who present evidence that they have been documented previously by the Department or a consular office as United States citizens may apply on registration card application (§ 8 FAM 261.9). This card serves as both the application and the registration record. The consular officer may require the execution of Form FS-176 if he considers this action necessary.

c. Amendment or Extension of Registration

No application is required unless the consular officer considers it necessary, in which event Form FS-299 should be used. Action should be taken directly on Form FS-558 or on registration card application (§ 8 FAM 261.9)

8 FAM 261.32 Execution of Application for Registration

a. An application for registration by a person who has never had his citizenship status approved by the Department shall be executed in

duplicate under oath, before an officer mentioned in § 8 FAM 242.61 . If such an applicant is located in a remote area where the services of any officer qualified to administer an oath, as specified in § 8 FAM 242.61 are unavailable, the procedure described in § 8 FAM 273 is invoked. When such procedure is followed, the applicant must sign form FS-176 at the bottom of page 2 and complete Form FS-176S. The officer should amend the application form by deleting all words on page 2 of FS-176 following the applicant's signature line. The opinion of the officer must be furnished in these cases.

b. Applications for registration under this section shall be submitted to the Department for decision under the procedures of section 8 FAM 261.65 . Upon receipt of the Department's authorization or instruction, and after final action is taken, the post shall note the action taken on the applicant's Passport and Nationality Card, Form FS-558. If the applicant is registered without a concurrent passport service, or the issuance of a Card of Identity and Registration, the post file copy shall be destroyed. Otherwise appropriate notations of the action taken shall be made on the post duplicate copy of the application, which shall then be forwarded to the Department in lieu of a memorandum of action taken.

c. In cases involving classified information, the duplicate copy of Form FS-176 shall be retained in the post's files, as part of the applicant's individual file folder, with any related classified information or documents. Such folders are kept in a separate file, as part of the classified file series.

d. The consular officer may require an applicant to execute the registration application in duplicate, using form FS-176, in any case if officer considers the information supplied by the form necessary for deciding the case. This procedure may be used when an applicant's citizenship status has not been determined for many years, when applicant's entitlement to registration may be in doubt, or when person's activities may be within the scope of § 8 FAM 241.7 . When the Department's decision or authorization is requested in such cases, the opinion of the consular officer should be given. Upon receipt of the Department's answer, the procedure described in paragraph b of this section should be followed.

8 FAM 261.33 Execution of Combined Application for Passport and Registration

A person applying for a passport and for registration at the same time shall execute the application (Form FS-176) under oath as provided in sections §§ 8 FAM 242.1 and 8 FAM 242.6 .

8 FAM 261.34 Execution of Application for Amendment or Extension of Prior Registration

Applications should be made on Form FS-299 for the purpose of amending or extending a prior registration only if the passport requires amendment or extension. If the applicant desires registration amended or

extended and is having no passport service, the action on the registration shall be noted on the Form FS-558 without any application unless the consular officer considers it necessary.

8 FAM 261.4 Documents and Other Evidence to Accompany Registration Application

There shall be submitted with each application for registration such evidence as may be required to establish the applicant's identity and status as a U.S. citizen.

8 FAM 261.41 Completion of Supplemental Application Statement

Form FS-176S, Supplemental Application Statement, is to be completed for those cases specified at the top of Form FS-176S (8 FAM 242 Exhibit 242.21 (p. 4)), or in any case in which an opinion of the consular officer is required, or in any other case in which the consular officer considers it advisable.

8 FAM 261.42 Photographs

The application must contain the photograph of the applicant if the applicant has not submitted a photograph in connection with a passport or registration application within 5 years of application for registration.

Additional photographs should be submitted when necessary for form FS-558 or for a card of identity and registration. If other persons are to be included in the registration, additional photographs must be furnished for each person so included.

Additional photographs should be submitted when necessary for Form FS-558 or for a card or certificate of identity and registration. If other persons are to be included in the registration additional photographs must be furnished for each person so included. In the event the consular officer is requesting an investigation in the United States of the applicant, an additional photograph for such purpose shall be submitted with the application.

The photographs submitted under this section shall be of the size and type described in § 8 FAM 242.42 .

8 FAM 261.43 Evidence of Nationality and Identity

An applicant for registration shall submit with application the same evidence of U.S. citizenship or nationality as applicant is required to submit when applying for the issuance of a passport (see §§ 8 FAM 243.2 - 8 FAM 243.5).

The applicant must also establish identity in the manner provided in § 8 FAM 243.1 . These requirements apply also to any person to be included in the registration.

If a person resides at a place remote from the post and transmits an application by mail, the person may retain own passport but must clearly state in the application for registration the number and the date of issue of the passport held.

In cases where the normal documents of identity are not available, the officer may accept other evidence to prove the identity of the applicant, providing such evidence is adequate for positive identification in the officer's judgment. (For establishment of identity in passport cases, see sections §§ 8 FAM 243.13 and 8 FAM 243.14 .)

8 FAM 261.5 Application for Registration by Minors

The regulations pertaining to applications for passports by minors shall also apply to applications for registration by minors. (See § 8 FAM 242.63 .)

8 FAM 261.6 Action To Be Taken by the Foreign Service Post on Registrations

8 FAM 261.61 Applications on Forms FS-176 and FS-299

a. Every application for registration executed on Forms FS-176 and FS-299 shall be completed at the Foreign Service post by:

(1) Being sure the full name of the applicant is typed or printed clearly in the appropriate space.

(2) Appropriately noting any discrepancy between the name of the individual and the name in any of the evidence of citizenship which has been submitted by the applicant.

(3) Affixing the signed photographs to the copies of the application.

(4) Preparing an opinion in all cases submitted to the Department for decision or opinion.

b. Application on Registration Card Form

The applicant should complete this form either by typing or printing the required information. Only such assistance as may be necessary to ensure accuracy and efficiency should be rendered.

8 FAM 261.62 Approval at Overseas Posts

Officers have authority to approve applications for registration in all cases where the applicant's request for a passport could be approved by a post abroad without referral to the Department (see sec. § 8 FAM 244.2).

The same general principles govern applications for registration which govern applications for passports; however, an office not authorized to issue passports (see § 8 FAM 241.33 a), is authorized to perform all registration functions.

8 FAM 261.63 Record of Approval

The officer shall record approval of an application for registration by completing all pertinent items in the block in the upper right of page one of the application.

The expiration date depends upon the policy and procedures approved locally in accordance with § 8 FAM 261.11 (c) or the circumstances of the particular case. It shall not exceed 5 years.

8 FAM 261.64 Disposition of Approved Applications

When applications for registration submitted on Form FS-176 have been approved by the officer and the approval recorded in compliance with § 8 FAM 261.63 , the action taken shall be noted on the applicant's Passport and Nationality Card, Form FS-558. The application is then forwarded to the Department.

8 FAM 261.65 Referral of Applications to Department

The application for registration of any adult civilian who has never been previously documented as a United States citizen must be referred to the Department for decision.

8 FAM 261.66 Decision by Department

When a decision is received from the Department, either approving or disapproving an application for registration, the officer shall record the decision and any subsequent action taken on the applicant's Passport and Nationality Card, Form FS-558. The application in file is then destroyed. (See § 8 FAM 287.53 .)

If a card of identity is issued, however, notation of the action taken is made on the post duplicate copy, which is sent to the Department.

8 FAM 261.67 Disposition of Abandoned Applications

When, after due notice, an applicant fails to complete his application for registration it shall be considered abandoned. The officer to whom the application was submitted shall write "Abandoned" on the top of the application in red lettering. He shall, after noting on the application a short statement of the facts, forward it to the Department together with all papers submitted therewith. If the application was prepared in duplicate the copy may be retained at the post for record purposes, or it may be destroyed.

8 FAM 261.7 Periods of Validity of Registration

8 FAM 261.71 Period of Validity

The period of validity of an approved registration depends upon the policy and procedures approved locally in accordance with § 8 FAM 261.11 (c). It should not, however, exceed 5 years.

8 FAM 261.72 Period of Limited Validity

When it is reasonably anticipated that an applicant for registration shall lose citizenship by operation of law before the lapse of the period of full validity as stated in the preceding section, it shall be necessary to limit the validity of the registration to a period of time less than this period of validity. In other cases, unusual circumstances may make it desirable to limit the validity of the registration.

When registration is limited, the approving officer shall set forth in his opinion the reasons for such limitation. On the expiration of a limited registration, it may be extended upon completion of Form FS-299 in the discretion of the post where such limitation was imposed by the post. If the limitation was imposed by the Department, the application for extension shall be sent to the Department for decision together with the opinion of the consular officer. In cases of emergency (§ 8 FAM 262.22), the registration can be limited to 4 months or less after referral to the Department for decision and pending the Department's approval. In the latter case the registration may be extended without application for the period approved by the Department.

8 FAM 261.73 Combined Registration and Passport Application

When an application is made for a passport by a person who also desires to be registered, the officer accepting the application will indicate this by checking both "Application for Passport" and "Application for Registration" in the block in the upper left-hand corner on the face of Form FS-176. The officer should record the approval of both the application for passport and the application for registration in the manner provided by these regulations (see §§ 8 FAM 244.51 and 8 FAM 261.63).

A Card of Identity and Registration shall not be issued to persons to whom a passport is being issued, or to persons bearing a valid passport.

8 FAM 261.74 Registration of Persons Previously Documented as U.S. Citizens

a. Card Form Application for Registration

Persons who present evidence that they have been documented previously by the Department or a consular office as United States citizens may be registered merely by completing the registration card application illustrated in §. 8 FAM 261.9 . The registration card application should be

printed on a white card stock, locally procured. The size of the card should be compatible with the Passport and Nationality Card, Form FS-558, if it is to be interfiled. Otherwise, the size should be suited to the purpose to be served and available filing equipment. The applicant may complete the registration application in person or by mail. When the applicant has completed the card form, it should be filed alphabetically with the Passport and Nationality Cards (Form FS-558), or in a separate file if this is deemed better suited to local conditions. If a form FS-558 for the registrant is already on file, the pertinent information from the card form shall be added to Form FS-558 and the form destroyed.

This expeditious procedure may be used only if the consular officer is satisfied on the following factors:

- (1) The identity of the person.
- (2) The person has not performed an act of expatriation.
- (3) The person has not engaged in activities described in § 8 FAM 241.7.

In any case, the consular officer may require the completion of Form FS-176 or Form FS-299. Any case in which there is any doubt as to the eligibility of the person for registration should be forwarded to the Department for decision with a detailed statement of the reasons for the doubt.

The provisions of §§ 8 FAM 261.21 , 8 FAM 261.22 , 8 FAM 261.5 , 8 FAM 261.65 , 8 FAM 261.71 and 8 FAM 261.72 are applicable to registrants under this section.

b. Automatic Registration

Persons who obtain passport services and who are to remain in the consular district for 6 months or more shall be registered simultaneously with the processing of the passport service. This shall be accomplished by checking the appropriate boxes on Form FS-176 or Form FS-299 and noting the information on Form FS-558. Any volume of repetitive entries on the reverse of Form FS-558 may be accomplished by rubber stamps.

An expiration date should always be noted on the card for the purpose of maintaining the file in an active status. If the contemplated stay of the person is less than the normal validity of the registration, the expiration date should coincide with the presence of the person in the district as a further aid in maintaining currency of the file.

c. Simplified Registration

Persons who have been previously documented and who specifically request registration for brief periods exceeding one month should complete the card form registration application.

8 FAM 261.8 Registration Records to be Maintained

8 FAM 261.81 Card Records

The master card index maintained for citizenship and passport purposes is composed of all Passport and Nationality Cards, (Form FS-558 and obsolete form FS-558A) and the Registration Card Applications (§ 8 FAM 261.9). These cards may be interfiled into a single master card index file (see § 8 FAM 287.41 c for optional procedure) or maintained in two separate files, active and inactive, as the post prefers. Supplementary tickler cards may be kept as necessary on incomplete or pending cases. The posts at Hong Kong and Manila are authorized to deviate from these procedures (§ 8 FAM 287.51). The systematic purging of the card records shall be done at least once each year, following the directions given in § 8 FAM 287.41 .

8 FAM 261.82 Registration Records to be Confidential

Information contained in registration records shall not be divulged to third parties without the registrant's consent, unless the officer is convinced that the furnishing of such information would be beneficial to the registrant. Such information may also be furnished, however, under the circumstances described in § 8 FAM 247.43 , and subject to the conditions set forth therein. material of a classified nature shall not be furnished even to the registrant.

A copy of an approved registration application on file at a Foreign Service post shall not be furnished to anyone except the registrant. A request for a copy of such a document by any other person shall be referred to the Department with an explanation of the reason for the request. No inquirer shall be furnished by an officer with a list of persons registered at the Foreign Service post.

8 FAM 261.9 Form for Previously Documented Applicant's Registration

DEPARTMENT OF STATE

Foreign Service of the United States of America

REGISTRATION CARD APPLICATION

Name: _____
(Print using block letters)

Date of Birth: _____ **Place of Birth:** _____

Local Address: _____ **Local Phone:** _____

Intended length of stay: _____

U.S. Address: _____

In the event of emergency notify: _____

Evidence of U.S. citizenship presented:

Date: _____
_____ (Signature)

8 FAM 262 DOCUMENTATION OF REGISTRANTS BY ISSUANCE OF CARD OF IDENTITY AND REGISTRATION

8 FAM 262.1 Persons Eligible to Receive Card of Identity and Registration

A United States citizen whose registration has been approved may be issued a card of identity and registration. Application is made on Form FS-176 unless the citizen possesses a valid passport or has executed a Form FS-176 at the post within 5 years.

NOTE: Certificates of Identity and Registration Form FS-225, were abolished in June 1972. Certificates issued prior to June 1972 continue to be valid until the date indicated thereon.

Dependents may not be included in cards of identity and registration. Each citizen must apply for his or her own card. However, dependents may be included in a single registration application, for which no fee is charged. The card may then be issued to the person in whose name the application is executed. If anyone included in the registration application wants a card of identity and registration, the person may be issued a card in his or her own name upon application and payment of the fee. Any person previously included in a still valid certificate of identity and registration is to be

excluded from the certificate before being issued a card of identity and registration. If the certificate was issued to the person desiring the card, the certificate should be surrendered before the card is issued.

A citizen may not be issued a card of identity and registration while in possession of a valid United States passport. Except in unusual cases (see § 8 FAM 262.5) the card is not to be used as a travel document.

8 FAM 262.2 Periods of Validity of Cards of Identity and Registration

8 FAM 262.21 Usual Cases

A card of identity and registration may be issued for periods of validity not exceeding 5 years.

8 FAM 262.22 Emergency Cases

In a bona fide emergency case requiring immediate issuance of a card of identity and registration such a document may be issued for a period of validity deemed necessary by the consular officer in the circumstances of the case, but in no case for a period exceeding 4 months. This emergency procedure should be restricted to cases in which the applicant is able to show conclusively an emergency which would warrant the action. The procedure is intended for use only where the application for registration is the type that must be referred to the Department for approval. In such a case the validity of the card may be later extended upon receipt of, and for the period of, the Department's approval.

The issuance of cards of restricted validity authorized by this should be sparingly used. In no case should the procedure be invoked if the applicant can obtain and submit the usual evidence of identity and citizenship which would enable the consular officer to approve the application for registration under the authority prescribed in §§ 8 FAM 241.33 c and 8 FAM 261.62 without referral of the case to the Department.

8 FAM 262.3 Preparation and Execution of Card of Identity and Registration

8 FAM 262.31 Card of Identity and Registration Form FS-225A

The Card of Identity and Registration, Form FS-225A, shall be completed by typewriter. The raised impression seal of the issuing office shall be affixed to the right side of the upper half of the card in such a way that it will partly cover the signature of the officer who has signed the card. The applicant's photograph shall be trimmed to a size that will permit his signature after the photograph is affixed to the left side of the lower half of the opened card. The consular rubber stamp seal shall be placed below, but partially over the photograph, in a manner that will not obscure the facial features. A duplicate of the photograph attached to the card is to be

attached to the applicant's Form FS-558, unless a satisfactory photograph has already been furnished. (See § 8 FAM 262.34 for example of Card of Identity and Registration, FS-225A.)

Each card is to be numbered in series, beginning with No. 1, at the top of the first cover page in the space provided. The series numbering will not be started anew with the assignment of each new officer in charge of an office.

Notations may be entered on the back cover of the card to indicate an extension of the period of validity of the card in cases where such notations may be necessary, as where a card was originally issued for a period of validity less than full validity because of a valid reason. No objection shall be made to the placing of official notations on the back cover of the card by an official of a foreign government. However, because of the limited space, officials of foreign governments should not be encouraged to enter official notations.

Blank cards (FS-225A) shall be kept in a vault, safe, or file cabinet equipped with a three-way combination lock as a safeguard against attempted fraud.

8 FAM 262.32 Form of Card of Identity Registration and (FS-225A)

AMERICAN FOREIGN SERVICE
 Form No. 225A
 Establishment April 1948

AMERICAN FOREIGN SERVICE

THIS CARD IS TO BE USED BY OFFICERS OF THE AMERICAN FOREIGN SERVICE ONLY. IT IS NOT VALID FOR OTHER PURPOSES. THIS CARD IS VALID ONLY FOR THE UNITED STATES OF AMERICA.

IN THIS SPACE

THIS IS THE PLACE TO INDICATE THE PERIOD OF VALIDITY OF THIS CARD. THE PERIOD OF VALIDITY SHOULD BE INDICATED IN MONTHS AND YEARS.

NAME OF THE OFFICER TO WHOM ISSUED

Rank _____
 Surname _____
 U.S. No. _____
 (Date) _____

PHOTOGRAPH, DESCRIPTION AND SIGNATURE OF HOLDER

PERSONAL DESCRIPTION

FORM of HAIR _____
 Color of HAIR _____
 Color of EYES _____
 Color of SKIN _____
 Complexion _____
 Height _____ Feet _____ Inches
 Weight _____ Pounds
 Hair _____ Eyes _____
 Complexion _____
 Birth Date _____
 Birth Place _____

(The number within diamond should match number on photograph)

Signature of Holder _____

Signature of Issuer _____

8 FAM 262.4 Fee Chargeable for Card of Identity and Registration

The fee for a card of identity and registration, as of November 26, 1969, is \$3.00. Posts with supplies of cards showing the earlier \$1.00 fee should continue to use the on-hand supply, making a pen-and-ink change to show the \$3.00 fee.

Older Forms FS-176 showing the \$1.00 fee may still be used but a pen-and-ink correction should be made to show that \$3.00 was collected.

8 FAM 262.5 Cards of Identity and Registration Not To Be Considered Travel Documents, Except in Certain Cases

Citizens who desire to obtain travel documents shall be required to apply for service passports as required by these regulations. However, there is no objection to the use of a card of identity and registration by a United States citizen who is registered in an American consular office in countries contiguous to the United States as evidence of identity and registration as a citizen when the citizen seeks to enter the United States.

When authorized by the Department, a consular officer may issue a card of identity and registration for travel to the United States to a national of the United States being deported from a foreign country, to nationals involved in a common disaster abroad, or to a returning national whose passport facilities have been denied or withdrawn under the provisions of part 50, 51, or 53, title 22 of Code of Federal Regulations (22 CFR 50.9).

8 FAM 262.6 Temporary Surrender of Passports on Citizen's Request for Card of Identity and Registration

When the bearer of a valid passport finds it more convenient for local purposes to carry a card of identity and registration instead of a passport, the citizen should present the passport and be registered, if not already registered. A card of identity and registration may then be issued. The registrant's passport may then be taken and retained in the office for possible use during the period of its validity. The passport, if valid, may be returned upon the citizen's request and the citizen's surrender of the card of identity.

8 FAM 262.7 Validity of Cards of Identity

Cards of identity and registration may be issued to be valid for a period not exceeding 5 years from the date of issue. They shall not be renewed. Upon expiration of the 5-year period, a new card may be issued upon application therefor on Form FS-176.

8 FAM 262.8 Amendment of Extension of a Card of Identity and Registration

An application for amendment or extension of a card of identity and registration shall be made on Form FS-299. Care must be taken to indicate plainly on the application the action taken.

A card which has been limited by action of a consular post may be extended by action of the post to a period not exceeding 5 years from date of issue. Requests for extension of limitations imposed by Departmental decision shall be referred to the Department unless authorization is specifically delegated to the post.

8 FAM 262.9 Report of Cards Issued

Effective August 1, 1972, and each month thereafter, each post will report to the Department on Form FS-121, Monthly Report of Passports Issued, a separate item entitled "Cards of Identity and Registration," together with the "C" number of all cards issued during the previous month, the name of the person the card was issued to, and the date of issue. If no cards were issued during the month, write "None." Form FS-121 may be amended by typewriter to show these items.

Future shipments of cards must be receipted for on form DS-859A in the same manner as passports. The forms will be amended by the Passport Office to include this required information.

8 FAM 264.8 Authentication of Marriage and Divorce Decree Documents

When a consular officer is requested to authenticate the signature of local authorities on a document of marriage when not a witness to the marriage, the officer shall include in the body of the certificate of authentication the qualifying statement, "For the contents of the annexed document, the Consulate (General) assumes no responsibility." The same statement shall be included in certificates of authentication accompanying decrees of divorce. (22 CFR 52.4.)

8 FAM 264.9 Certification as to Marriage Laws by Consular Officers is Prohibited

8 FAM 264.91 General Provisions

Although a consular officer may have knowledge respecting the laws of marriage, the officer shall not issue any official certificate as to such laws. (22 CFR 52.5.) Any inquirer concerning marriage laws may be referred to any available source of information concerning the marriage laws or to an appropriate official authorized to interpret them.

8 FAM 264.92 Marriage Laws of the United States

A consular officer shall not make any official certifications as to the status or capacity to marry of persons domiciled in the United States who propose to be married abroad; or to the laws of the United States, or of the States or Territories, regarding capacity for marriage or the solemnization thereof.

8 FAM 264.93 Marriage Laws in the Consular District

A consular officer is not legally competent to give an authoritative opinion upon matters of local law and fact to parties proposing to be married abroad.

8 FAM 264.94 Marriage of United States Citizens on the High Seas

A consular officer shall refrain from giving legal advice on the subject of the validity of marriages performed on board a vessel on the high seas. A general statement with regard to the validity of marriages performed on the high seas (other than those solemnized on board vessels registered in the District of Columbia, in which case the District laws on marriage prevail) can not be made since their validity and recognition depend upon the various requirements of state laws as construed and interpreted by the courts.

8 FAM 264.95 Marriage by Proxy or by Contract Without Ceremony

A consular officer shall refrain from giving legal advice concerning the validity of marriages by proxy or marriages contracted by parties without the benefit of either civil or ecclesiastical ceremony. Information regarding the validity of marriages by proxy should be obtained from officials of the State or country where the marriage is performed. Likewise, information on the subject of the validity of marriage contracted without a ceremony of any kind should be obtained from the officials of the State or States where the contracting parties are or have been domiciled.

8 FAM 265 REGISTRATION AND DOCUMENTATION OF PERSONS BEING DEPORTED TO UNITED STATES

When a person is to be deported to the United States, the post shall endeavor to have him execute an application for registration. If an application is executed it should be forwarded with a request for authorization by the Department to issue an emergency certificate of identity and registration. No further action should be taken by the officer pending the Department's authorization and approval.

When the request for authorization to issue an emergency certificate in such case is made by mail, all information available on the citizenship status of the deportee shall be submitted in a transmitting despatch, together with the application and a recent photograph. The Department should be supplied with all available details bearing on the question of the deportee's identity and, if possible, the names of one or more persons in the United States who might be able to identify him and execute affidavits, if necessary, concerning his citizenship.

When the request for authorization to issue an emergency certificate of identity and registration is made by cable, a concise statement of information available concerning the deportee's citizenship status should be provided. The cable should be followed by a confirmation despatch, together with the formal application and a recent photograph. Any available evidence of citizenship should be submitted with the confirmation despatch. If the deportee's citizenship and identity are established the Department will authorize the issue to him of an emergency certificate of identity and registration for approval is received, the officer shall execute the certificate, after attaching the photograph, and deliver the same to the applicant without charge. At the same time the officer shall telegraphically inform the Department and advise the Immigration and Naturalization Service as to the date and port of departure and the name of the steamship upon which the deportee is sailing.