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Document (1)

1. *Shepard's*®: 22 U.S.C. sec. 211a

Client/Matter: -None-

Requested Categories:

History - Requested

Citing Decisions - None applied

Other Citing Sources - None applied



Shepard's[®]: Report Content

History:Requested

 **Citing Decisions:**None Applied

Other Citing Sources:None Applied

Shepard's[®]: Comprehensive Report for [22 U.S.C. sec. 211a](#)

[Subsection reports by specific court citation](#)

History (1)

1. July 3, 1926, ch 772, § 1, 44 Stat. 887; Oct. 7, 1978, P. L. 95-426, Title I, § 124, 92 Stat. 971; April 30, 1994, P. L. 103-236, Title I, Part B, § 127(a), 108 Stat. 394; Oct. 25, 1994, P. L. 103-415, § 1(b), 108 Stat. 4299.

Citing Decisions (108)

Analysis:Constitutional by (4), Cited in Concurring Opinion at (3), Interpreted or construed by (1), Cited in Dissenting Opinion at (1), "Cited by" (100)

U.S. Supreme Court

1. [Regan v. Wald](#), 468 U.S. 222, 104 S. Ct. 3026, 82 L. Ed. 2d 171, 1984 U.S. LEXIS 134, 52 U.S.L.W. 4966 ▲

LB Cited by: 468 U.S. 222 p.230; 104 S. Ct. 3026 p.3032; 82 L. Ed. 2d 171 p.178
 ... ("both the legislative history and cases interpreting the TWEA fully sustain the broad authority of the Executive when acting under this congressional grant of power"); *Guessefeldt v. McGrath*, 342 U.S. 308, 319 (1952). [3B] In the alternative, see Brief for Respondents 10-20, respondents argue that a 1978 amendment to the Passport Act, **22 U. S. C. § 211a**, eliminated whatever authority the President once had to regulate travel-related transactions under TWEA. See Pub. L. 95-426, § ...
Court: U.S. | **Date:** June 28, 1984

2. [Haig v. Agee](#), 453 U.S. 280, 101 S. Ct. 2766, 69 L. Ed. 2d 640, 1981 U.S. LEXIS 39, 49 U.S.L.W. 4869, 7 Media L. Rep. (BNA) 1545 ▲

LB Cited by: 101 S. Ct. 2766 p.2772, p.2778; 69 L. Ed. 2d 640 p.650, p.658
 ... **22 U.S.C.S. § 211a**. 22 U. S. C. § 211a (1976 ed., Supp. IV). This language is unchanged since its original enactment in 1926. 18 In fact, the pertinent language has not been changed since 1874. See n. 26, *infra*. The sole amendment to the 1926 provision, enacted in 1978, limits the power of the Executive to impose geographic restrictions on the use of United States passports in the absence of war, armed hostilities, or imminent danger to travelers. See *infra*, at 300, and n. 48. [2] ...
Court: U.S. | **Date:** June 29, 1981

3. [United States v. Laub](#), 385 U.S. 475, 87 S. Ct. 574, 17 L. Ed. 2d 526, 1967 U.S. LEXIS 2575 ▲

LB Cited by: 385 U.S. 475 p.477; 87 S. Ct. 574 p.575; 17 L. Ed. 2d 526 p.527
 ... If there is a gap in the law, the right and the duty, if any, to fill it do not devolve upon the courts. PASSPORT §1 area travel restriction -- Headnote: [6] The State Department's area travel restriction, requiring special validation of passports for travel to Cuba, is a valid civil regulation under the Passport Act of 1926 (**22 USC 211a**), which provides that the Secretary of State may issue passports under such rules as the President shall prescribe. LAW §1 crimes by inference -- Headnote: ...
Court: U.S. | **Date:** January 10, 1967

4. [Zemel v. Rusk](#), 381 U.S. 1, 85 S. Ct. 1271, 14 L. Ed. 2d 179, 1965 U.S. LEXIS 1304, 1 Media L. Rep. (BNA) 2299 Q

G Constitutional by: 85 S. Ct. 1271 p.1272
 ... from a judgment of a three-judge District Court lies under 28 USC 1253 only where such a court was properly convened under 28 USC 2282. COURTS §225.6 jurisdiction of three-judge court -- Headnote: [2A] [2B] A complaint seeking an injunction to enjoin the enforcement of the Passport Act of

1926 (**22 USC § 211a**) and of §215 of the Immigration and Nationality Act of 1952 (8 USC §1185) on the substantial ground that those statutes are unconstitutional, meets the requirements of 28 USC ...

Court: U.S. | **Date:** May 3, 1965

5. [Dayton v. Dulles](#), 357 U.S. 144, 78 S. Ct. 1127, 2 L. Ed. 2d 1221, 1958 U.S. LEXIS 815 ▲

LB Cited by: 357 U.S. 144 p.144; 78 S. Ct. 1127 p.1127; 2 L. Ed. 2d 1221 p.1221

... authority of Secretary of State -- issuance to Communists. -- Headnote: [1] Section 215 of the Immigration and Nationality Act of 1952 (8 USC 1185), which makes a passport necessary for foreign travel, and 1 of the Act of Congress of July 3, 1926 (**22 USC 211a**), which authorizes the Secretary of State to grant passports, do not confer authority upon the Secretary to deny a passport upon findings that the applicant was affiliated with members of the Communist party and with an association ...

Court: U.S. | **Date:** June 16, 1958

6. [Kent v. Dulles](#), 357 U.S. 116, 78 S. Ct. 1113, 2 L. Ed. 2d 1204, 1958 U.S. LEXIS 814 ◻

LB Cited by: 357 U.S. 116 p.116, p.123; 78 S. Ct. 1113 p.1113, p.1116; 2 L. Ed. 2d 1204 p.1204, p.1209

... when petitioners refused to submit the affidavits as to whether they were, or had ever been, Communists. The district court dismissed petitioners' complaints. The court of appeals affirmed. The Supreme Court reversed. The Court held that the right to travel was a part of the liberty that a citizen could not be deprived of without due process of law under U.S. Amend. V. The Court held that 8 U.S.C.S. § 1185 and **22 U.S.C.S. § 211a** did not delegate to respondent the authority to withhold ...

Court: U.S. | **Date:** June 16, 1958

1st Circuit - Court of Appeals

7. [United States v. Salinas](#), 373 F.3d 161, 2004 U.S. App. LEXIS 12916 ▲

LB Cited by: 373 F.3d 161 p.162

... conclusion and hold that the relevant statutory framework does not support venue at the site of processing when that site is otherwise unconnected to either the offender or the offense. This holding requires that we reverse the lower court's venue determination and vacate the conviction that ensued. I. BACKGROUND The facts relevant to the issue before us are, for all intents and purposes, undisputed. By statute, the Secretary of State has the authority to "grant and issue passports." **22 U.S.C. § 211a** ...

Court: 1st Cir. N.H. | **Date:** June 28, 2004


8. [Wald v. Regan](#), 708 F.2d 794, 1983 U.S. App. LEXIS 27937 ●

LB Cited by: 708 F.2d 794 p.796

... of the sort here at issue from 1963 to early 1977, on March 29, 1977, the Department repealed those travel restrictions and issued a broad, general license allowing all persons traveling to Cuba to pay for their transportation and living expenses. 42 Fed. Reg. 16621 (1977); see also 42 Fed. Reg. 25499 (1977) (further liberalization). The State Department, which had restricted travel to Cuba through passport regulations under **22 U.S.C. § 211a**, eliminated those regulations during the same ...

Court: 1st Cir. Mass. | **Date:** May 16, 1983

1st Circuit - U.S. District Courts

9. [United States v. Torres](#), 857 F. Supp. 168, 1994 U.S. Dist. LEXIS 9552 

LB Cited by: 857 F. Supp. 168 p.176

... The Court so held despite broad discretion vested in the Secretary by the federal statute and implementing regulations on which the Secretary based his actions. Congress authorized the Secretary to "grant and issue passports . . . under such rules as the President may designate" 357 U.S. at 123 (quoting **22 U.S.C. § 211a**). In addition, "the Secretary is authorized in his discretion to refuse to issue a passport" 357 U.S. at 124 (quoting 22 CFR § 51.75) (emphasis added). ...

Court: Dist. P.R. | **Date:** July 7, 1994

1st Circuit - U.S. Bankruptcy Courts

10. [In re Dawson](#), 2017 Bankr. LEXIS 2496 

LB Cited by: 2017 Bankr. LEXIS 2496

... **22 U.S.C. § 211a**, 42 U.S.C. § 652(k) and 22 C.F.R. § 51.60(a)(2), to revoke, restrict or limit the passport of the individual owing the unpaid child support. 2 Federal Government, Executive Offices HN1 The Secretary of State is the only official authorized to issue, revoke, limit or restrict passports, or to cause passports to be issued, limited, revoked or restricted by certain specially designated officers. 22 U.S.C.S. § 211a ; 22 C.F.R. § 51.60(a)(2). The Secretary of State is the only ...

Court: Bankr. Dist. Maine | **Date:** September 1, 2017


2nd Circuit - Court of Appeals

11. [Hizam v. Kerry](#), 747 F.3d 102, 2014 U.S. App. LEXIS 4831, 2014 WL 943856 

LB Cited by: 747 F.3d 102 p.107

... 8 U.S.C.S. § 1104(a). Pursuant to this authority, it issues Consular Report of Birth Abroad (CRBAs) to United States citizens born abroad, 22 C.F.R. § 50.7. The State Department also has the authority to issue passports to United States citizens, **22 U.S.C.S. §§ 211a**, 212; 22 C.F.R. § 51.2(a). CRBAs and passports have the same force and effect as proof of United States citizenship as certificates of naturalization or of citizenship issued by the Attorney General or by a court having naturalization ...


Court: 2d Cir. N.Y. | **Date:** March 12, 2014

12. [Weinstein v. Albright](#), 261 F.3d 127, 2001 U.S. App. LEXIS 18066 

LB Cited by: 261 F.3d 127 p.138

... The statute stated, in relevant part, "The Secretary of State may grant and issue passports ... under such rules as the President shall designate and prescribe ... and no other person shall grant, issue, or verify such passports." Haig, 453 U.S. at 290 (quoting **22 U.S.C. § 211a (1976 ed., Supp. IV)**). The current version of the statute is the same in all respects significant to this discussion. See 22 U.S.C. § 211a (2001). The Court nonetheless upheld the Secretary's exercise of discretion ...

Court: 2d Cir. N.Y. | **Date:** August 10, 2001

13. [United States v. Praetorius](#), 622 F.2d 1054, 1979 U.S. App. LEXIS 9824, 5 Fed. R. Evid. Serv. (CBC) 455 

LB Cited by: 622 F.2d 1054 p.1062

... the trial court ruled that the passport should be surrendered. From the information on the passport, the government was able to obtain corroborative evidence against Lanza, such as airline tickets, hotel

bills, and immigration declarations. Lanza's first contention is that only the Secretary of State is empowered to compel a citizen to surrender his passport. See **22 U.S.C. § 211a** . Appellant's reading of that statute is plainly wrong. It does not vest the Secretary of State with the exclusive ...

Court: 2d Cir. N.Y. | **Date:** December 10, 1979

14. [United States ex rel. Pieropoulos v. Shaughnessy](#), 239 F.2d 784, 1957 U.S. App. LEXIS 3035 

LB Cited by: 239 F.2d 784 p.784

Court: 2d Cir. N.Y. | **Date:** January 3, 1957


2nd Circuit - U.S. District Courts

15. [Animashaun v. AG for the United States](#), 2019 U.S. Dist. LEXIS 89857 

LB Cited by: 2019 U.S. Dist. LEXIS 89857

... passport. He acknowledges he has never had any of them. The requirements and procedures for issuance of social security numbers and U.S. Passports are governed by federal statutes and regulations. See, e.g. 20 C.F.R. §§ 422.103 , 422.107 (application for social security number and required evidence); **22 U.S.C. §§ 211a, et seq.** and 22 C.F.R. §§ 51.2, **et seq.** (passport application requirements). The requirements for a New York State driver's license and a non-license identification ...

Court: Northern Dist. N.Y. | **Date:** May 28, 2019

16. [Ali v. Tillerson](#), 2017 U.S. Dist. LEXIS 216070 

LB Cited by: 2017 U.S. Dist. LEXIS 216070

... The question presented is whether Plaintiff has an adequate remedy under federal law for his passport revocation. Defendants argue that 8 U.S.C. § 1503(a) provides an adequate remedy for his passport revocation. 3 "The State Department . . . the authority to issue passports to United States citizens." *Hizam v. Kerry* , 747 F.3d 102 , 107 (2d Cir. 2014) (citing **22 U.S.C. §§ 211a & 212**). That statute provides that: If any person who is within the United States claims a right or privilege ...


Court: Eastern Dist. N.Y. | **Date:** November 21, 2017

17. [Jarbie v. Holder](#), 2017 U.S. Dist. LEXIS 4099, 2017 WL 111738 

LB Cited by: 2017 U.S. Dist. LEXIS 4099

... 104 L. Ed. 2d 377 (1989)) . Congress has authorized the State Department's employees to grant and issue passports when an applicant makes a true recital of each and every fact required by the law and applicable regulations at 22 C.F.R., Part 51 . See **22 U.S.C. §§ 211a** , 213 ; 22 C.F.R. §§ 51.23(b-c) . Section 51.65 of the C.F.R. sets out the notice and appeals procedure when the State Department denies an application. (Report, at 14 (citing 22 C.F.R. §§ 51.65(a-b) .) In summary, a passport ...

Court: Southern Dist. N.Y. | **Date:** January 10, 2017

18. [Jarbie v. Holder](#), 2016 U.S. Dist. LEXIS 107974 

LB Cited by: 2016 U.S. Dist. LEXIS 107974

... . Put differently, "the function of the district court is to determine whether or not as a matter of law the

evidence in the administrative record permitted the agency to make the decision it did." *Occidental Engineering Co. v. INS*, 753 F.2d 766, 769 (9th Cir. 1985). C. Statutory and Regulatory Framework The Secretary of State and State Department employees are empowered by statute to grant and issue passports. **22 U.S.C. § 211a**. Before a passport is issued to any person . . . such person ...


Court: Southern Dist. N.Y. | **Date:** August 12, 2016

19. [United States v. Laub](#), 253 F. Supp. 433, 1966 U.S. Dist. LEXIS 7731 

LB Cited by: 253 F. Supp. 433 p.444

... possible the national defense justify, it is believed, the enactment of legislation providing for the centralization of control over the entry into and departure from the United States of persons of all classes. It is believed that this could be accomplished by the modification of the first paragraph of the act of May 22, 1918, so that the President could issue rules and regulations governing the entry into and departure from the United States of all persons. * * * The regulations under **§ 211a** ...


Court: Eastern Dist. N.Y. | **Date:** April 15, 1966

20. [Zemel v. Rusk](#), 228 F. Supp. 65, 1964 U.S. Dist. LEXIS 8152 

G Constitutional by: 228 F. Supp. 65 p.65

... Plaintiff United States citizen brought an action against defendants, the United States Secretary of State and the Attorney General of the United States, for a declaratory judgment and to enjoin the enforcement and execution of the Passport Act, **22 U.S.C.S. §§ 211a** and the Immigration and Nationality Act, 8 U.S.C.S. § 1185. Both parties made motions for summary judgment. A citizen was properly barred from travel to Cuba as the Passport Act and the Immigration and Nationality Act were constitutional ...

Court: Dist. Conn. | **Date:** February 20, 1964


21. [Copeland v. Secretary of State](#), 226 F. Supp. 20, 1964 U.S. Dist. LEXIS 8320 

LB Cited by: 226 F. Supp. 20 p.23

... The United States Secretary of State has been granted the statutory authority to grant, issue and verify passports. **22 U.S.C.S. § 211a**. The defendant Secretary of State has been granted the statutory authority to 'grant, issue and verify passports', 22 U.S.U.A. 211a 4. 22 U.S.C.A. 211a provides: Authority to grant, issue and verify passports. Federal Government, Employees & Officials Admission of Immigrants & Nonimmigrants, Visa Eligibility & Issuance HN14 See **22 U.S.C.S. § 211a**. 'The Secretary ...

Court: Southern Dist. N.Y. | **Date:** January 23, 1964

3rd Circuit - Court of Appeals

22. [United States v. Moreno](#), 727 F.3d 255, 2013 U.S. App. LEXIS 13623, 59 V.I. 1131, 83 A.L.R. Fed. 2d 583 

B Cited in Dissenting Opinion at: 727 F.3d 255 p.265; 59 V.I. 1131 p.1144

LB Cited by: 727 F.3d 255 p.261; 59 V.I. 1131 p.1138

... *Haig v. Agee*, 453 U.S. 280, 294-99, 101 S.Ct. 2766, 69 L.Ed.2d 640 (1981) (noting similarities between the original Passport Act and the current scheme). For example, the State Department has exclusive authority to grant and revoke passports, **22 U.S.C. § 211a**; 8 U.S.C. §

1504(a) , to limit their period of validity, 22 U.S.C. § 217a , and to set fees, id . § 214 . See also Zivotofsky v. Clinton , 132 S. Ct. 1421 , 1436 , 182 L. Ed. 2d 423 (2012) (Alito ...

Court: 3d Cir. V.I. | **Date:** July 3, 2013

23. [Ad-Din v. United States Dep't of State](#), 416 Fed. Appx. 136, 2011 U.S. App. LEXIS 1855 

LB Cited by: 416 Fed. Appx. 136 p.139

... That conclusion is bolstered by appellant's filing in support of his appeal, which appears to be an amended complaint. Appellant now describes his cause of action as "continuous Trespasses of Discrimination as per 1. Conspiracy against Plaintiff's rights as a Dual National 22 U.S.C. § 141-143 , § 145-174 & § 211a-212 which demonstrates Plaintiffs Most appropriate Moroccan Jurisdiction Birth Rights to U.S. of A. Passport; and 2. Deprivation of rights under color of law . . . as per the Plaintiff, ...

Court: 3d Cir. N.J. | **Date:** January 27, 2011


3rd Circuit - U.S. District Courts

24. [Byam v. Dorset](#), 2019 U.S. Dist. LEXIS 41606, 2019 WL 1198737 

LB Cited by: 2019 U.S. Dist. LEXIS 41606

... **22 U.S.C. § 211a** . 2 The Secretary of State may grant and issue passports, and cause passports to be granted, issued, and verified in foreign countries by diplomatic and consular officers of the United States , and by such other employees of the Department of State who are citizens of the United States as the Secretary of State may designate, and by the chief or other executive officer of the insular possessions of the United States , under such rules as the President shall designate and prescribe ...

Court: Dist. V.I. | **Date:** March 14, 2019

25. [Byam v. Dorset](#), 2019 U.S. Dist. LEXIS 42659 

LB Cited by: 2019 U.S. Dist. LEXIS 42659

... Lieutenant Governor's Passport Division, which operates a Passport Acceptance Facility on St. Thomas, 2 See <https://ltg.gov.vi/departments/passport-division>. denied her a passport. That office, however, acts pursuant to the authority granted it by the United States Department of State's Bureau of Consular Affairs. 3 See **22 U.S.C. § 211a** (federal statute granting the Secretary of State the authority to issue U.S. passports). Therefore, plaintiff fails to state a viable claim for relief ...

Court: Dist. V.I. | **Date:** March 11, 2019

26. [MacEwan v. Rusk](#), 228 F. Supp. 306, 1964 U.S. Dist. LEXIS 7116 

G Constitutional by: 228 F. Supp. 306 p.307

... The Secretary of State does not rely solely on inherent executive power. He claims statutory authority for the regulations he has promulgated. There are two Acts of Congress to which the Secretary points as the sources of his power. One is § 215 of the Immigration and Nationality Act of 1952, 8 U.S.C. § 1185 . The other is the Passport Act of 1926, § 1, **22 U.S.C. § 211a** . 1. Federal Government, Executive Offices Enforcement of Immigration Laws, Immigration Officers HN5 Section 215(a) ...

Court: Eastern Dist. Pa. | **Date:** March 30, 1964

4th Circuit - Court of Appeals

27. [Int'l Refugee Assistance Project v. Trump](#), 883 F.3d 233, 2018 U.S. App. LEXIS 3513, 2018 WL

894413

B Cited in Concurring Opinion at: 883 F.3d 233 p.328

... There, the Supreme Court was asked to construe a statute providing that "[t]he Secretary of State may grant and issue passports . . . under such rules as the President shall designate and prescribe for and on behalf of the United States ." 357 U.S. at 123 (internal quotation marks omitted) (quoting **22 U.S.C. § 211a (1952)**). Pursuant to that authority, the executive branch promulgated a regulation authorizing the Secretary of State to demand an affidavit from any passport applicant averring ...

Court: 4th Cir. Md. | **Date:** February 15, 2018

28. [Int'l Refugee Assistance Project v. Trump](#), 857 F.3d 554, 2017 U.S. App. LEXIS 9109, 2017 WL 2273306

B Cited in Concurring Opinion at: 857 F.3d 554 p.617

... There, the Supreme Court was asked to construe a statute providing that " [t]he Secretary of State may grant and issue passports . . . under such rules as the President shall designate and prescribe for and on behalf of the United States ." 357 U.S. at 123 (internal quotation marks omitted) (quoting **22 U.S.C. § 211a (1952)**). Pursuant to that authority, the executive branch promulgated a regulation authorizing the Secretary of State to demand an affidavit from any passport applicant averring ...

Court: 4th Cir. Md. | **Date:** May 25, 2017


4th Circuit - U.S. District Courts

29. [United States v. McFarlane](#), 2021 U.S. Dist. LEXIS 127165, 2021 WL 2878538

LB Cited by: 2021 U.S. Dist. LEXIS 127165

... Moreover, the court rejects the government's argument that either his 1999 passport or 2009 passport was a false document. In 2018 and 2019 McFarlane was a United States citizen entitled to possess a United States passport, and the Department of State issued McFarlane's 1999 passport and 2009 passport. See **22 U.S.C. §§ 211a** , 212 ; Fact Sheet on Passports for Judges and Lawyers, U.S. Dep't of State—Bureau of Consular Affs., <https://travel.state.gov/content/travel/en/passports/legal-matters/family-law.html> ...

Court: Eastern Dist. N.C. | **Date:** July 8, 2021

30. [Kiviti v. Pompeo](#), 467 F. Supp. 3d 293, 2020 U.S. Dist. LEXIS 105985, 2020 WL 3268221 

LB Cited by: 467 F. Supp. 3d 293 p.301

... B. The Foreign Affairs Manual The Secretary of State is charged with administering the INA as it relates to "the determination of nationality of a person not in the United States ." 8 U.S.C. § 1104(a) . The Secretary is also empowered to "grant and issue passports," **22 U.S.C. § 211a (2018)** , which "may be issued only to . . . U.S. national[s]," 22 C.F.R. § 51.2 (2019) , and have "the same force and effect as proof of United States citizenship as certificates of naturalization or of citizenship ...

Court: Dist. Md. | **Date:** June 17, 2020

5th Circuit - Court of Appeals

31. [Sanchez v. Kerry](#), 648 Fed. Appx. 386, 2015 U.S. App. LEXIS 21898 

LB Cited by: 648 Fed. Appx. 386 p.387

... Sanchez challenges DOS' denial of his passport application, and: the court's granting DOS' partial motion to dismiss; parts of its findings of fact and conclusions of law; its dismissal of his § 1503(a) claim;

and its denial of his motion for a new trial. Sanchez confirmed at oral argument he does not bring a claim of derivative citizenship, and concedes his claims under the Administrative Procedure Act, 5 U.S.C. § 704 ; **22 U.S.C. § 211a** (authority to grant, issue, and verify passports); and ...

Court: 5th Cir. Tex. | **Date:** December 14, 2015

32. [Garcia v. Kerry](#), 557 Fed. Appx. 304, 2014 U.S. App. LEXIS 2822 ▲

LB Cited by: 557 Fed. Appx. 304 p.309

... Federal Government, Executive Offices Immigration Law, Enforcement of Immigration Laws Dispute Resolution, Comity Doctrine HN8 The U.S. Secretary of States and his designates have the sole power to grant, issue, and verify United States passports. **22 U.S.C.S. § 211a** . Permitting a foreign judgment to preclude the Secretary from determining a person's eligibility for a United States passport would clearly be contrary or prejudicial to the interests of the federal government in maintaining its exclusive ...

Court: 5th Cir. Tex. | **Date:** February 14, 2014

5th Circuit - U.S. District Courts

33. [Salgado v. Blinken](#), 2021 U.S. Dist. LEXIS 226864 Ⓐ

LB Cited by: 2021 U.S. Dist. LEXIS 226864

Court: Southern Dist. Tex. | **Date:** November 24, 2021

34. [Salgado v. Pompeo](#), 2019 U.S. Dist. LEXIS 64749, 2019 WL 1643559 ▲

LB Cited by: 2019 U.S. Dist. LEXIS 64749

... issued him a delayed birth certificate in January 2010, listing his birthplace as Conroe , Texas . (Id. at 3-4). Salgado sued Secretary Pompeo and Director Harrell under 5 U.S.C. § 701 **et seq.** (the Administrative Procedure Act); 8 U.S.C. § 1503(a) (denial of a citizen's rights and privileges); **22 U.S.C. § 211aet seq.** (the Passport Act); and 28 U.S.C. §§ 1331 (federal-question jurisdiction), 1361 (the Mandamus Act), 1651 (the All Writs Act), and 2201 (the Declaratory ...

Court: Southern Dist. Tex. | **Date:** April 16, 2019

35. [Alonso v. United States](#), 2016 U.S. Dist. LEXIS 183697 ⬆

LB Cited by: 2016 U.S. Dist. LEXIS 183697

... states that "any person who. . . is denied such right or privilege by any department or independent agency, or official thereof, upon the ground that he is not a national of the United States , such person may institute [a] [civil] action[.]" 8 U.S.C. § 1503(a) . The Secretary of State is tasked with the authority to grant and issue passports. See **22 U.S.C. §211a** . One of the regulations promulgated by the Secretary of State to fulfill these duties states that an "applicant must establish ...

Court: Southern Dist. Tex. | **Date:** December 20, 2016

36. [Guajardo v. Kerry](#), 2014 U.S. Dist. LEXIS 190068 ⬆

LB Cited by: 2014 U.S. Dist. LEXIS 190068

... § 1503 case or a determination by the Department of State that the individual has proven United States citizenship by a preponderance of the evidence, the Department of State cannot lawfully issue

plaintiff a new passport. 8 U.S.C. § 1503(a) ; **22 U.S.C. § 211a** ; C.F.R. §§ 51.2 & 51.40-51.42 .
 Additionally, if the Department of State were ordered to provide a passport to plaintiff, she will have received relief on the merits without first having met her burden of establishing nationality ...


Court: Western Dist. Tex. | **Date:** May 2, 2014

37. [De La Cruz v. Clinton](#), 2012 U.S. Dist. LEXIS 73882 

LB Cited by: 2012 U.S. Dist. LEXIS 73882

... The petitioner, Victoria De La Cruz, challenges the decision of the Secretary of State to deny her passport application and seeks a declaration that she is a United States national entitled to a passport. 1 In the United States, only the Secretary of State has authority to grant, issue, and verify passports. See Exec. Order No. 11295, 31 F.R. 10603 (August 5, 1966) , codified as amended at **22 U.S.C. § 211a** . De La Cruz alleges that she was born in Austin , Texas , on June 15, 1967, to ...


Court: Western Dist. Tex. | **Date:** May 29, 2012

38. [Sanchez v. Clinton](#), 2012 U.S. Dist. LEXIS 8074 

LB Cited by: 2012 U.S. Dist. LEXIS 8074

... (1) the Mandamus Act, 28 U.S.C. § 1361 ; (2) the All Writs Act, 28 U.S.C. § 1651 ; (3) federal-question jurisdiction, 28 U.S.C. § 1331 ; (4) the Declaratory Judgment Act, 28 U.S.C. § 2201 ; (5) the Administrative Procedure Act (APA), 5 U.S.C. § 702 **et seq.** ; (6) **22 U.S.C. § 211a et seq.** , governing the State Department's authority to grant, issue and verify passports; and (7) 8 U.S.C. § 1503 . Sanchez also asserts that his case presents issues under the Tenth and Fourteenth Amendments ...


Court: Southern Dist. Tex. | **Date:** January 24, 2012

39. [Nelson v. Clinton](#), 2010 U.S. Dist. LEXIS 134862 

LB Cited by: 2010 U.S. Dist. LEXIS 134862

... A "passport" is defined as a "travel document issued by a competent authority showing the bearer's origin, identity, and nationality if any, which is valid for the admission of the bearer into a foreign country." 8 U.S.C. § 1101(a)(30) . In the United States, only the Secretary of State has authority to grant, issue, and verify passports. See Exec. Order No. 11295, 31 F.R. 10603 (August 5, 1966) , codified as amended at **22 U.S.C. § 211a** . Under this authority, the Secretary of State "may ...

Court: Southern Dist. Tex. | **Date:** December 21, 2010

40. [Villegas v. Clinton](#), 2010 U.S. Dist. LEXIS 134280 

LB Cited by: 2010 U.S. Dist. LEXIS 134280

... A "passport" is defined as a "travel document issued by a competent authority showing the bearer's origin, identity, and nationality if any, which is valid for the admission of the bearer into a foreign country." 8 U.S.C. § 1101(a)(30) . In the United States, only the Secretary of State has authority to grant, issue, and verify passports. See Exec. Order No. 11295, 31 F.R. 10603 (August 5, 1966) , codified as amended at **22 U.S.C. § 211a** . Under this authority, the Secretary of State "may ...


Court: Southern Dist. Tex. | **Date:** December 20, 2010

41. [Grutka v. NLRB](#), 409 F. Supp. 133, 1976 U.S. Dist. LEXIS 16681, 91 L.R.R.M. (BNA) 2466 

LB Cited by: 409 F. Supp. 133 p.136

Court: Northern Dist. Ind. | **Date:** February 12, 1976

8th Circuit - Court of Appeals

42. [Miller v. Sinjen](#), 289 F. 388, 1923 U.S. App. LEXIS 1968 

LB Cited by: 289 F. 388 p.395

Court: 8th Cir. Neb. | **Date:** April 23, 1923


8th Circuit - U.S. District Courts

43. [Alphonsis v. United States](#), 2015 U.S. Dist. LEXIS 57547 

LB Cited by: 2015 U.S. Dist. LEXIS 57547

Court: Dist. N.D. | **Date:** April 3, 2015

9th Circuit - Court of Appeals

44. [Hawaii v. Trump](#), 878 F.3d 662, 2017 U.S. App. LEXIS 26513, 101 Empl. Prac. Dec. (CCH) P45943, 2017 WL 6554184 

LB Cited by: 878 F.3d 662 p.688


... of congressional acquiescence (or the lack thereof) in an administrative construction of the statutory language during the thirty-four years since the current act was passed could be telling."); see also *Zemel v. Rusk*, 381 U.S. 1, 17-18, 85 S. Ct. 1271, 14 L. Ed. 2d 179 (1965) ("We have held . . . and reaffirm today, that the **1926 [Passport] Act** must take its content from history: it authorizes only those passport refusals and restrictions 'which it could fairly be argued were adopted ...

Court: 9th Cir. Haw. | **Date:** December 22, 2017

45. [Pangilinan v. INS](#), 796 F.2d 1091, 1986 U.S. App. LEXIS 27963, 4 Immigr. Law & Proc. Rep. A2-63 

LB Cited by: 796 F.2d 1091 p.1099


Court: 9th Cir. Cal. | **Date:** August 11, 1986

46. [United States v. Johnson](#), 735 F.2d 373, 1984 U.S. App. LEXIS 21499 

LB Cited by: 735 F.2d 373 p.374


... empowers the secretary of state to prescribe such rules under the president's authority without action of the president. Thus, congress has delegated to the Executive Branch the power to prescribe those restrictions that, if violated, constitute an offense under 18 U.S.C.S. § 1544. **22 U.S.C. § 211a** gives the Secretary exclusive authority to "grant and issue passports . . . under such rules as the President shall designate. . . ." Executive Order No. 11, 295, 3 C.F.R. 570 (1966) empowers ...

Court: 9th Cir. Cal. | **Date:** June 15, 1984

47. [Bisaillon v. Hogan](#), 257 F.2d 435, 1958 U.S. App. LEXIS 4509 

LB Cited by: 257 F.2d 435 p.435

Court: 9th Cir. Haw. | **Date:** July 1, 1958

48. [Barber v. Singh](#), 247 F.2d 213, 1957 U.S. App. LEXIS 3689 

LB Cited by: 247 F.2d 213 p.214

Court: 9th Cir. Cal. | **Date:** June 24, 1957

9th Circuit - U.S. District Courts

49. [Mendez v. Blinken](#), 2021 U.S. Dist. LEXIS 197543

LB Cited by: 2021 U.S. Dist. LEXIS 197543

Court: Eastern Dist. Wash. | **Date:** October 13, 2021

50. [Morris v. Pompeo](#), 2020 U.S. Dist. LEXIS 219009, 2020 WL 6875208 

LB Cited by:

... . Passports both serve as an official travel identification document and a diplomatic letter of introduction in which the issuing sovereign vouches for the bearer and requests other sovereigns to aid the bearer. 22 C.F.R. § 51.1 . The Executive Branch has broad authority to regulate the issuance of passports, which the President has delegated to the Secretary of State. **22 U.S.C.S. § 211a** ; 22 C.F.R. §§ 51.1-51.74 . U.S. citizens generally must have a passport to travel internationally. 8 U.S.C. ...

Court: Dist. Nev. | **Date:** November 23, 2020

51. [Andrew Mason Dvash-Banks v. Pompeo](#), 2019 U.S. Dist. LEXIS 30525 

LB Cited by: 2019 U.S. Dist. LEXIS 30525

... By letter to Andrew dated that same day, Day informed the Dvash-Banks family that the State Department had denied E.J.'s applications for a CRBA and a U.S. passport. 4 In addition to issuing CRBA, the State Department also grants and issues U.S. passports. See **22 U.S.C. § 211a** . The basis for the denial of E.J.'s applications for a CRBA and a U.S. passport was the lack of evidence of a biological connection between Andrew and E.J. To arrive at this determination, Day applied State Department ...

Court: Central Dist. Cal. | **Date:** February 21, 2019

52. [Alliance for Constitutional Sex Offense Laws, Inc. v. Dep't of State](#), 2018 U.S. Dist. LEXIS 225913, 2018 WL 6011543 

B Interpreted or construed by: 2018 U.S. Dist. LEXIS 225913

... **22 U.S.C. Section 211a** , the Department is vested with broad authority to grant and issue passports "under such rules as the President shall designate and prescribe." Under Executive Order 11295 (August 5, 1996), the President has delegated authority to the Department to "designate and prescribe for and on behalf of the United States rules governing the granting, issuing, and verifying of passports." As other courts have recognized, the term "passport" refers to a general category of official ...

Court: Central Dist. Cal. | **Date:** July 12, 2018

53. [Edgmon v. Kerry](#), 2016 U.S. Dist. LEXIS 142740

LB Cited by:

... national because it is alleged that she is not a national of the United States , she may seek declaratory judgment that she is in fact a national. 8 U.S.C. § 1503 . The Department of State, which has the authority to issue passports, may only issue them to United States nationals. **22 U.S.C. §§ 211a** , 212 ; 22 CFR 51.2(a) . An individual who has renounced her citizenship is not entitled to a United States passport. 22 U.S.C. § 211a , 212 . An individual loses her United States nationality ...

Court: Western Dist. Wash. | **Date:** October 14, 2016

54. [Doe v. Kerry](#), 2016 U.S. Dist. LEXIS 130788 ▲

LB Cited by: 2016 U.S. Dist. LEXIS 130788

... The information contained in a passport is unquestionably government speech. The United States — not the passport holder — controls every aspect of the issuance and appearance of a U.S. passport. A U.S. passport is a government-issued document. See **22 U.S.C. § 211a**). The function of a passport is to serve as a "letter of introduction in which the issuing sovereign vouches for the bearer and requests other sovereigns to aid the bearer" and as a "travel control document" representing "proof ...

Court: Northern Dist. Cal. | **Date:** September 23, 2016

55. [Acosta v. United States](#), 2014 U.S. Dist. LEXIS 74118 Ⓐ

LB Cited by: 2014 U.S. Dist. LEXIS 74118

... and Nationality Act] and all other immigration and nationality laws relating to ... the determination of nationality of a person not in the United States ." 8 U.S.C. § 1104(a) . The State Department has the authority to issue passports to United States citizens. **22 U.S.C. §§ 211a** , 212 ; 22 C.F.R. § 51.2(a) . Passports "have the same force and effect as proof of United States citizenship as certificates of naturalization or of citizenship issued by the Attorney General or by a court having ...

Court: Western Dist. Wash. | **Date:** May 29, 2014

56. [Mesnaoui v. Berlowitz](#), 2012 U.S. Dist. LEXIS 17318 ⬆

LB Cited by: 2012 U.S. Dist. LEXIS 17318

... Complaint, ECF No. 1 at 1-3. Later, Mr. Berlowitz took possession of the allegedly fraudulent passport. Id. at 2. Issuing and confiscating passports, however, are not activities that private persons can engage in. Only the federal government may perform these tasks. See **22 U.S.C. § 211a** ("The Secretary of State may grant and issue passports, and cause passports to be granted, issued, and verified in foreign countries by diplomatic and consular officers of the United States and by such other ...

Court: Northern Dist. Cal. | **Date:** February 13, 2012


57. [United States v. Travis](#), 241 F. Supp. 472, 1964 U.S. Dist. LEXIS 6884 ●

LB Cited by: 241 F. Supp. 472 p.473

... this case the authority of the Secretary of State is founded on two specific acts of the Congress , namely, the Passport Act of 1926, 44 Stat. 887, **22 U.S.C. § 211a** and § 215 of the Immigration and Nationality Act of 1952, 66 Stat. 163, 190, 8 U.S.C. § 1185 . ' The Zemel case involved an action by plaintiff ' * * * for a declaratory judgment and to enjoin the enforcement and execution of two acts of

Congress , namely, the Passport Act of 1926, 44 Stat. 887, **22 U.S.C. § 211a** and § 215 ...

Court: Southern Dist. Cal. | **Date:** May 13, 1964

58. [United States v. Travis](#), 241 F. Supp. 468, 1963 U.S. Dist. LEXIS 6569 


LB Cited by: 241 F. Supp. 468 p.470

Court: Southern Dist. Cal. | **Date:** October 30, 1963

59. [Ex parte Rogers](#), 104 F. Supp. 393, 1952 U.S. Dist. LEXIS 4323 

LB Cited by: 104 F. Supp. 393 p.394


Court: Dist. Guam | **Date:** May 9, 1952

60. [In re Gee Hop](#), 71 F. 274, 1895 U.S. Dist. LEXIS 91 

LB Cited by: 71 F. 274 p.276

Court: Dist. Cal. | **Date:** December 27, 1895

10th Circuit - Court of Appeals


61. [Zzyym v. Pompeo](#), 958 F.3d 1014, 2020 U.S. App. LEXIS 15147, 2020 WL 2393789 

LB Cited by: 958 F.3d 1014 p.1020, p.1021

... Despite the absence of an express statutory provision, few would question the State Department's authority to deny passports when applicants withhold their birth dates or Social Security numbers. See 22 C.F.R. § 51.20(b) (requiring applicants to answer all questions pertaining to eligibility for a passport). Federal Government, Executive Offices HN5 The Passport Act, **22 U.S.C.S. § 211a** , is silent about the State Department's authority to deny a passport to applicants who do not identify ...

Court: 10th Cir. Colo. | **Date:** May 12, 2020


10th Circuit - U.S. District Courts

62. [Maehr v. United States Dep't of State](#), 2020 U.S. Dist. LEXIS 34284, 125 A.F.T.R.2d (RIA) 2020-1093, 2020 WL 967754 

LB Cited by: 2020 U.S. Dist. LEXIS 34284

... , No. 06-cv-01092-MSK-CBS, 2009 U.S. Dist. LEXIS 18685 , 2009 WL 641301 , at * 6 (D. Colo. Mar. 9, 2009) ; cf. Haig v. Agee , 453 U.S. 280 , 294 n.26, 101 S. Ct. 2766 , 69 L. Ed. 2d 640 (1981) (recognizing that provision in the **Passport Act** which states that the Secretary of State "may" issue passports "recognizes substantial discretion"). "No government actor has 'discretion' to violate the Constitution, statutes, regulations or rules that bind them." Limone v. United States , 497 ...

Court: Dist. Colo. | **Date:** February 28, 2020

63. [Zzyym v. Pompeo](#), 341 F. Supp. 3d 1248, 2018 U.S. Dist. LEXIS 160018, 2018 WL 4491434 

LB Cited by: 341 F. Supp. 3d 1248 p.1259

... . Dana argues that the Department is acting beyond its authority in denying the option for a non-binary gender option on the passport application. ECF No. 1 at 14-15. The Department has the power to issue

passports under the Passport Act of 1926 "under such rules as the President shall designate and prescribe for and on behalf of the United States ." **22 U.S.C. § 211a** ; see Exec. Order 11295 . While this grant of authority does not expressly authorize the denial of passport applications nor ...

Court: Dist. Colo. | **Date:** September 19, 2018

64. [Torres v. Kerry](#), 2016 U.S. Dist. LEXIS 163520, 2016 WL 6952189 

LB Cited by: 2016 U.S. Dist. LEXIS 163520

... deference are only applicable to an agency's interpretation of a statute that it is charged with implementing. See *United States v. Mead Corp.* , 533 U.S. 218 , 226-28 , 121 S. Ct. 2164 , 150 L. Ed. 2d 292 (2001) . As defendant makes clear, the only agency charged with issuing a United States passport is the Secretary of State. See **22 U.S.C. § 211a** ; 22 C.F.R. § 51.5(a) . Thus, the Court cannot determine that the issuance of a SENTRI card—by an agency not charged with issuing passports—constitutes ...

Court: Northern Dist. Okla. | **Date:** November 28, 2016


11th Circuit - Court of Appeals

65. [Youhoing v. Dep't of State](#), 2021 U.S. App. LEXIS 1545 

LB Cited by: 2021 U.S. App. LEXIS 1545

... , Circuit Judges. BY THE COURT: The U.S. Department of State's motion to dismiss is GRANTED. In February 2020, Shennielle Youhoing filed a petition for review of the U.S. Department of State's June 2019 decision denying her passport application. See **22 U.S.C. § 211a** . It appears that we lack jurisdiction to review that decision at this point because Youhoing was required to bring her challenges before the district court in the first instance pursuant to the Administrative Procedures Act . See ...

Court: 11th Cir. | **Date:** January 20, 2021

66. [Martinez v. Sec'y of the United States](#), 652 Fed. Appx. 758, 2016 U.S. App. LEXIS 10353, 2016 WL 3181356 

LB Cited by: 652 Fed. Appx. 758 p.764

... Burdens of Proof, Allocation Immigration Law, Enforcement of Immigration Laws HN7 Under **22 U.S.C.S. § 211a** and 8 U.S.C.S. § 1504(a) , the Secretary of State has the authority to grant and issue passports, and to cancel any United States passport if it appears that such document was illegally, fraudulently, or erroneously obtained from, or was created through illegality or fraud practiced upon, the Secretary. **22 U.S.C.S. § 211a** ; 8 U.S.C.S. § 1504(a) . The regulations specifically provide that ...

Court: 11th Cir. Fla. | **Date:** June 8, 2016






D.C. Circuit - Court of Appeals

67. [Zivotofsky v. Sec'y of State](#), 571 F.3d 1227, 387 U.S. App. D.C. 144, 2009 U.S. App. LEXIS 15282 

B Cited in Concurring Opinion at: 571 F.3d 1227 p.1241; 387 U.S. App. D.C. 144 p.158


... **22 U.S.C. § 211a** ("The Secretary of State may grant and issue passports, and cause passports to be granted, issued, and verified in foreign countries by diplomatic and consular officers of the United States and by such other employees of the Department of States"). Although Congress often has recognized the authority of the Executive to regulate the issuance of passports, this obviously does not confirm that the Executive retains exclusive control over all matters relating to passports. ...

Court: D.C. Cir. Ct. of App. | **Date:** July 10, 2009

68. [Agee v. Muskie](#), 629 F.2d 80, 203 U.S. App. D.C. 46, 1980 U.S. App. LEXIS 16229 
- LB Cited by:** 629 F.2d 80 p.82, p.94; 203 U.S. App. D.C. 46 p.48, p.49, p.60
 ... 22 C.F.R. § 51.70(b)(4) . The district court held that the regulation was invalid because its promulgation was without express or implied authorization from Congress . On appeal, the court affirmed. The court held that the Passport Act of 1926, **22 U.S.C.S. § 211a** , did not expressly authorize the secretary of state to deny or revoke a passport on national security or foreign policy grounds and no subsequent legislation relating to passports explicitly delegated such authority. Further, there was ...
Court: D.C. Cir. Ct. of App. | **Date:** June 27, 1980
-
69. [Lynd v. Rusk](#), 389 F.2d 940, 128 U.S. App. D.C. 399, 1967 U.S. App. LEXIS 4092 
- LB Cited by:** 389 F.2d 940 p.940; 128 U.S. App. D.C. 399 p.399
 ... (1967) ; Public Notice 270 , 32 Fed.Reg. 9175 (1967) . In Zemel v. Rusk, 381 U.S. 1 , 85 S. Ct. 1271 , 14 L. Ed. 2d 179 (1965) , Legislation, Statutory Remedies & Rights HN1 The Passport Act of 1926, **22 U.S.C.S. § 211a** , authorizes the Secretary of State to make a determination that travel by United States citizens to designated countries would be inimical to the nation's foreign relations and to restrict the validity of United States passports for travel in those countries. However, ...
Court: D.C. Cir. Ct. of App. | **Date:** December 20, 1967
-
70. [Porter v. Herter](#), 278 F.2d 280, 107 U.S. App. D.C. 400, 1960 U.S. App. LEXIS 4858 
- LB Cited by:** 278 F.2d 280 p.281
 ... separation of powers.' Appellant's application was denied. Appellant then instituted his suit in the District Court asserting that the Secretary's action was in violation of appellant's rights under the Passport Act of 1926 1 Act of July 3, 1926, 44 Stat. 887, **22 U.S.C.A. § 211a** . and the Constitution of the United States. He asked for an injunction to restrain the Secretary from withholding passport facilities and for other relief, and for an order compelling the Secretary to remove the limitation ...
Court: D.C. Cir. Ct. of App. | **Date:** April 14, 1960
-
71. [Worthy v. Herter](#), 270 F.2d 905, 106 U.S. App. D.C. 153, 1959 U.S. App. LEXIS 5437 
- LB Cited by:** 270 F.2d 905 p.906; 106 U.S. App. D.C. 153 p.154
 ... 'Thus read, it grants the Secretary discretion of the type already exercised in his existing travel control regulations, namely, to determine which parts of the world can be visited by Americans only if they have passports, but not to determine which Americans are to receive passports.' 16 101 U.S.App.D.C. at page 259 , 248 F.2d at page 581 . The 1926 Act contained the unequivocal provision: 'The Secretary of State may grant and issue passports * * *.' 17 44 Stat. 887, **22 U.S.C.A. § 211a** ...
Court: D.C. Cir. Ct. of App. | **Date:** June 9, 1959
-
72. [Briehl v. Dulles](#), 248 F.2d 561, 101 U.S. App. D.C. 239, 1957 U.S. App. LEXIS 4431 
- LB Cited by:** 248 F.2d 561 p.564, p.567; 101 U.S. App. D.C. 239 p.242, p.245
 ... My conclusions are that (1) the President has not delegated to the Secretary of State the power to decide which Americans may travel and which may not; (2) neither of the two statutes relied on by the

Secretary as a source of such power -- **22 U.S.C.A. § 211a** and 8 U.S.C.A. § 1185 -- grants the power, in terms, either to the President or to the Secretary; (3) a construction of either or both of the statutes as granting the power would conflict with other expressions of congressional policy ...

Court: D.C. Cir. Ct. of App. | **Date:** June 27, 1957

73. [Martin v. United States](#), 225 F.2d 945, 96 U.S. App. D.C. 294, 1955 U.S. App. LEXIS 4278 

LB Cited by: 96 U.S. App. D.C. 294 p.294

Court: D.C. Cir. Ct. of App. | **Date:** June 30, 1955

74. [Shachtman v. Dulles](#), 225 F.2d 938, 96 U.S. App. D.C. 287, 1955 U.S. App. LEXIS 4277 

LB Cited by: 225 F.2d 938 p.938, p.945; 96 U.S. App. D.C. 287 p.287

... The passport applicant's due process rights were violated because the Secretary of State's decision to deny his application for a passport to travel to Europe was arbitrary. The passport applicant was denied a passport to visit Europe by the secretary, who was exercising his discretion under **22 U.S.C.S. § 211a** . The secretary denied the application because he felt it would be contrary to the best interests of the United States , as the applicant was the Chairman of the Independent Socialist League, ...

Court: D.C. Cir. Ct. of App. | **Date:** June 23, 1955


75. [Robeson v. Acheson](#), 198 F.2d 985, 91 U.S. App. D.C. 227, 1952 U.S. App. LEXIS 3269 

LB Cited by: 198 F.2d 985 p.986; 91 U.S. App. D.C. 227 p.228

... Section 53.5 of Title 22 of the Code of Federal Regulations to prevent appellant's departure from the United States. 1. Peacetime control over passports is vested in the Secretary, under regulations prescribed by the President. 44 Stat. 887 (1926), **22 U.S.C.A. § 211a (1946)** . Regulations under this provision are found in Sections 51.1-52.9, 22 Code Fed. Regs. Parts 51 and 52 (1949 ed.). Under 22 U.S.C.A. §§ 223 and 224 (1946) , 40 Stat. 559 (1918), the President is authorized to restrict ...

Court: D.C. Cir. Ct. of App. | **Date:** August 7, 1952

D.C. Circuit - U.S. District Court

76. [Ali v. United States Dep't of State](#), 2021 U.S. Dist. LEXIS 50277, 2021 WL 1026068 

LB Cited by: 2021 U.S. Dist. LEXIS 50277

... national, the [State] Department should be estopped from denying it"). Unfortunately for plaintiff, this I cannot do. State & Territorial Governments, Employees & Officials Admission of Immigrants & Nonimmigrants, Visa Eligibility & Issuance HN6 The power to issue passports rests solely in the Secretary of State or a designee. **22 U.S.C.S. § 211a** . The power to issue passports rests solely in the Secretary of State or a designee. 22 U.S.C. § 211a (providing that the Secretary possesses the authority ...

Court: District of D.C. | **Date:** March 17, 2021


77. [Sabra v. Pompeo](#), 453 F. Supp. 3d 291, 2020 U.S. Dist. LEXIS 57581, 2020 WL 1643676 

LB Cited by: 453 F. Supp. 3d 291 p.299

... 22 C.F.R. § 50.7(a)). The Secretary has the authority "to cancel any [U.S.] passport . . . if it appears

that such document was illegally, fraudulently, or erroneously obtained from, or was created through illegality or fraud practiced upon, the Secretary." **22 U.S.C. § 211a** . "The issuance or cancelation of a CRBA . . . 'affect[s] only the document and not the citizenship status of the person.'" Chacoty , 392 F. Supp. 3d at 3 (quoting 8 U.S.C. § 1504(a)). "That is because CRBAs, like passports, ...


Court: District of D.C. | **Date:** April 2, 2020

78. [Quaid v. Kerry](#), 161 F. Supp. 3d 70, 2016 U.S. Dist. LEXIS 19317 

LB Cited by: 161 F. Supp. 3d 70 p.72

... of any constitutional right or privilege. Upon consideration of the parties' pleadings and the relevant law, the Court GRANTS defendants' motion. BACKGROUND The Secretary of State ("Secretary") and his designees at the United States Department of State ("State Department") have the authority to grant and issue passports to United States citizens. **22 U.S.C. § 211a** . Pursuant to this authority, the Secretary identified in regulations the circumstances in which passports may be denied or revoked. ...


Court: District of D.C. | **Date:** February 16, 2016

79. [Xia v. Kerry](#), 73 F. Supp. 3d 33, 2014 U.S. Dist. LEXIS 159490 

LB Cited by: 73 F. Supp. 3d 33 p.43

... Plaintiffs' complaint does not allege that Defendants acted "under color of state law," instead generally noting that defendants acted "under color of law, with the intent and for the purpose of depriving Plaintiffs of inalienable rights secured under the Constitution and law of the United States ." Am. Compl. ¶ 1. Indeed, it is unlikely that Defendants can act under state law. DOS derives its power from federal law. **22 U.S.C. § 211a** ; 22 C.F.R. § 51.5(a) . If DOS revoked any of plaintiffs' ...


Court: District of D.C. | **Date:** November 10, 2014

80. [Schoenman v. FBI](#), 573 F. Supp. 2d 119, 2008 U.S. Dist. LEXIS 66371 

LB Cited by: 573 F. Supp. 2d 119 p.146

... Rural Housing Alliance, 498 F.2d at 81, 82) . Here, Ms. Grafeld's Supplemental Declaration explains that, pursuant to statute, the State Department is responsible for the issuance of passports to United States nationals. Grafeld Suppl. Decl. P 14 (citing **22 U.S.C. § 211a** , 22 C.F.R. Part 51). Further, Numerical Limitations on Immigration, Administrative Proceedings Admission of Immigrants & Nonimmigrants, Visa Eligibility & Issuance HN28 In the context of Freedom of Information Act Exemption ...


Court: District of D.C. | **Date:** September 1, 2008

81. [Kelso v. United States Dep't of State](#), 13 F. Supp. 2d 12, 1998 U.S. Dist. LEXIS 12939 

LB Cited by: 13 F. Supp. 2d 12 p.19

... --01 (1981). 4 As explained in the Court's previous Memorandum Opinion, Federal Government, Employees & Officials Admission of Immigrants & Nonimmigrants, Visa Eligibility & Issuance Commercial Vehicles, Foreign Commerce HN15 The Passport Act of 1926, **22 U.S.C.S. § 211a** , provides the Secretary of State with the statutory authorization to promulgate regulations governing the issuance and revocation of passports. the Passport Act of 1926, 22 U.S.C. § 211a , provides the Secretary of State with ...


Court: District of D.C. | **Date:** July 30, 1998

82. [Kelso v. United States Dep't of State](#), 13 F. Supp. 2d 1, 1998 U.S. Dist. LEXIS 11045 

LB Cited by: 13 F. Supp. 2d 1 p.5


... It is not exactly clear why Mr. Kelso believes that the Secretary exceeded her statutory authority when she decided to revoke his passport pursuant to 22 C.F.R. § 51.70(a)(1) and § 51.72(a). On the one hand, he points out that The Passport Act of 1926, **22 U.S.C. § 211a**, does not expressly grant any powers of revocation to the Secretary. Yet most of his argument centers around the Ninth Circuit's opinion in *Magnuson v. Baker*, 911 F.2d 330 (9th Cir. 1990), and posits that 22 U.S.C. ...

Court: District of D.C. | **Date:** April 29, 1998

83. [Minnesota Mining & Mfg. Co. v. Shultz](#), 583 F. Supp. 184, 1984 U.S. Dist. LEXIS 19062, 31 Cont. Cas. Fed. (CCH) P72192 

LB Cited by: 583 F. Supp. 184 p.185


Court: District of D.C. | **Date:** February 28, 1984

84. [Agee v. Vance](#), 483 F. Supp. 729, 1980 U.S. Dist. LEXIS 10986 

LB Cited by: 483 F. Supp. 729 p.730

... *Zemel v. Rusk*, supra, 381 U.S. at 7-13, 85 S. Ct. 1271. See also *Lynd v. Rusk*, 128 U.S.App.D.C. 399, 403, 389 F.2d 940, 944 (D.C.Cir.1967). His power is no greater than Congress may choose to delegate to him. Although he is authorized to act pursuant to **22 U.S.C. § 211a** ("the Act"), this statute does not confer "unbridled discretion" to grant, revoke or otherwise restrict passports. Quite the contrary, the Supreme Court has instructed that when interpreting the nature and limits ...


Court: District of D.C. | **Date:** January 28, 1980

85. [Woodward v. Rogers](#), 344 F. Supp. 974, 1972 U.S. Dist. LEXIS 13050, 16 Fed. R. Serv. 2d (Callaghan) 241 

LB Cited by: 344 F. Supp. 974 p.975, p.983

... to their employees that henceforth the Oath would be a mandatory requirement for the issuance of a United States passport, but that various alternative Oaths were permissible. 16 See note 2, supra, and accompanying text. It is this decision by the defendants that is under attack by the plaintiffs herein. STATUTORY CONSIDERATIONS The current provisions with respect to the issuance of passports are grouped in **22 U.S.C. §§ 211a**, 212 and 213. It is the position of the Secretary of State ...

Court: District of D.C. | **Date:** June 26, 1972

86. [Mayer v. Rusk](#), 224 F. Supp. 929, 1963 U.S. Dist. LEXIS 6469 

LB Cited by: 224 F. Supp. 929 p.931

... for passports should be made on the most recent form or forms prepared by the Department of State and should contain complete information called for in such form or forms.' 1. This regulation was issued by the Secretary of State by the authority granted him under **22 U.S.C. § 211a**. If the requirement is a valid one, and the information is not supplied, the application is incomplete and need not be processed.

Plaintiff concedes this, but maintains that to decline to process his application and ...

Court: District of D.C. | **Date:** December 3, 1963

87. [Dayton v. Dulles](#), 146 F. Supp. 876, 1956 U.S. Dist. LEXIS 2521 

LB Cited by: 146 F. Supp. 876 p.876, p.877

... '(c) Persons, regardless of the formal state of their affiliation with the Communist Party, as to whom there is reason to believe, on the balance of all the evidence, that they are going abroad to engage in activities which will advance the Communist movement for the purpose, knowingly and willfully of advancing that movement.' Title **22 U.S.C.A. § 211a** authorizes the Secretary of State to grant and issue passports 'under such rules as the President shall designate and prescribe for and on behalf ...

Court: District of D.C. | **Date:** December 21, 1956


88. [Bauer v. Acheson](#), 106 F. Supp. 445, 1952 U.S. Dist. LEXIS 4021 

C Constitutional by: 106 F. Supp. 445 p.445

... to the United States, to travel, and to remain abroad; and she further prays that the defendant be enjoined from continuing to deny such passport facilities to her without hearing or advising her of the basis for such denial. It is the position of the defendant that the issuance and revocation of passports are entirely in the realm of foreign affairs, and as such within the absolute discretion of the executive branch of the government, under its inherent power and under **22 U.S.C.A. Sec. § 211a** ...

Court: District of D.C. | **Date:** July 9, 1952

Federal Claims Court

89. [Awad v. United States](#), 61 Fed. Cl. 281, 2004 U.S. Claims LEXIS 167 

LB Cited by: 61 Fed. Cl. 281 p.285

... Individuals & Sovereign States, Citizenship HN6 An alleged contract for citizenship and a passport is not the type of contract that a private person could make because only the government has the power to naturalize citizens and award passports. **22 U.S.C.S. § 211a** . an alleged contract for citizenship and a passport is not the type of contract that a private person could make because only the government has the power to naturalize citizens and award passports. See 22 U.S.C. § 211a (stating that ...

Court: Fed. Cl. | **Date:** July 9, 2004

U.S. Court of International Trade

90. [Comm. Overseeing Action v. United States](#), 483 F. Supp. 3d 1253, 2020 Ct. Intl. Trade LEXIS 173, SLIP OP. 2020-167, 2020 WL 6803170 

LB Cited by: 483 F. Supp. 3d 1253 p.1270

... Treas. Dec. 46331 (1933)). The referenced cases do not compel a different outcome. Haig concerned the Secretary of State's authority to promulgate rules in relation to the granting, issuance, and verification of passports pursuant to the Passport Act of 1926, **22 U.S.C. § 211a** ("the 1926 Act"). 453 U.S. at 289-90 . The Secretary of State had issued a regulation authorizing the revocation of passports on grounds related to national security and foreign policy, and the recipient of a revocation ...

Court: Ct. Int'l Trade | **Date:** November 19, 2020

Administrative Agency Decisions

91. Immigr. L. Serv. sec. 3.48

LB Cited by: Immigr. L. Serv. sec. 3.48

92. Immigr. L. Serv. sec. 32.2

LB Cited by: Immigr. L. Serv. sec. 32.2


93. Immigr. L. Serv. sec. 32.9

LB Cited by: Immigr. L. Serv. sec. 32.9

94. Immigr. L. Serv. sec. 32.14

LB Cited by: Immigr. L. Serv. sec. 32.14


Unpublished California Appellate Decisions

95. [PEOPLE v. MOUSA](#), 2003 Cal. App. Unpub. LEXIS 11438 

LB Cited by:

... However, because appellant asserted that the trial court lacked jurisdiction to order that his passport not be returned to him, we found it appropriate to address the jurisdiction issue. We concluded that the authority to grant, issue or verify such passports is granted exclusively to the Secretary of State. (**22 U.S.C § 211a** .) However, nothing in that statute vests the Secretary of State with the exclusive jurisdiction over the non-return of a passport to a defendant in connection with a judicial ...

Court: Cal. App. 6th Dist. | **Date:** December 5, 2003


96. [PEOPLE v. MOUSA](#), 2003 Cal. App. Unpub. LEXIS 9050 

LB Cited by:

... Appellant argues that the issuance of passports "is vested within the jurisdiction of the U.S. State Department." We do not disagree. Appellant asserts, however, that a state court "simply does not have . . . jurisdiction over federal matters." Title **22 United States Code section 211a** states: "The Secretary of State may grant and issue passports, and cause passports to be granted, issued, and verified in foreign countries by diplomatic and consular officers of the United States and by such other ...

Court: Cal. App. 6th Dist. | **Date:** September 23, 2003

Colorado Supreme Court

97. [In re Atty. G.](#), 302 P.3d 248, 2013 Colo. LEXIS 290, 2013 CO 27 

LB Cited by: 302 P.3d 248 p.252; 2013 CO 27 p.19

... in conjunction with federal law governing the nature of United States passports in order to determine whether a passport is the type of client "paper" on which a retaining lien may be asserted. Immigration

Law, Admission of Immigrants & Nonimmigrants HN7 Congress has authorized the Secretary of State to grant and issue United States passports, **22 U.S.C.S. § 211a (2012)** . Under federal regulation, a passport at all times remains the property of the United States and must be returned to the ...

Court: Colo. | **Date:** April 22, 2013

Maryland Court of Special Appeals


98. [Montgomery Cty. Office of Child Support Enforcement ex rel. Cohen v. Cohen](#), 238 Md. App. 315, 192 A.3d 788, 2018 Md. App. LEXIS 831, 2018 WL 4162658 

LB Cited by: 238 Md. App. 315 p.326; 192 A.3d 788 p.794

... of this title, determinations that individuals owe arrearages of child support in an amount exceeding \$2,500 42 U.S.C. § 654(31) . Federal Government, Employees & Officials HN3 The Secretary of State is vested with the authority to grant and issue passports, **22 U.S.C.S. 211a** , and to cancel passports that are erroneously obtained. 8 U.S.C.S. § 1504 . The Secretary of State is vested with the authority to grant and issue passports, see 22 U.S.C. 211a , and to cancel passports that are ...

Court: Md. Ct. Spec. App. | **Date:** August 29, 2018

Montana Supreme Court

99. [Platz v. Hamilton](#), 201 Mont. 184, 653 P.2d 144, 1982 Mont. LEXIS 970 

LB Cited by: 201 Mont. 184 p.186; 653 P.2d 144 p.145

... Federal Government, US Congress Admission of Immigrants & Nonimmigrants, Visa Eligibility & Issuance HN1 The United States Congress has the exclusive authority to regulate the issuance and execution of passports, and has exercised that authority by enacting **22 U.S.C.S. § 211a et seq.** It also implemented federal regulations which designate persons before whom passport applications can be executed and oaths can be administered. These persons include, among others, state clerks of court of record, ...

Court: Mont. | **Date:** November 4, 1982

Nebraska

100. [2005 Neb. AG LEXIS 11, Neb. Op. Att'y Gen. No. 05013](#)

LB Cited by: 2005 Neb. AG LEXIS 11 p.1

Texas District Court

101. [Shively](#), 2020 Tex. Dist. LEXIS 14400

LB Cited by:

... For information on International Parental Child Abduction, please visit www.travel.state.gov/childabduction or contact the Office of Children's Issues by telephone at 1-888-407-4747 or by e-mail at PreventAbductionI@state.gov. PRIVACY ACT STATEMENT AUTHORITIES: We are authorized to collect this information by **22 U.S.C. 211a et seq.** ; 8 U.S.C. 1104 ; 26 U.S.C. 6039E ; Executive Order 11295 (August 5, 1966); and 22 C.F.R. parts 50 and 51 . PURPOSE: The primary purpose for soliciting the information ...

Court: Tex. Dist. Ct. | **Date:** December 10, 2020

102. [Landers](#), 2018 Tex. Dist. LEXIS 7085 

LB Cited by:

... For Information on International Parental Child Abduction, please visit www.travel.state.gov/childabduction or contact the Office of Children's Issues by telephone at 1-8BB-4D7-4747 or by e-mail at PreventAbduction@state.gov. PRIVACY ACT STATEMENT AUTHORITIES: We are authorized to collect this information by **22 U.S.C. 211a et seq.** ; 8 U.S.C. 1104 ; 26 U.S.C, 6039E ; Executive Order 11295 (August 5, 1966); and 22 C.F.R. parts 50 and 51 . PURPOSE: The primary purpose for soliciting the information ...

Court: Tex. Dist. Ct. | **Date:** January 16, 2018

103. [In re Lacouture](#), 2016 Tex. Dist. LEXIS 9756

LB Cited by:

... ADRIANA ROSARIO PATINO and RICARDO MARIO LACOUTURE are ORDERED to comply with the requirements for passport application and passport restrictions for minors as set forth in the applicable federal laws, to wit, Minor Applicants. [8 U.S.C. § 1401, et.seq. , **22 U.S.C. §211a, et.seq.** , 22 C.F.R., Parts 50 , 51 , 51.1 .] ADRIANA ROSARIO PATINO and RICARDO MARIO LACOUTURE are ORDERED to comply with the requirements for Children's Passport Issuance Alert Program and further, ADRIANA ROSARIO PATINO ...

Court: Tex. Dist. Ct. | **Date:** March 4, 2016

104. [In re Lacouture](#), 2016 Tex. Dist. LEXIS 8357

LB Cited by:

... ADRIANA ROSARIO PATINO and RICARDO MARIO LACOUTURE are ORDERED to comply with the requirements for passport application and passport restrictions for minors as set forth in the applicable federal laws, to wit, Minor Applicants. [8 U.S.C. §1401, et. seq. , **22 U.S.C. §211a, et. seq.** , 22 C.F.R., Parts 50 , 51 , 51.1 .] ADRIANA ROSARIO PATINO and RICARDO MARIO LACOUTURE are ORDERED to comply with the requirements for Children's Passport Issuance Alert Program and further, ADRIANA ROSARIO ...

Court: Tex. Dist. Ct. | **Date:** March 3, 2016

105. [In re Holman](#), 2009 Tex. Dist. LEXIS 5080

LB Cited by:

... . Customer Service Representatives are available M-F, 6AM-12AM ET (excluding federal holidays). Hours and days may be extended in relation to call volume. Automated information is available 24/7. PRIVACY ACT STATEMENT AUTHORITIES : The information solicited on this form is requested pursuant to **22 U.S.C. 211a** , 212 , 213 , and Section 236 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001; Executive Order 11295 (August 5, 1966); and ...

Court: Tex. Dist. Ct. | **Date:** December 21, 2009

Other Texas Decisions

106. [Van Slyke](#), 2016 Tex. Dist. LEXIS 34670

LB Cited by:

... For information on International Parental Child Abduction, please visit www.travel.state.gov/chilciabduction or contact the Office of Children's Issues by telephone at 1-888-407-4747 or by e-mail at PreventAbduction@state.gov. PRIVACY ACT STATEMENT AUTHORITIES We are authorized to collect this information by **22 U.S.C. 211a et seq.** ; 8 U.S.C. 1104 ; 26 U.S.C. 6039E ;

Executive Order 11295 (August 5, 1966); and 22 C.F.R. parts 50 and 51 . PURPOSE: The primary purpose for soliciting the information ...

Court: Tex. Dist. Ct. | **Date:** October 7, 2016


107. [Redacted](#), 2016 Tex. Dist. LEXIS 19906

LB Cited by:

... For Information on International Parental Child Abduction, please visit www.travel.state.gov/childabduction or contact the Office of Children's Issues by telephone at 1-888-407-4747 or by e-mail at PreventAbduction@state.gov . PRIVACY ACT STATEMENT AUTHORITIES: We are authorized to collect this Information by **22 U.S.C. 211a et seq.** ; 8 U.S.C. 1104 ; 26 U.S.C. 6039E ; Executive Order 11295 (August 5, 1966); and 22 C.F.R. parts 50 and 51 . PURPOSE: The primary purpose for soliciting the information ...

Court: Tex. Dist. Ct. | **Date:** July 26, 2016

Washington Supreme Court

108. [Eggert v. Seattle](#), 81 Wn.2d 840, 505 P.2d 801, 1973 Wash. LEXIS 855 

LB Cited by: 81 Wn.2d 840 p.855; 505 P.2d 801 p.810

Court: Wash. | **Date:** January 25, 1973

Other Citing Sources: (206)

Other Citations

1. 11 P.R. Fed. 117

Content: Other Citations

Annotated Statutes

2. [8 U.S.C. sec. 1185](#)

... 241 F. Supp. 468 , 1963 U.S. Dist. LEXIS 6569 (S.D. Cal. 1963) . Miscellaneous 11. Secretary of State's revocation of U.S. citizen's passport on ground that citizen's activities are damaging to national security or foreign policy is authorized by Passport Act (**22 USCS § 211a**). Haig v. Agee, 453 U.S. 280 , 101 S. Ct. 2766 , 69 L. Ed. 2d 640 , 7 Media L. Rep. (BNA) 1545 , 1981 U.S. LEXIS 39 (1981) . State Department's denial of plaintiff's application for passport because he could not ...

Content: Statutes

3. [18 U.S.C. sec. 1544](#)

... United States passport, was not clearly established when agents arrested arrestee. Keil v. Triveline, 661 F.3d 981 , 2011 U.S. App. LEXIS 23247 (8th Cir. 2011) . Area of travel control is criss-crossed by three statutes, 8 USCS § 1185 , 18 USCS § 1544 ,**22 USCS § 211a**. Lynd v. Rusk, 389 F.2d 940 , 128 U.S. App. D.C. 399 , 1967 U.S. App. LEXIS 4092 (D.C. Cir. 1967) . Unpublished decision: Pursuant to 18 USCS §§ 1544 , 3583(e)(3) , and 3559(a)(3) , maximum prison sentence that may ...

Content: Statutes

4. [22 U.S.C. sec. 211](#)

Content: Statutes

5. [Conn. Gen. Stat. @ 45a-98c](#)

Content: Statutes

Regulations

6. [22 C.F.R. sec. 51.1](#)

Content: Regulations

7. [22 C.F.R. sec. 51.2](#)

Content: Regulations

8. [22 C.F.R. sec. 51.3](#)

Content: Regulations

9. [22 C.F.R. sec. 51.4](#)

Content: Regulations

10. [22 C.F.R. sec. 51.7](#)

Content: Regulations

11. [22 C.F.R. sec. 51.9](#)

Content: Regulations

12. [22 C.F.R. sec. 51.20](#)

Content: Regulations

13. [22 C.F.R. sec. 51.21](#)

... Because the execution of passport applications was not an official duty of a district court clerk and because the legislature had not enacted a specific statute concerning passport execution fees, a clerk had no duty to remit the fees to a county. • The United States Congress has the exclusive authority to regulate the issuance and execution of passports, and has exercised that authority by enacting **22 U.S.C.S. § 211a** et seq. It also implemented federal regulations which designate persons ...

Content: Regulations

14. [22 C.F.R. sec. 51.23](#)

Content: Regulations

15. [22 C.F.R. sec. 51.24](#)

Content: Regulations

16. [22 C.F.R. sec. 51.27](#)

Content: Regulations

17. [22 C.F.R. sec. 51.28](#)

Content: Regulations

18. [22 C.F.R. sec. 51.43](#)

Content: Regulations

19. [22 C.F.R. sec. 51.51](#)

Content: Regulations

20. [22 C.F.R. sec. 51.60](#)

Content: Regulations

21. [22 C.F.R. sec. 51.61](#)

Content: Regulations

22. [22 C.F.R. sec. 51.70](#)

Content: Regulations

23. [22 C.F.R. sec. 51.71](#)

Content: Regulations

24. [22 C.F.R. sec. 51.72](#)

Content: Regulations

25. [22 C.F.R. sec. 51.73](#)

Content: Regulations

26. [22 C.F.R. sec. 51.74](#)

Content: Regulations

27. [22 C.F.R. sec. 51.63](#)

Content: Regulations

28. [22 C.F.R. sec. 51.66](#)

Content: Regulations

29. [22 C.F.R. sec. 51.53](#)

Content: Regulations

30. [22 C.F.R. sec. 51.56](#)

Content: Regulations

31. [22 C.F.R. sec. 51.41](#)

... entitled to a presumption of citizenship based on his presentation of a U.S. birth certificate that was filed contemporaneously with his birth. • Under **22 U.S.C.S. § 211a** and 8 U.S.C.S. § 1504(a) , the Secretary of State has the authority to grant and issue passports, and to cancel any United States passport if it appears that such document was illegally, fraudulently, or erroneously obtained from, or was created through illegality or fraud practiced upon, the Secretary. **22 U.S.C.S. § 211a**...

Content: Regulations

32. [22 C.F.R. sec. 51.45](#)

... entitled to a presumption of citizenship based on his presentation of a U.S. birth certificate that was filed contemporaneously with his birth. • Under **22 U.S.C.S. § 211a** and 8 U.S.C.S. § 1504(a) , the

Secretary of State has the authority to grant and issue passports, and to cancel any United States passport if it appears that such document was illegally, fraudulently, or erroneously obtained from, or was created through illegality or fraud practiced upon, the Secretary. **22 U.S.C.S. § 211a...**

Content: Regulations

33. **22 C.F.R. sec. 51.40**

... entitled to a presumption of citizenship based on his presentation of a U.S. birth certificate that was filed contemporaneously with his birth. • Under **22 U.S.C.S. § 211a** and 8 U.S.C.S. § 1504(a) , the Secretary of State has the authority to grant and issue passports, and to cancel any United States passport if it appears that such document was illegally, fraudulently, or erroneously obtained from, or was created through illegality or fraud practiced upon, the Secretary. **22 U.S.C.S. § 211a...**

Content: Regulations

34. **22 C.F.R. sec. 51.42**

... entitled to a presumption of citizenship based on his presentation of a U.S. birth certificate that was filed contemporaneously with his birth. • Under **22 U.S.C.S. § 211a** and 8 U.S.C.S. § 1504(a) , the Secretary of State has the authority to grant and issue passports, and to cancel any United States passport if it appears that such document was illegally, fraudulently, or erroneously obtained from, or was created through illegality or fraud practiced upon, the Secretary. **22 U.S.C.S. § 211a...**

Content: Regulations

35. **22 C.F.R. sec. 51.65**

Content: Regulations

36. **22 C.F.R. sec. 51.22**

Content: Regulations

37. **22 C.F.R. sec. 51.62**

Content: Regulations

38. **22 C.F.R. sec. 51.5**

Content: Regulations

39. **22 CFR 51.6**

Content: Regulations

40. [22 CFR 51.8](#)

Content: Regulations

41. [22 CFR 51.10](#)

Content: Regulations

42. [22 CFR 51.50](#)

Content: Regulations

43. [22 CFR 51.52](#)

Content: Regulations

44. [22 CFR 51.54](#)

Content: Regulations

45. [22 CFR 51.55](#)

Content: Regulations

46. [22 CFR 51.64](#)

Content: Regulations

47. [22 C.F.R. sec. 51.44](#)

Content: Regulations

48. [22 C.F.R. sec. 51.25](#)

Content: Regulations

49. [22 C.F.R. sec. 51.46](#)

Content: Regulations

50. [22 C.F.R. sec. 51.26](#)

Content: Regulations

51. [22 C.F.R. sec. 7.2](#)

Content: Regulations

52. [22 C.F.R. sec. 7.5](#)

Content: Regulations

53. [22 C.F.R. sec. 7.9](#)

Content: Regulations

54. [22 CFR 7.1](#)

Content: Regulations

55. [22 CFR 7.3](#)

Content: Regulations

56. [22 CFR 7.6](#)

Content: Regulations

57. [22 CFR 7.7](#)**Content:** Regulations58. [22 CFR 7.8](#)**Content:** Regulations59. [22 CFR 7.10](#)**Content:** Regulations60. [22 CFR 7.11](#)**Content:** Regulations61. [22 CFR 7.12](#)**Content:** Regulations**Law Reviews and Periodicals**62. [ARTICLE: FOREIGN HARD LOOK REVIEW](#), 66 Ad. L. Rev. 489

... Zemel v. Rusk , 331 381 U.S. 1 (1965). which interpreted a statute stating that "[t]he Secretary of State may grant and issue passports. . . under such rules as the President shall designate and prescribe for and on behalf of the United States ." 33222 **U.S.C. § 211a**(2012); 3 C.F.R. § 1(1966). In Zemel , the Court upheld the Secretary of State's decision to impose area restrictions on passport use and to decline to validate passports for travel to Cuba . 333 Zemel, 381 U.S. at 7-10. ...

Content: Law Reviews | **Date:** 201463. [DECISION: Passports -- executive revocation -- delegation of power](#), 75 Am. J. Int'l L. 962

... Chief Justice Burger, writing for the Court, stressed at the outset that the decision as to the authority of the Secretary was a statutory holding. He stated that the principal question before the Court was whether the Passport Act of 1926(**22 U.S.C. § 211a**)"authorizes the action of the Secretary pursuant to the policy announced by the challenged regulation," 4 101 S.Ct. 2766, 2773. and thereby expressly avoided a determination of the scope of the Executive's constitutional foreign affairs ...

Content: Law Reviews | **Date:** October 1, 198164. [DECISION: Jurisdiction -- nationals abroad -- control of activities by revocation of passport](#), 74 Am. J. Int'l L. 676

... pointed out that the right to travel is protected under the Constitution and that denial of a passport

significantly limits that right. Any power the Secretary of State might have to limit the use of such a right would have to be granted by Congress. Although the Secretary sought to show that such authorization had been granted in **22 U.S.C. § 211a**, the statute, in fact, did not provide for unlimited discretion, as the Supreme Court had established in several cases. 1 Citing *Kent v. Dulles*, ...

Content: Law Reviews | **Date:** July 1, 1980

65. [U.S. PRACTICE](#), 74 Am. J. Int'l L. 657

... The President stated that he had ordered the following steps to be taken: 1 16 WEEKLY COMP. OF PRES. DOC. 611-12 (Apr. 14, 1980). Executive Order 11295, dated Aug. 5, 1966, is a delegation from the President to the Secretary of State of his authority under the act of July 3, 1926 (**22 U.S.C. § 211a**) to designate and prescribe for and on behalf of the United States rules governing the granting, issuing, and verifying of passports. 3 C.F.R., 1966- 70 Comp. 570 (1971). For the International ...

Content: Law Reviews | **Date:** July 1, 1980

66. [THE GENETICS REVOLUTION: CONFLICTS, CHALLENGES AND CONUNDRAS: ARTICLE: Any DNA to Declare? Regulating Offshore Access to Genetic Enhancement](#), 28 Am. J. L. and Med. 179

... (West 2001). In addition, passports may be restricted for travel or use in "a country with which the United States is at war, where armed hostilities are in progress, or where there is imminent danger to the public health or the physical safety of United States travelers." **22 U.S.C.A. § 211a**. The constitutionality of these statutes has been upheld in cases such as *Zemel v. Rusk*, in which the Supreme Court held that 22 U.S.C.A. § 211a and similar statutes did not involve an improper delegation ...

Content: Law Reviews | **Date:** 2002

67. [ARTICLE: Correcting Anomalies in the United States Law of Citizenship by Descent](#), 47 Ariz. L. Rev. 313

... 8 U.S.C. 1101 (a)(22) (2004). For discussion of U.S. noncitizen nationality, see *infra* Part IV. and must also determine nationality in the course of exercising her power to issue passports, since passports may only be issued to American nationals. 14 **22 U.S.C. 211a** to 212. "A [valid] passport ... issued by the Secretary of State to a citizen of the United States " has "the same force and effect as proof of United States citizenship" as a certificate of citizenship issued by the Attorney ...

Content: Law Reviews | **Date:** 2005

68. [ARTICLE: PRESIDENTIAL LEGISLATING IN THE POST-COLD WAR ERA: A CRITIQUE OF THE BARR OPINION ON EXTRATERRITORIAL ARRESTS](#), 14 B.U. Int'l L.J. 1

... Act was amended to provide that no passport may be denied on the basis of speech or activity protected by the First Amendment. **22 U.S.C. 211a** (1994). Moreover, the government during the Cold War declared entire countries off limits by prohibiting the use of United States passports for travel to North Vietnam, North Korea, China or Cuba. In 1978, Congress amended the Passport Act to prohibit the government from imposing area restrictions on political grounds. 32 **22 U.S.C. 211a**...

Content: Law Reviews | **Date:** 1996

69. [ARTICLE: THE DEGRADATION OF POLITICAL IDENTITY UNDER A NATIONAL IDENTIFICATION SYSTEM](#), 8 B.U. J. SCI. & TECH. L. 37

... lead and began using the passport as a method of "suppressing dissent and controlling crime The

passport became a humble marker of ordinary citizenship, the earliest expression of the idea that all citizens should have some sort of identity document." 56 Id. The development of passports as identity documents has followed a similar course in the U.S. Under the Passport Act of 1926, 57 **22 U.S.C. 211a**(2000). the Secretary of State is given wide discretion to "either grant or withhold ...

Content: Law Reviews | **Date:** 2002

70. [**NOTE: THE LIBERTY-SPEECH FRAMEWORK: RESOLVING THE TENSION BETWEEN FOREIGN AFFAIRS POWER AND FIRST AMENDMENT FREEDOMS**](#), 88 B.U.L. Rev. 745

... (citing the Passport Act, **22 U.S.C. § 211a**(2000)). The Passport Act, states in pertinent part: The Secretary of State may grant and issue passports, and cause passports to be granted, issued, and verified in foreign countries by diplomatic and consular officers of the United States ... under such rules as the President shall designate and prescribe for and on behalf of the United States , and no other person shall grant, issue, or verify such passports. **22 U.S.C. § 211a**. Second , the Court ...

Content: Law Reviews | **Date:** June 1, 2008

71. [**ARTICLE: CONGRESSIONAL SILENCE AND THE SEARCH FOR LEGISLATIVE INTENT: A VENTURE INTO "SPECULATIVE UNREALITIES" +**](#), 64 B.U.L. Rev. 737

... the Court upheld a regulation granting the Secretary of State broad authority to revoke United States passports on national security and foreign policy grounds. Relying upon Congress ' amendment in 1978 of the Passport Act of 1926, 96 Act of Oct. 7, 1978, § 124, Pub. L. No. 95-426, 92 Stat. 971 (codified as amended at **22 U.S.C. § 211a**(1982)). the Court stated that "[d]espite the longstanding and officially promulgated view that the Executive had the power to withhold passports for ...

Content: Law Reviews | **Date:** July 1, 1984

72. [**ARTICLE: The Geopolitical Constitution: Executive Expediency and Executive Agreements**](#), 86 Cal. L. Rev. 671

... Indeed, even after Congress prohibited the President from denying passports for the purpose of restricting travel to communist countries, 254 See Foreign Relations Authorization Act, Pub. L. No. 95-426, 124, 92 Stat. 963, 971 (1978) (amending **22 U.S.C. 211a**), the President continued to ban some foreign travel by restricting travel-related payments under economic boycott legislation. 255 See International Economic Emergency Powers Act of 1977, Pub. L. 95-223, 201, 91 Stat. 1625, ...

Content: Law Reviews | **Date:** July 1, 1998

73. [**ARTICLE: International Economic Sanctions: Improving the Haphazard U.S. Legal Regime.**](#), 75 Cal. L. Rev. 1162

... passports. 84 While the law now prohibits these restrictions in general, it allows major exceptions for "war, . . . armed hostilities . . . or where there is imminent danger to the public health or the physical safety of United States travellers." **22 U.S.C. § 211a**(1982). Cf. Haig v. Agee, 453 U.S. 280, 300-01 (1981) (upholding the Secretary of State's authority to revoke individual passports for national security reasons and citing failure of Congress in 1978 amendments to restrict ...

Content: Law Reviews | **Date:** July 1, 1987

74. [**SELECTED ARTICLE: Flight From Cuba**](#), 36 Cal. W. L. Rev. 39

... A travel ban was first imposed in 1961, and the Supreme Court considered its validity in Zemel v. Rusk,

88 381 U.S. 1 , reh'g denied, 382 U.S. 873 (1965). a six to three decision. The majority held that the Passport Act of 1926 89 44 Stat. 887 ,**22 U.S.C. 211a**(1958), cited in *Zemel v. Rusk*, 381 U.S. 1 (U.S. Conn. 1965). authorized the State Department's refusal to validate U.S. passports for travel to Cuba . They further held that there was no constitutional impediment ...

Content: Law Reviews | **Date:** 1999

75. [**ARTICLE: THE PROTECTIVE POWER OF THE PRESIDENCY.**](#), 93 Colum. L. Rev. 1

... United States . . . under such rules as the President shall designate and prescribe for and on behalf of the United States , and no other person shall grant, issue, or verify such passports. 200 Id. at 290 (quoting The Passport Act of 1926,**22 U.S.C. § 211a**(1988) (emphasis added)). This general language, the Court said, approved "the longstanding and officially promulgated view that the Executive had the power to withhold passports for reasons of national security and foreign policy." ...

Content: Law Reviews | **Date:** 1993

76. [**Article: The Extraordinary Mrs. Shipley: How the United States Controlled International Travel Before the Age of Terrorism**](#), 43 Conn. L. Rev. 819

... passed the Passport Act, which repealed Section 4075 of the Revised Statutes and delegated exclusive authority to the Secretary of State to issue and validate passports "under such rules as the President shall designate and prescribe." 71 An Act to Regulate the Issue and Validity of Passports, and for Other Purposes, ch. 772, 44 Stat. 887 , 887 88 (1926) (codified at**22 U.S.C. § 211a**).The default duration for a passport was two years, although the Secretary could limit this period ...

Content: Law Reviews | **Date:** February 1, 2011

77. [**SYMPOSIUM: EXECUTIVE POWER IN YOUNGSTOWN'S SHADOWS**](#), 19 Const. Commentary 87

... The issuance of passports, however, remained controlled by a 1926 statute authorizing the Secretary of State to "grant and issue passports ... under such rules as the President shall designate and prescribe for and on behalf of the United States ." 181 Act of July 3, 1926, ch. 772, 44 Stat. 887 (codified as amended at**22 U.S.C. 211a**(1994)). The President had in turn delegated his authority to prescribe certain rules to the Secretary of State. 182 See Exec. Order No. 7856, par. 126, ...

Content: Law Reviews | **Date:** 2002

78. [**ARTICLE: THE PRESIDENT'S FOREIGN ECONOMIC POWERS AFTER DAMES & MOORE v. REGAN: LEGISLATION BY ACQUIESCENCE.**](#), 68 Cornell L. Rev. 68

... upheld a regulation granting the Secretary of State broad discretion to revoke United States passports on national security and foreign policy grounds. At issue was the scope of executive power under an expres congressional delegation of power to regulate the issuance of passports. 116 The Passport Act of 1926,**22 U.S.C. § 211a**(1976). The Court has long recognized that congressional acquiescence to an "interpretation expressly placed on a statute by those charged with its administration ...

Content: Law Reviews | **Date:** November 1, 1982

79. [**NOTE: WHO CONTROLS INTERNATIONAL TRADE? CONGRESSIONAL DELEGATION OF THE FOREIGN COMMERCE POWER**](#), 47 Drake L. Rev. 141

... The Court attacked the executive branch's argument that the Secretary of State's actions were legitimized by the history of similar executive actions-and the history of congressional acquiescence-since

Congress passed the Passport Act of 1926. 137 Id. at 128-29 (discussing the Passport Act of 1926, **22 U.S.C. 211a**(1994)). The Court stated that "the key to that problem, as we shall see, is in the manner in which the Secretary's discretion was exercised, not in the bare fact that he ...

Content: Law Reviews | **Date:** 1998

80. [ARTICLE AWARDS WINNERS: They, Them, and Theirs *Originally published in the Harvard Law Review. This piece has been reproduced as originally published. With the exception of this attribution note and updated internal cross-references throughout, the Dukeminier Awards Journal editorial board has not edited this piece in any way, including reviewing citations for accuracy or otherwise ensuring that they conform to any particular style of citation.](#), 19 Dukeminier Awards 1

... The district court ruled for Zzyym, holding that the State Department's "gender policy is arbitrary and capricious and not the product of rational decision making." 142 Id. at *8 . The court also held that the State Department had exceeded its statutory authority, because "[t]he authority to issue passports and prescribe rules for the issuance of passports under **22 U.S.C. § 211a** does not include the authority to deny an applicant on grounds pertinent to basic identity, ...

Content: Law Reviews | **Date:** 2020

81. [COMMENT: PRIVATE CITIZENS IN FOREIGN AFFAIRS: A CONSTITUTIONAL ANALYSIS](#), 36 Emory L.J. 285

... The Secretary of State may grant and issue passports . . . under such rules as the President shall designate . . . Unless authorized by law, a passport may not be designated as restricted to or for use in a country other than a country with which the United States is at war, where hostilities are in progress, or where there is imminent danger to the public health or physical safety of United States travellers. **22 U.S.C. § 211a**(1982). There are, however, limits on the Secretary's discretion ...

Content: Law Reviews | **Date:** 1987

82. [**82 Fordham L. Rev. 3307**](#)

... (deciding "whether the power to confer citizenship through the process of naturalization necessarily includes the power to revoke that citizenship"). b. Passport The secretary of state has the exclusive power to issue passports under rules designated by the president. **8722 U.S.C. § 211a**. In United States v. Johnson, the Ninth Circuit held that this power is broad. 88 United States v. Johnson, 735 F.2d 373, 375 (9th Cir. 1984) ("Although delegation of authority is not unlimited, ...

Content: Law Reviews | **Date:** May 1, 2014

83. [NOTE: THE GREYING OF AMERICAN TRADEMARKS: THE GENUINE GOODS EXCLUSION ACT AND THE INCONGRUITY OF CUSTOMS REGULATION](#), 54 Fordham L. Rev. 83

... . The Court stated that "congressional silence is not to be equated with congressional disapproval." Id. at 291. Customs, however, is not entrusted with the same degree of discretion. The statute construed in Agee, The Passport Act of 1926, **22 U.S.C. § 211a**, granted "broad rule-making authority" to the State Department. 453 U.S. at 291 (quoting Zemel v. Rusk, 381 U.S. 1, 12 (1965)). No such authority was granted to Customs in § 526. See Vivitar Corp., 761 F.2d at 1569 . Indeed, ...

Content: Law Reviews | **Date:** October 1, 1985

84. [FOREWARD: The American Nondelegation Doctrine](#), 86 Geo. Wash. L. Rev. 1181
 ... The underlying statute reads like an open-ended grant of discretion: "The Secretary of State may grant and issue passports... under such rules as the President shall designate and prescribe for and on behalf of the United States , and no other person shall grant, issue, or verify such passports." 24 Id. at 123 (alteration in original) (quoting **22 U.S.C. § 211a**(2012)). (Is that an unconstitutional delegation under the standard understanding of the nondelegation doctrine? A good question, ...
Content: Law Reviews | **Date:** September 1, 2018
-
85. [ESSAY: Travel That Talks: Toward First Amendment Protection for Freedom of Movement](#), 65 Geo. Wash. L. Rev. 106
 ... 26 Wm. & Mary L. Rev. 719, 759 (1985). Other arguments advanced, such as fear of hostage-taking 169 This argument is typically associated with restrictions under the Passport Act, which are specifically concerned with the safety of American travelers abroad. See **22 U.S.C. 211a** (1994). or spying, are equally unpersuasive. The U.S. government is not obligated to take any action because an individual has decided to run the risk of being taken hostage. 170 For example, the Reagan Administration ...
Content: Law Reviews | **Date:** November 1, 1996
-
86. [ARTICLE: The Demeaning of Identity and Personhood in National Identification Systems](#), 15 Harv. J. Law and Tec 319
 ... blurred racial boundaries. Instead, the widespread adoption of the fingerprint system allowed the mythical tripartite categorization of all people into "black," "white," and "yellow" to persist. This crude categorization has, of course, had profound consequences in the exigencies of policing in the United States . 147 Id. at 164. The development of passports as an identity document has followed a similar course in the United States . Under the Passport Act of 1926, 148 **22 U.S.C. § 211a** ...
Content: Law Reviews | **Date:** 2002
-
87. [132 Harv. L. Rev. 894](#)
 ... The district court ruled for Zzyym, holding that the State Department's "gender policy is arbitrary and capricious and not the product of rational decision making." 142 Id. at *8. The court also held that the State Department had exceeded its statutory authority, because "[t]he authority to issue passports and prescribe rules for the issuance of passports under **22 U.S.C. § 211a** does not include the authority to deny an applicant on grounds pertinent to basic identity, unrelated to any ...
Content: Law Reviews | **Date:** 2019
-
88. [ARTICLE: PRESIDENTIAL NORMS AND ARTICLE II](#), 131 Harv. L. Rev. 2187
 ... The underlying federal statute provided that the Secretary "[may] issue passports . . . under such rules as the President shall designate and prescribe for and on behalf of the United States ." 420 Act of July 3, 1926, Pub. L. No. 69-493, 44 Stat. 887 (current version codified at **22 U.S.C. § 211a** (2012)). The question before the Court was just how sweeping was this legislative grant of discretion to the President. 421 Kent, 357 U.S. at 127-29. The question was especially important ...
Content: Law Reviews | **Date:** June 1, 2018
-
89. [ARTICLE: CONGRESSIONAL AUTHORIZATION AND THE WAR ON TERRORISM](#), 118 Harv. L. Rev.

2047

... A trilogy of Supreme Court decisions interpreting the Secretary of State's authority over passports illustrates the importance of Executive Branch practice in the foreign affairs context. The decisions concerned a 1926 statute, still in effect, which provides that "the Secretary of State may grant and issue passports . . . under such rules as the President shall designate and prescribe for and on behalf of the United States ." 164 **22 U.S.C. 211a** (2000). Prior to 1952, a passport was not ...

Content: Law Reviews | **Date:** May 1, 2005

90. [**The Supreme Court 1995 Term: FOREWORD: LEAVING THINGS UNDECIDED**](#), 110 Harv. L. Rev. 6

... The relevant statute said that the "Secretary of State may grant and issue passports ... under such rules as the President shall designate and prescribe for and on behalf of the United States ." 191 *Id.* at 123 (alteration in the original) (quoting Act of July 3, 1926, 44 Stat., Part 2, 887 (codified as amended at **22 U.S.C. 211a** (1994))) (internal quotation marks omitted). Several opinions would have been simple to write. The Court could have invalidated the statute as an open-ended delegation ...

Content: Law Reviews | **Date:** November 1, 1996

91. [**THE SUPREME COURT, 1983 TERM: LEADING CASES OF THE 1983 TERM: I. CONSTITUTIONAL LAW**](#), 98 Harv. L. Rev. 87

... 104 S. Ct. 3026 (1984); 31 C.F.R. § 515 - 560 (1983) (executive) (promulgating separate travel regulation under the Cuban trade embargo); 1978 Amendment to Passport Act of 1926, Pub. L. No. 95-426, § 124, 92 Stat. 963, 971 (legislature) (amending **22 U.S.C. § 211a** (1982)) (limiting the State Department's authority to impose travel restrictions). The Supreme Court has recognized a constitutional right to travel abroad in at least five cases. See *Haig v. Agee*, 453 U.S. 280 (1981); ...

Content: Law Reviews | **Date:** November 1, 1984

92. [**NOTE: TRANSGENDER BENEFICIARIES: IN BECOMING WHO YOU ARE, DO YOU LOSE THE BENEFITS ATTACHED TO WHO YOU WERE?**](#), 47 Hofstra L. Rev. 813

... discussed the history of the gender requirement, noting that the information was requested from applicants "because experts thought "[that with] the rise in the early 1970s of unisex attire and hairstyles, photographs had become a less reliable means for ascertaining a traveler's sex." 96 *Id.* at 1257. The court upheld the precedent that "the authority to issue passports and prescribe rules for the issuance of passports under **22 U.S.C. Section 211a** does not include the authority to ...

Content: Law Reviews | **Date:** 2018

93. [**WHO MAY LEAVE: A REVIEW OF SOVIET PRACTICE RESTRICTING EMIGRATION ON GROUNDS OF KNOWLEDGE OF "STATE SECRETS" IN COMPARISON WITH STANDARDS OF INTERNATIONAL LAW AND THE POLICIES OF OTHER STATES**](#), 15 Hofstra L. Rev. 381

... had authorized in the Passport Act of 1926, that it was overbroad, that it violated his Fifth Amendment right to due process and his liberty interest in a right to travel, and his First Amendment right of free speech. 173 *Haig*, at 287. The Supreme Court held that the language of the Passport Act, providing that "[t]he Secretary of State may grant and issue passports," 174 **22 U.S.C. § 211a** (1983). while not expressly granting the right to deny or revoke passports, was broad enough ...

Content: Law Reviews | **Date:** 1987

94. [ARTICLE: Patients Without Borders: The Emerging Global Market for Patients and the Evolution of Modern Health Care](#), 83 Ind. L.J. 71
 ... authorized the Secretary of State to prohibit the use of passports to travel to countries "where there is imminent danger to the public health or the physical safety of United States travelers." Act of Oct. 7, 1978, Pub. L. No. 95-426, § 124, 92 Stat. 971 (amending **22 U.S.C. § 211a** (1976)); Laursen, supra note 415, at 906. Conceivably, this "public health" exception could allow the State Department to restrict passports for medical tourism. Presumably, courts would apply the more rigorous ...
Content: Law Reviews | **Date:** 2008
-
95. [ESSAY: PTO Panel Stacking: Unblessed by the Federal Circuit and Likely Unlawful](#), 104 Iowa L. Rev. 2447
 ... (1958) . the Court applied the doctrine to hold that a broad grant of authority to the Secretary of State to "grant and issue passports ... under such rules as the President shall designate and prescribe" 198 Id. at 123 (quoting **22 U.S.C. § 211a** (1952)) (alteration in original). did not allow the Secretary to deny passports based on individuals' "refusal to be subjected to inquiry into their beliefs and associations" - in particular, whether they were members of the Communist ...
Content: Law Reviews | **Date:** July 1, 2019
-
96. [ESSAY: PTO Panel Stacking: Unblessed by the Federal Circuit and Likely Unlawful](#), 104 Iowa L. Rev. 2447
 ... (1958) . the Court applied the doctrine to hold that a broad grant of authority to the Secretary of State to "grant and issue passports ... under such rules as the President shall designate and prescribe" 198 Id. at 123 (quoting **22 U.S.C. § 211a** (1952)) (alteration in original). did not allow the Secretary to deny passports based on individuals' "refusal to be subjected to inquiry into their beliefs and associations" - in particular, whether they were members of the Communist ...
Content: Law Reviews | **Date:** July 1, 2019
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97. 40 Law & Contemp. Probs. 3 46
Content: Law Reviews
-
98. [Note: ZIVOTOFSKY v. KERRY: CHOOSING INTERNATIONAL REPUTATION OVER SEPARATION OF POWERS](#), 75 Md. L. Rev. 865
 ... This statute eventually became the Passport Act of 1926, 153 Act of July 3, 1926, Pub. L. No. 493, 44 Stat., Part I, 887 (regulating the issuance and validity of passports). which remains the federal government's general passport statute. 154 **22 U.S.C. § 211a** (2012). The Passport Act delegates broad authority to the Secretary of State to "grant and issue" passports "under such rules as the President shall designate." 155 Id. Pursuant to this delegation of authority, the Secretary ...
Content: Law Reviews | **Date:** 2016
-
99. 71 Mich. L. Rev. 221

Content: Law Reviews

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100. [Article: Technological Leap, Statutory Gap, and Constitutional Abyss: Remote Biometric Identification Comes of Age](#), 97 Minn. L. Rev. 407
- ... -1503 (2007) Acquisition and Loss of U.S. Citizenship or U.S. Nationality; Use of U.S. Passports)[,] 8 U.S.C. 1101 -1503 (Immigration and Nationality Act of 1952, as amended)[,] 18 U.S.C. 911, 1001, 1541-1546 (2007) (Crimes and Criminal Procedure)[,] **22 U.S.C. 211a** -218, 26 5 1 a, 2705[,], Executive Order 11295 (August 5, 1966)[,] 31 FR 10603 (Authority of the Secretary of State in granting and issuing U.S. passports)[,] 8 U.S.C. 1185 (Travel Control of Citizens)[,] 8 U.S.C. 1104 ...
- Content:** Law Reviews | **Date:** December 1, 2012
-
101. **65 Minn. L. Rev. 331**
- Content:** Law Reviews
-
102. [ARTICLE: THE UNINTELLIGIBLE STANDARD: RETHINKING THE MANDATE OF THE FTC FROM A NONDELEGATION PERSPECTIVE](#), 57 N.Y.U. Ann. Surv. Am. L. 361
- ... an open-ended conferral of authority to the Secretary of State to "grant and issue passports ... under such rules as the President shall designate and prescribe" 128 Id. at 123 (quoting Act of August 18, 1856, ch. 127, 23, 11 Stat. 52, 60 (codified as amended at **22 U.S.C. 211a**) (1994)) (internal quotation marks omitted). was interpreted to exclude authority to deny a passport to a suspected Communist. 129 Id. at 129-30. Such delegation, the Court reasoned, would raise "important ...
- Content:** Law Reviews | **Date:** 2000
-
103. [ARTICLE: JUDICIAL REVIEW AND SEPARATION OF POWERS IN FRANCE AND THE UNITED STATES.](#), 57 N.Y.U. L. Rev. 363
- Content:** Law Reviews | **Date:** June 1, 1982
-
104. **85 Notre Dame L. Rev. 1543**
- ... Neuborne & Shapiro, supra note 15, at 739. In the late 1970s, Congress substantially revised executive authority with respect to foreign travel. The 1978 Amendment to the Passport Act 78 Pub. L. No. 95-426, 92 Stat. 963 (codified as amended at **22 U.S.C. § 211a**). prohibited executive officials from unilaterally imposing area restrictions on travel, except during certain declared emergencies. 79 Id. § 124, 92 Stat. at 971. Today, area restrictions may only be imposed with the acquiescence ...
- Content:** Law Reviews | **Date:** June 1, 2010
-
105. [ARTICLE: Globalization and the \(Foreign Affairs\) Constitution](#), 63 Ohio St. L.J. 649
- ... Covert intelligence operatives while abroad, an activity that would have undermined national security directly, not by "embarrassing" the United States . A similar justification has grounded so-called area restrictions, under which all holders are prohibited from using passports for travel to designated countries. 197 See **22 U.S.C. § 211a** (2000) (authorizing restriction of travel to countries "with which the United

States is at war, where armed hostilities are in progress, or where there ...

Content: Law Reviews | **Date:** 2002

106. [NOTE: DELEGATION AND INDIVIDUAL RIGHTS.](#), 56 S. Cal. L. Rev. 1321

... Narrow construction has also been applied in the passport restriction area. The Passport Act of 1926 authorizes the Secretary of State to grant and issue passports "under such rules as the President shall designate and prescribe for and on behalf of the United States" 90 **22 U.S.C. § 211a** (Supp. V 1981). The President has delegated this power to the Secretary of State. Exec. Order No. 11, 295, 3 C.F.R. 138 (1966), reprinted in **22 U.S.C. § 211a** (1976). In the leading case ...

Content: Law Reviews | **Date:** September 1, 1983

107. 26 San Diego L. Rev. 887

Content: Law Reviews

108. [ARTICLE: MEXICAN CHILDREN OF U.S. CITIZENS: "VIGES PRIN" AND OTHER TALES OF CHALLENGES TO ASSERTING ACQUIRED U.S. CITIZENSHIP](#), 14 SCHOLAR 583

... (a)(1) (2006). Until 1929 the government had no authority to issue a certificate of citizenship. 7 Gordon, supra note 8, at § 99.04. The Act of March 2, 1929 provided for issuance of a certificate to children who derived citizenship from a naturalized parent, and in the Nationality Act of 1940, Congress provided for certificates of citizenship to children who acquired citizenship. Id. or alternatively a U.S. passport from the Department of State. 191 INA §§ 104(a), (c); **22 U.S.C. § 211a** ...

Content: Law Reviews | **Date:** 2012

109. [NOTE: Assessing the Constitutionality of Press Restrictions in the Persian Gulf War.](#), 44 Stan. L. Rev. 675

... about these countries on the basis of personal observation. Zemel and Worthy were rendered more or less moot in 1978, when Congress formally removed from the Secretary of State the peacetime power to deny passports for travel to particular geographic areas. **22 U.S.C. § 211a** (1988). However, this power was essentially replaced by the Executive Branch's exercise of its authority to prohibit Americans from spending money for food and lodging in certain countries. See, e.g., 31 C.F.R. ...

Content: Law Reviews | **Date:** February 1, 1992

110. [NOTE: Space Tourism: Fanny Packs, Ugly T-Shirts, and the Law in Outer Space](#), 36 Suffolk U. L. Rev. 695

... (last visited Mar. 12, 2003). One may, however, still look to the passport statutes and two relevant cases to understand how section 70,104 does not violate the Fifth Amendment of the United States Constitution. 141 Foreign Relations and Intercourse, **22 U.S.C. 211a** (2001) (giving Secretary of State authority to grant, issue, and verify passports). The United States government may restrict the travel of United States passport holders to countries with which the United States is at war, hostilities ...

Content: Law Reviews | **Date:** 2003

111. [ARTICLE: MINIMALISM AT WAR](#), 2004 Sup. Ct. Rev. 47
 ... two grounds, both supported by its own regulations. First, Kent was a Communist; second, Kent had "a consistent and prolonged adherence to the Communist Party line." Under the governing statute, enacted in 1926, the Secretary of State was authorized "to grant and issue passports . . . under such rules as the President shall designate and prescribe for, and on behalf of, the United States" 137 Act of July 3, 1926, ch 772, 44 Stat 887 , Part 2, codified as amended at **22 USC § 211a** ...
Content: Law Reviews | **Date:** 2004
-
112. [ARTICLE: The Separation of Powers Under Carter.](#), 62 Tex. L. Rev. 785
 ... The government claimed authority for this regulation in the Passport Act of 1926, which states that "[t]he Secretary of State may grant and issue passports . . . under such rules as the President shall designate and prescribe for and on behalf of the United States" 323 **22 U.S.C. § 211a** (1982). Agee sued to recover his passport and prevailed in both the district and circuit courts, which held that the Act does not authorize the withdrawal of a passport for national security and ...
Content: Law Reviews | **Date:** February 1, 1984
-
113. 43 U. Chi. L. Rev. 307
Content: Law Reviews
-
114. [COMMENT: ILLUMINATION OR ELIMINATION OF THE "ZONE OF TWILIGHT"? CONGRESSIONAL ACQUIESCENCE AND PRESIDENTIAL AUTHORITY IN FOREIGN AFFAIRS](#), 51 U. Cin. L. Rev. 95
 ... **22 U.S.C. § 211a** (1976). This language has survived intact from the first passport act in 1856. 44 Act of August 18, 1856, § 23, 11 Stat. 52, 60-61. The major purpose for enacting the Passport Act of 1856 appears to have been to prevent state and local officials from issuing passports and to centralize that function in the Secretary of State. 45 Agee, 101 S. Ct. at 2775 n.27. As the pertinent language remained unchanged, no change in purpose seems to have been intended by Congress ...
Content: Law Reviews | **Date:** 1982
-
115. [ARTICLE: Legal, Operational, and Practical Considerations for Hospitals and Health Care Providers in Responding to Communicable Diseases Following the 2014 Ebola Outbreak](#), 23 U. Miami Bus. L. Rev. 341
 States may also have their own authority to restrict one's travel within and outside its borders for public health purposes. 48 See, e.g ., MICH. COMP. LAWS ANN. § 30.410 (2012). Furthermore, federal oversight of passport approval, 49 **22 U.S.C. § 211a** (2012). immigration law, 50 8 U.S.C. § 1182 (a)(1)(A) (2012). transportation regulations, 51 14 C.F.R. § 382.21 (2014) . and "Do Not Board" requirements 52 Federal Air Travel Restrictions for Public Health Purposes--United ...
Content: Law Reviews | **Date:** 2015
-
116. [ARTICLE: Forfeiture of Attorneys' Fees Under RICO and CCE and the Right to Counsel of Choice: The Constitutional Dilemma and How to Avoid It *](#), 43 U. Miami L. Rev. 765
 ... 435 Id. at 117. The Passport Act of 1926 had given the Secretary of State authority to "grant and issue passports . . . under such rules as the President shall designate and prescribe." 436 Ch. 772,

44 Stat. 887 -88 (codified as amended at **22 U.S.C. § 211a** (1982)), cited in Kent, 357 U.S. at 123 . At the time of Congress ' delegation, a passport was regarded as a mere privilege to which no one had a claim of entitlement. 437 B. SCHWARTZ, supra note 432, § 15.14, at 233. ...

Content: Law Reviews | **Date:** March 1, 1989

117. 121 U. Pa. L. Rev. 1

Content: Law Reviews

118. [ARTICLE: International Travel and the Constitution](#), 56 UCLA L. Rev. 271

... and executive branch increasingly sought to thwart travel perceived to interfere with foreign policy goals. In Zemel v. Rusk, 180 381 U.S. 1 (1965). decided less than a year after Aptheker, the Court upheld the sections of the Passport Act of 1926 used to prevent citizens from traveling to Cuba . 181 Act of July 3, 1926, ch.722, 44 Stat. 887 (codified at **22 U.S.C. § 211a** (1958)) ("The Secretary of State may grant and issue passports ... under such rules as the President shall designate ...

Content: Law Reviews | **Date:** December 1, 2008

119. [COMMENT: NATIONAL SECURITY CONTROLS ON THE DISSEMINATION OF PRIVATELY GENERATED SCIENTIFIC INFORMATION.](#), 30 UCLA L. Rev. 405

... The President can also control the dissemination of scientific information by controlling the international travel of the scientist. Upon entering or leaving the United States , a citizen must bear a valid passport. 8 U.S.C. § 1185 (1976 & Supp. V 1981). Under a provision of the Passport Act of 1926, **22 U.S.C. §§ 211a -218** (1976), as interpreted by the executive branch, a passport may be denied or revoked on grounds that the citizen's "activities abroad are causing or are likely to cause ...

Content: Law Reviews | **Date:** December 1, 1982

120. [COMMENT: RELIANCE ON IDENTIFICATION TO SECURE THE BLESSINGS OF LIBERTY AND PROPERTY](#), 81 UMKC L. Rev. 509

... In the 1920s the passport became embroiled in racial issues, allowing the passport to be used to restrict unwanted immigrants through nationality quotas. 114 Id. at 12-13. In the Passport Act of 1926, the State Department was given the discretion to grant and withhold passports-discretion the Secretary of State retains 115 See **22 U.S.C. § 211a** (2006). -and the government denied passports to Communists during the Red Scare. 116 Sobel, supra note 51, at 343-44; see also Kent v. Dulles, ...

Content: Law Reviews | **Date:** 2012

121. [ARTICLE: Half-Truths, Mistakes, and Embarrassments: The United States Goes to the Fifth Meeting of the Special Commission to Review the Operation of the Hague Convention on the Civil Aspects of International Child Abduction](#), 2008 Utah L. Rev. 221

... **22 U.S.C. § 211a**; see also Regan v. Wald, 468 U.S. 222, 232-33 (1984) (discussing President Reagan's ban on travel to Cuba pursuant to a grandfather clause contained in the International Emergency Economic Protection Act). In Kent, the Court acknowledged the validity of Executive policies that refuse passports to applicants "participating in illegal conduct." 357 U.S. at 127. In Zemel, the Court cited national security considerations as justifying the Secretary of State's restriction on travel ...

Content: Law Reviews | **Date:** 2008

122. [NOTE: CHEVRON AND CONSTITUTIONAL DOUBT](#), 99 Va. L. Rev. 375

... deference in Kent was actually quite strong, the Court's refusal to defer is especially compelling evidence of a background understanding favoring avoidance. The question in Kent concerned the contours of the Secretary of State's generally broad statutory authority to withhold passports. As established by Congress, "the Secretary of State may grant and issue passports ... under such rules as the President shall designate and prescribe for and on behalf of the United States ." 115 **22 U.S.C. § 211a** ...

Content: Law Reviews | **Date:** April 1, 2013

123. [ARTICLE: FOREIGN STATES AND THE CONSTITUTION.](#), 73 Va. L. Rev. 483

Content: Law Reviews | **Date:** April 1, 1987

124. [ARTICLE: Passports, Social-Security Numbers and](#), 20 W. St. U. L. Rev. 1

... employees. These people made their SSNs, addresses (both foreign and domestic) and other personal data known to the State Department in that context. It would be silly of them to object to § 6039E disclosures on passport-application forms. An American passport is an extraordinarily valuable document. It is issued by the State Department 23 **22 U.S.C. § 211a** (1988). See Exec. Order No. 11,295, 3 C.F.R. 750 (1966), reprinted in **22 U.S.C. § 211a** (1988) (transfer of passport rule-making ...

Content: Law Reviews | **Date:** 1992

125. [ARTICLE: TRADEMARK LAW AND THE SOCIAL CONSTRUCTION OF TRUST: CREATING THE LEGAL FRAMEWORK FOR ONLINE IDENTITY](#), 83 Wash. U. L. Q. 1733

... There are, of course, other areas of law, including the "law of names" and the naming of fictional persons, such as corporations and organizations. See Cal. Bus & Prof. Code 17910 (West 1997); Bechtel v. Robinson, 886 F.2d 644 (3d Cir. 1989). For regulations dealing with the integrity of identifying documents and technologies such as passports, see 18 U.S.C. 1546 (2000); **22 U.S.C. 211a** -214 (2000). For examples justifying grant or denial of petition to change adult name, see 8 U.S.C. ...

Content: Law Reviews | **Date:** 2005

126. [NOTE: Witch Hunt or Protected Speech: Striking a First Amendment Balance Between Newsgathering and General Laws](#), 37 Washburn L.J. 115

... , it was unconstitutional for the Secretary of State to deny him access via invalidation of his passport. Id. at 4. The Court ruled that the government can invalidate a journalist's passport to prevent access to selected foreign areas during times of war or peace. Id. at 15. This power was granted to the President by the Passport Act of 1926 (**22 U.S.C. § 211a** (1958)). Id. at 10. The Court noted that journalists have received access when access was blocked to citizens as a whole. Id. ...

Content: Law Reviews | **Date:** 1997

127. [ARTICLE: SOME RECENT ADMINISTRATIVE LAW TRENDS: DELEGATIONS AND JUDICIAL REVIEW.](#), 1982 Wis. L. Rev. 208

Content: Law Reviews | **Date:** March 1, 1982

128. [NATIONAL SECURITY AND THE FIRST AMENDMENT: ARTICLE: THE NYLON CURTAIN: AMERICA'S NATIONAL BORDER AND THE FREE FLOW OF IDEAS](#), 26 Wm. & Mary L. Rev. 719
 ... see also International Emergency Economic Powers Act, 50 U.S.C. § 1701 - 1706 (1982). Americans can be stripped of their passports as a punishment for speech deemed "likely" to do serious damage to our foreign policy. 7 See Passport Act of 1926, **22 U.S.C. § 211a**(1982); 22 C.F.R. § 51.70(b)(4) (1985) . Books and films produced abroad may be branded as "foreign political propaganda" by the government, and sellers and exhibitors may be forced to report the identities of purchasers ...
Content: Law Reviews | **Date:** 1985

Restatements

129. [Restat 3d of the Foreign Relations Law of the U.S., @ 721](#)
 ... aspect of the 'liberty' protected by the Due Process Clause of the Fifth Amendment." The Secretary of State may revoke a passport when he determines that the individual's activities abroad are causing or are likely to cause serious damage to the national security or foreign policy of the United States. The Secretary may also forbid the use of the passport for travel to designated countries and, upon appropriate findings of fact, may confiscate the passport if it is abused; under **22 U.S.C. § 211a**,...
Content: Restatements

Treatise Citations

130. [1 Administrative Law @ 3.03](#)
 ... , two persons were denied passports by the Secretary of State on the ground that each, in contravention of the regulations promulgated by the Secretary of State, refused to furnish a non-communist affidavit. The underlying statute 98 Act of August 18, 1856, 11 Stat. 52, 60–61, **22 U.S.C. § 211a**, codified by the Act of July 3, 1926, 44 Stat., Part 2, 887. was entirely devoid of any standard. It provided that "the Secretary of State may grant and issue passports ... under such rules as the President ...
Content: Treatises
131. [2 Bender's Federal Practice Forms Form 8\(IV\):400](#)
 ... Name of Secretary of State] , the Defendant, is the Secretary of State of the United States of America and is sued in [his or her] official capacity. Defendant is responsible for the issuance of passports to United States citizens pursuant to **22 U.S.C. § 211a**. 3. The Court has jurisdiction of this action pursuant to 8 U.S.C. § 1503(a) . CLAIM FOR RELIEF 4. On [date] , Plaintiffs applied for passports as citizens of the United States . 5. On [date] , Defendant denied Plaintiffs' ...
Content: Treatises

132. [1 Bender's Immigration Litigation Forms Form 44](#)
 ... Immigration For a roadmap on petition for judicial review, see Immigration Law Practice Expediter ``Petition for Judicial Review" Selection Menu 9.02 [2] Form 44, Sample Complaint: Passport Case Form 44 Sample Complaint: Passport Case 8 U.S.C. 1401 **22 U.S.C. 211a** 8 U.S.C. 1503(a) 28 U.S.C. 2201 For a roadmap on petition for judicial review, see Immigration Law Practice Expediter ``Petition for Judicial Review" Selection Menu 9.02 Attorney for Plaintiffs UNITED STATES DISTRICT COURT ...

Content: Treatises

133. **2 Bender's Immigration Regulations Service Scope**

... 2 Bender's Immigration Regulations Service Scope Authority: 8 U.S.C. 1504 ; 18 U.S.C. 1621 ,**22 U.S.C. 211a**, 212 , 212a , 212b , 213 , 213n (Pub. L. 106-113 Div. B, Sec. 1000(a)(7) [Div. A, Title II, Sec. 236], 113 Stat. 1536 , 1501A-430); 214, 214a, 217a, 218, 2651a, 2671(d)(3), 2705, 2714, 2714a, 2721, & 3926; 26 U.S.C. 6039E ; 31 U.S.C. 9701 ; 42 U.S.C. 652(k) ...

Content: Treatises

134. **1 Immigration Law & Procedure @ 3.09**

... 140 Cong. Rec. S352 (daily ed. Jan. 28, 1994) (remarks of Sen. Kennedy). The Secretary of State also has specific additional powers. The issuance of U.S. passports is the responsibility of the Secretary of State and officers acting under their direction. **1522 U.S.C. § 211a**. The Secretary of State can also review a consular or diplomatic officer's denial of a certificate of identity to a person who wishes to enter the United States to establish a claim of citizenship. 16 INA § 360(b) , 8 ...

Content: Treatises

135. **7 Immigration Law & Procedure @ 91.05**

... 8 U.S.C. § 1185 . In addition, the use of a U.S. passport can be restricted only if the country to which the citizen is traveling is at war with the United States , in the site of armed hostilities, or has some other danger for U.S. travellers. **922 U.S.C. § 211a**. [d] U.S. Passports Since a passport is essential to most foreign travel, the right to obtain such a document is a valuable right of citizenship. While the issuance of a passport is to some extent discretionary, the passport cannot ...

Content: Treatises

136. **7 Immigration Law & Procedure @ 99.06**

... **1922 U.S.C. § 211a**. All Foreign Service posts of the United States , with a few specified exceptions, are authorized to issue U.S. passports. 20 The State Department's instructions regarding the Overseas Passport Issuing Program begin at 7 FAM 1360, available infra in Volume 17 and on lexis.com. In insular possessions of the United States U.S. passports are issued by the chief executive of the possession. **2122 U.S.C. § 211a**. The statute specifies that no other person can grant ...

Content: Treatises

137. **11 Immigration Law & Procedure Scope**

... FOR FURTHER INFORMATION CONTACT: Carmen A. DiPlacido, or Michael Meszaros, Overseas Citizens Services, Office of Policy, Review and Interagency Liaison, Department of State, Telephone 202-647-3666. SUPPLEMENTARY INFORMATION: The Secretary of State is authorized by **22 U.S.C. 211a** to issue passports, and to cause passports to be issued in foreign countries pursuant to rules prescribed by the President. The President's rulemaking authority was delegated to the Secretary of State in Executive Order ...

Content: Treatises

138. **11 Immigration Law & Procedure Scope**

... Reduction Act, 44 U.S.C., Chapter 35. Nor do these rules have federalism implications warranting the preparation of a Federalism Assessment in accordance with E.O. 12988. These rules are exempt from review under E.O. 12988 but have been reviewed and found to be consistent with the objectives. For the reasons set forth in the preamble, part 51 to title 22 is amended as follows: PART 51 --PASSPORTS 1. The authority citation for part 51 is revised to read as follows: Authority:**22 U.S.C. 211a**...

Content: Treatises

139. **11 Immigration Law & Procedure Scope**

... , requires U.S. citizens to bear a valid U.S. passport to enter or depart the United States unless specifically exempted—exemptions are provided in 22 CFR 53.2 . The Secretary of State has sole authority to grant and issue passports, pursuant to**22 U.S.C. 211a**. Before a passport is issued to any person by or under authority of the United States , such person shall subscribe to and submit a written application, as required by 22 U.S.C. 213 . During its period of validity, a passport (when ...

Content: Treatises

140. **11 Immigration Law & Procedure 70 FR 53922**

... Government in a small number of cases where it would be impossible or inadvisable to issue a replacement, such as when a passport must be limited in validity for direct return to the United States . Application for Replacement Passport Pursuant to Title**22 of the United States Code, Section 211a et seq.**and E.O. 11295, 31 FR 10603 (Aug. 5, 1966) , the Secretary has broad authority to issue regulations governing the issuance of passports. There is no statutory requirement to permit amendments ...

Content: Treatises

141. **11 Immigration Law & Procedure 71 FR 46396**

... (U.S.C.), defines a passport as any travel document issued by a competent authority showing the bearer's origin, identity and nationality, which is valid for the admission of the bearer into a foreign country. The Secretary of State has sole authority to grant and issue passports, pursuant to**22 U.S.C. 211a**. Before a passport is issued to any person by or under authority of the United States such person shall subscribe to and submit a written application, as required by 22 U.S.C. 213 . During ...

Content: Treatises

142. **11 Immigration Law & Procedure 71 FR 68412**

... The collection of information requirement for passports is contained in 22 CFR 51.20 and 51.21 . The required information is necessary for DOS Passport Services to issue a United States passport in the exercise of authorities granted to the Secretary of State in**22 U.S.C. section 211a et seq.**and Executive Order 11295 (August 5, 1966) for the issuance of passports to United States citizens and non-citizen nationals. The issuance of U.S. passports requires the determination of identity ...

Content: Treatises

143. **11 Immigration Law & Procedure 73 FR 18384**

... The collection of information requirement for passports is contained in 22 CFR 51.20 and 51.21 . The

required information is necessary for DOS Passport Services to issue a United States passport in the exercise of authorities granted to the Secretary of State in **22 U.S.C. Section 211a et seq.** and Executive Order 11295 (August 5, 1966) for the issuance of passports to United States citizens and non-citizen nationals. The issuance of U.S. passports requires the determination of identity ...

Content: Treatises

144. **11 Immigration Law & Procedure 80 FR 27856**

... government. The activities undertaken by these officials are often of pressing national security, law enforcement, or humanitarian importance and occur with little advance notice. It is in the U.S. government's interest to provide these individuals the travel documents necessary to allow them to travel in a timely manner. Under **22 U.S.C. 211a et seq.**, the Secretary of State has the authority to make rules for the granting and issuance of passports. The Department is amending section 51.3(b) ...

Content: Treatises

145. **11 Immigration Law & Procedure 81 FR 6757**

... government. The activities undertaken by these officials are often of pressing national security, law enforcement, or humanitarian importance and occur with little advance notice. It is in the U.S. government's interest to provide these individuals the travel documents necessary to allow them to travel in a timely manner. Under **22 U.S.C. 211a et seq.**, the Secretary of State has the authority to make rules for the granting and issuance of passports. The Department is amending section 51.3(b) ...

Content: Treatises

146. **11 Immigration Law & Procedure 81 FR 67156**

... The Department of State is creating a new type of passport, the "service passport," to fulfill this function. The Department is further clarifying the limited circumstances under which a non-personal or personal services contractor may receive an official or diplomatic passport when in receipt of such request from a federal agency. The Department estimates that this rulemaking will affect approximately 1,000 non-personal services contractors per year. Under **22 U.S.C. 211a et seq.**, the Secretary ...

Content: Treatises

147. **11 Immigration Law & Procedure 83 FR 22848**

... ■ 2. In § 50.7, effective May 17, 2018, until June 10, 2018, paragraph (d) is stayed. § 50.11 [Amended] ■ 3. In § 50.11, effective May 17, 2018, until June 10, 2018, paragraph (b) is stayed. PART 51—PASSPORTS ■ 4. The authority citation for part 51 continues to read as follows: Authority: 8 U.S.C. 1504 ; 18 U.S.C. 1621 , 2423 ; **22 U.S.C. 211a**, 212 , 212a , 212b , 213 , 213n (Pub. L. 106-113 Div. B, Sec. 1000(a)(7) [Div. A, Title II, Sec. 236], 113 Stat. 1536 , 1501A-430); 214, 214a, ...

Content: Treatises

148. **11 Immigration Law & Procedure 85 FR 53900**

... The extension of the travel restriction is in effect on September 1, 2020. FOR FURTHER INFORMATION CONTACT: Anita Mody, Bureau of Consular Affairs, Passport Services , Office of Legal Affairs, 202-485-6500. SUPPLEMENTARY INFORMATION: On September 1, 2017, pursuant to the authority of **22 U.S.C. 211a** and Executive Order 11295 (31 FR 10603), and in accordance with 22 CFR

51.63(a)(3) , all United States passports were declared invalid for travel to, in, or through the Democratic People's Republic ...

Content: Treatises

149. **17 Immigration Law & Procedure 8 FAM 101.1**

... Requests a foreign government to permit the bearer "to pass without delay or hindrance" and "in case of need to give all lawful local aid and protection"; and (5) Is evidence of the bearer's eligibility to receive the protection and assistance of U.S. diplomatic and consular offices while overseas. e. The U.S. Secretary of State is granted the authority to issue U.S. passports by **22 U.S.C. 211a**. The Secretary delegates this function to the Bureau of Consular Affairs (CA). f. The determination ...

Content: Treatises

150. **17 Immigration Law & Procedure 8 FAM 102.1**

... Flight to Avoid Prosecution or Giving Testimony 18 U.S.C. 1541 Issuance without Authority 18 U.S.C. 1542 False Statement in Application and Use of Passport 18 U.S.C. 1543 Forgery or False Use of Passport 18 U.S.C. 1544 Misuse of Passport 22 U.S.C. 4 Passports **22 U.S.C. 211a**, which sets forth the authority of the Secretary of State to grant, issue, and verify passports and, by inference, determine nationality in that regard generally. This authority relates to passports issued in the United ...

Content: Treatises

151. **17 Immigration Law & Procedure 8 FAM 102.5**

... Delegation of Authority 214 of September 20, 1994, delegated to the Assistant Secretary for Consular Affairs the authorities conferred upon the Secretary by **22 U.S.C. 211a** to grant and issue passports, and cause passports to be granted, issued, and verified in foreign countries, and the authorities conferred upon the President by **22 U.S.C. 211a**; and delegated to the Secretary by Executive Order (E.O.) 11295, to designate and prescribe rules governing the granting, issuing and verifying of passports. ...

Content: Treatises

152. **17 Ohio Forms of Pleading and Practice CR32.3:11**

... decisions place in question any statute which attempts to denationalize without the consent of the citizen. The results are more likely, it seems, to turn on whether overt acts may be interpreted to include elements of implied consent to a loss of citizenship. Current rules do not permit the denial of a United States passport to a United States citizen because of a criminal conviction. See **22 U.S.C. § 211a**. The rules promulgated by the Secretary of State do permit refusal of a passport if ...

Content: Treatises

Secondary Sources

153. **43 A.B.A.J. 332**

Content: Secondary Sources

154. **43 A.B.A.J. 307**

Content: Secondary Sources**Briefs**

155. [TRUMP v. INTERNATIONAL REFUGEE ASSISTANCE PROJECT](#), 2017 U.S. S. Ct. Briefs LEXIS 2801
 There, the Supreme Court was asked to construe a statute providing that "[t]he Secretary of State may grant and issue passports . . . under such rules as the President shall designate and prescribe for and on behalf of the United States." 357 U.S. at 123 (internal quotation marks omitted) (quoting **22 U.S.C. § 211a**(1952)). Pursuant to that authority, the executive branch promulgated a regulation authorizing the Secretary of State to demand an affidavit from any pass-port applicant averring ...

Content: Court Filings | **Date:** August 10, 2017

156. [DAVID ISRAEL SANCHEZ, PETITIONER v. JOHN F. KERRY, SECRETARY, UNITED STATES DEPARTMENT OF STATE, ET AL.](#), 2016 U.S. S. Ct. Briefs LEXIS 2671

... (2015) Constitution, statutes and regulations: U.S. Const.: Art. IV, § 1 (Full Faith and Credit Clause) Amend. X Amend. XIV § 1, Cl. 1 (Citizenship Clause) § 5 Full Faith and Credit Statute, 28 U.S.C. 1738 5 U.S.C. 556(d) 8 U.S.C. 1401(a) 8 U.S.C. 1503(a) **22 U.S.C. 211a** 22 U.S.C. 212 22 U.S.C. 2705(1) 22 C.F.R.: Section 51.1(l) Section 51.1(m) Section 51.2(a) Section 51.40 Section 51.42(a) Section 51.42(b) Miscellaneous: 7 Charles Gordon et al., Immigration Law & Procedure (rev. ed. 2016) 1 Restatement ...

Content: Court Filings | **Date:** July 15, 2016

157. [LESTER RAY NICHOLS, Petitioner, vs. UNITED STATES OF AMERICA, Respondent.](#), 2015 U.S. S. Ct. Briefs LEXIS 4808

... United States v. Wiltberger, 18 U.S. 76 (1820) Yates v. United States, 135 S.Ct. 1074 (2015) STATUTES 15 U.S.C. § 4305 18 U.S.C. § 2250 18 U.S.C. § 2250(a) 18 U.S.C. § 2250(a)(2)(A) 18 U.S.C. § 2250(a)(2)(B) 18 U.S.C. § 2250(a)(3) 18 U.S.C. § 2250(c) 18 U.S.C. § 2423 **22 U.S.C. § 211a** 28 U.S.C. § 1254(1) 42 U.S.C. § 14071 (1994) 42 U.S.C. § 14071(a) (1994) 42 U.S.C. § 14071(a)(1) (1994) 42 U.S.C. § 14071(b) (1994) 42 U.S.C. § 14071(b)(5) (1994) 42 U.S.C. § 14071(b)(5) (1998) 42 U.S.C. § ...

Content: Court Filings | **Date:** December 23, 2015

158. [ZIVOTOFSKY v. KERRY](#), 2014 U.S. S. Ct. Briefs LEXIS 3417

... Geneva Convention Relative to the Protection of Civilian Persons in Time of War, Aug. 12, 1949, 6 U.S.T. 3516 Jerusalem Embassy Act of 1995, 109 Stat. 398 (1995) Joint Resolution For the recognition of the independence of the people of Cuba , no. 24, 30 Stat. 738 (1898) Passports Act, **22 U.S.C. § 211a** RESTATEMENT (THIRD) OF THE FOREIGN RELATIONS LAW OF THE UNITED STATES § 204 (1987) Statute of the International Court of Justice, June 26, 1945, 59 Stat. 1031 TREATISES CALVIN R. MASSEY, ...

Content: Court Filings | **Date:** September 29, 2014

159. [ZIVOTOFSKY v. KERRY](#), 2014 U.S. S. Ct. Briefs LEXIS 3329

... has also enacted passport legislation that assists the Executive in implementing its authority over passports. See U.S. Const. Art. I, § 8, Cl. 14. For instance, Congress has prohibited passport issuance by anyone but the Secretary of State, **22 U.S.C. 211a**, and it has also regulated fees, 22 U.S.C. 214 , 214a ; 10 U.S.C. 2602 , and time limits, 22 U.S.C. 217a . 10 On the rare occasion when Congress attempted to regulate issuance of diplomatic passports in a manner that interfered with ...

Content: Court Filings | **Date:** September 22, 2014

160. [ZIVOTOFSKY v. KERRY](#), 2014 U.S. S. Ct. Briefs LEXIS 2605

... Zivotofsky v. Sec'y of State, 571 F.3d 1227 (D.C. Cir. 2009) Zivotofsky v. Sec'y of State, 725 F.3d 197 (D.C. Cir. 2013) CONSTITUTION U.S. Const. art. I U.S. Const. art. I, § 8, cl. 3 U.S. Const. art. I, § 9, cl. 1 U.S. Const. art. II, § 3 STATUTES/REGULATIONS **22 U.S.C. § 211a** 22 U.S.C. § 212 22 U.S.C. § 213 22 U.S.C. § 214 22 U.S.C. § 214a 22 U.S.C. § 217a 22 U.S.C. § 218 22 U.S.C. § 2705 Exec. Order 11295, 3 C.F.R. 570 (1966-1970), 31 Fed. Reg. 10603 Foreign Relations Authorization Act, ...

Content: Court Filings | **Date:** July 22, 2014

161. [State v United States](#), 2012 U.S. S. Ct. Briefs LEXIS 542

... The Secretary of State's authorities under the INA are found in various provisions, including §§ 104, 105, 349(a)(5), 358, and 359 (8 U.S.C. §§ 1104 , 1105 , 1481(a)(5) , 1501 , and 1502) (visa and other immigration-related laws). The Department also exercises passport-related authorities, including those found at **22 U.S.C. §§ 211a, et seq.** Several other bureaus within the Department of State, including the Bureau of Population, Refugees and Migration; the Bureau of Human Rights, Democracy ...

Content: Court Filings | **Date:** February 6, 2012

162. [MENACHEM](#), 2011 U.S. S. Ct. Briefs LEXIS 1303

... has enacted passport legislation that assists the Executive in implementing its authority over passports. See U.S. Const. Art. I, § 8, Cl. 14. For instance, Congress has prohibited the issuance of passports by anyone but the Secretary of State. **22 U.S.C. 211a**. It has also limited imposition of geographic travel restrictions in passports to implement provisions of the Helsinki Accords, which President Ford signed on behalf of the United States. *Ibid.* ; see Foreign Relations Authorization ...

Content: Court Filings | **Date:** September 23, 2011

163. [MENACHEM v. HILLARY RODHAM CLINTON, Secy. of State](#), 2011 U.S. S. Ct. Briefs LEXIS 913

... U.S. Const. art. II, § 3 Statutes and Acts of Congress 18 U.S.C. § 11 18 U.S.C. § 112 18 U.S.C. § 229 et seq. 18 U.S.C. § 229F(5) 18 U.S.C. § 478 18 U.S.C. § 546 18 U.S.C. §§ 792 - 798 18 U.S.C. § 878 18 U.S.C. § 970 18 U.S.C. § 1116 18 U.S.C. § 1116(2) 18 U.S.C. § 1201 **22 U.S.C. § 211a** 22 U.S.C. § 212a(b)(1)(A) 22 U.S.C. § 212a(b)(1)(B) 22 U.S.C. § 611(e) 22 U.S.C. § 2705(2) 22 U.S.C. § 2714 22 U.S.C. § 2714(a)(2) 22 U.S.C. § 3301 et seq. 22 U.S.C. § 5721 et seq. 22 U.S.C. § 6001 et seq. Act ...

Content: Court Filings | **Date:** August 5, 2011

164. [ZIVOTOFSKY v. CLINTON](#), 2011 U.S. S. Ct. Briefs LEXIS 914

... 14 L. Ed. 2d 179 (1965) Zivotofsky v. Sec'y of State, 571 F.3d 1227 (D.C. Cir. 2009) , cert. granted, 131 S. Ct. 2897 (U.S. 2011) CONSTITUTION U.S. Const. Art. I U.S. Const. Art. I, § 8, cl. 3 U.S. Const. Art. II, § 3 U.S. Const. Amend. V STATUTES/REGULATIONS **22 U.S.C. § 211a** 22 U.S.C. § 212 22 U.S.C. § 213 22 U.S.C. § 214 22 U.S.C. § 214a 22 U.S.C. § 217a 22 U.S.C. § 218 Exec. Order 11295, 3 C.F.R. 570 (1966-1970), 31 Fed. Reg. 10603 Foreign Relations Act of 1994, Pub. L. No. 103-236 ...

Content: Court Filings | **Date:** August 5, 2011

165. [ZIVOTOFSKY v. CLINTON](#), 2011 U.S. S. Ct. Briefs LEXIS 956

...**22 U.S.C. § 211a**, 44 Stat. 887 (1926). Congress granted the Secretary of State the authority to issue passports by providing that: The Secretary of State may grant and issue passports, and cause passports to be granted, issued, and verified in foreign countries by diplomatic representatives of the United States. . . . under such rules as the President shall designate and prescribe for and on behalf of the United States, and no other person shall grant, issue, or verify such passports.**22 U.S.C. § 211a**

Content: Court Filings | **Date:** August 5, 2011

166. [M. B. Z. v. CLINTON](#), 2010 U.S. S. Ct. Briefs LEXIS 2971

... The Secretary of State's authority to issue passports and to regulate their use is explicitly granted by statute.**22 U.S.C. § 211a**. Since Congress created the passport authority, it can regulate that authority. For example, in *Haig v. Agee*, 453 U.S. 280 (1981) , the Court upheld the Secretary of State's power to revoke a passport, on the ground that the regulation at issue was congruent with**22 U.S.C. § 211a**. Impliedly, if the regulation had clashed with the legislation, the regulation ...

Content: Court Filings | **Date:** December 29, 2010

167. [ZIVOTOFSKY v. SECRETARY OF STATE](#), 2010 U.S. S. Ct. Briefs LEXIS 2936

...**22 U.S.C. § 211a**("The Secretary of State may grant and issue passports, and cause passports to be granted, issued, and verified in foreign countries by diplomatic and consular officers of the United States and by such other employees of the Department of States...."). Although Congress often has recognized the authority of the Executive to regulate the issuance of passports, this obviously does not confirm that the Executive retains exclusive control over all matters relating to passports. ...

Content: Court Filings | **Date:** November 24, 2010

168. [CHECKBOOK v. UNITED STATES HHS](#), 2009 U.S. S. Ct. Briefs LEXIS 3253

... *Washington Post Co. v. U.S. Department of Agriculture*, 943 F. Supp. 31 (D.D.C. 1996) *Weinstein v. Albright*, 261 F.3d 127 (2d Cir. 2001) STATUTES, RULES, AND REGULATIONS Freedom of Information Act 5 U.S.C. § 552 12 U.S.C. § 1462a § 1463 Passport Act of 1926,**22 U.S.C. § 211a**26 U.S.C. § 7805 28 U.S.C. § 1254 38 U.S.C. § 7304 42 U.S.C. § 1320a-7 § 1320c et seq § 1395 et seq § 1395cc-3 § 1395y Emergency Economic Stabilization Act of 2008, Pub. L. No. 110-343 , 112 Stat. 3765 American Recovery ...

Content: Court Filings | **Date:** October 30, 2009

169. [REGAN v. WALD](#), 1984 U.S. S. Ct. Briefs LEXIS 239

... 453 U.S. 280 *United States v. Yoshida International, Inc.*, 526 F.2d 560 *Zemel v. Rusk*, 381 U.S. 1 Statutes and regulations: International Emergency Economic Powers Act, 50 U.S.C. (Supp. V) 1701 et seq. 50 U.S.C. (Supp. V) 1702(a)(1)(B) Passport Act, **22 U.S.C. 211a** Trading With the Enemy Act of 1917, 50 U.S.C. App. (& Supp. V) 1 et seq.: § 3, 50 U.S.C. App. 3 § 5(b), 50 U.S.C. App. 5(b) 31 C.F.R. Pt. 505 (1977) 31 C.F.R. Pt. 515 (1977) : Section 515.201 Section 515.560(a)(3) Section 515.560(a)(5) ...

Content: Court Filings | **Date:** April 13, 1984

170. [REGAN v. WALD](#), 1984 U.S. S. Ct. Briefs LEXIS 240

... The following year, Congress amended the Passport Act to remove the executive's ability to impose area restrictions on travel except during war, armed hostilities, or imminent danger to the public health.

Pub. L. 95-426 , § 124, 92 Stat. 971 , **22 U.S.C. § 211a** (1978). Congress , too, acted expressly to achieve greater United States compliance with the Helsinki accords, and to encourage the compliance of other nations as well. Congress believed that "the freedom-of-travel principle is ...

Content: Court Filings | **Date:** March 15, 1984

171. [Regan v. Wald](#), 1984 U.S. S. Ct. Briefs LEXIS 241

... a that authority. Pursuant to the 1978 amendment to the Passport Act, area restrictions may only be imposed on passports for travel to "a country with which the United States is at war, where armed hostilities are in progress, or where there is imminent danger to the public health or the physical safety of United States travellers." Foreign Relations Authorization Act of 1978, Pub.L. No. 95-426 , Section 124, 92 Stat. 971 (codified as amended at **22 U.S.C. Section 211a**). Thus, not only is there ...

Content: Court Filings | **Date:** March 14, 1984

172. [REGAN v. WALD](#), 1984 U.S. S. Ct. Briefs LEXIS 242

... codified the spirit of the Helsinki Agreement when it amended the Passport Act "[f]or the purpose of achieving greater United States compliance with the provisions of the final Act of the Conference on Security and Cooperation," Pub. L. 95-426 , § 124, 92 Stat. 971 , **22 U.S.C. § 211a** (1978). The Government's contention that the regulation at issue does not regulate travel but is addressed "entirely to economic transactions," is not without irony in the wake of the Helsinki Agreement. Our government ...

Content: Court Filings | **Date:** March 14, 1984

173. [REGAN v. WALD](#), 1984 U.S. S. Ct. Briefs LEXIS 243

... 1. This is an action seeking an order declaring illegal, defendants' new restrictions on travel-related transactions with Cuba , 32 C.F.R. 515.560 (April 20, 1982) and enjoining their implementation. The new restrictions are not authorized by the Trading With the Enemy Act, 50 U.S.C. App. § 5 ; violate express limitations Congress has imposed in **22 U.S.C. § 211a** on the Executive Branch's power to impose geographical restrictions on travel; have been promulgated in violation of the International ...

Content: Court Filings | **Date:** January 27, 1984

174. [REGAN v. WALD](#), 1984 U.S. S. Ct. Briefs LEXIS 244

... Journalists, professional researchers, close family members, those whose travel expenses are paid for entirely by Cuba, those traveling for humanitarian reasons, and artists and athletes performing in Cuba are not covered by the proscription. The national security and foreign policy interests underlying the Cuban Assets Control Program provide ample constitutional space for such narrowly drawn restrictions. B. The court of appeals also cited a 1978 amendment to the Passport Act, **22 U.S.C. 211a** ...

Content: Court Filings | **Date:** January 27, 1984

175. [REGAN v. WALD](#), 1983 U.S. S. Ct. Briefs LEXIS 1077

... all persons traveling to Cuba to pay for their transportation and living expenses. 42 Fed. Reg. 16621 (1977); see also 42 Fed. Reg. 25499 (1977) (further liberalization). The State Department, which had restricted travel to Cuba through passport regulations under **22 U.S.C. § 211a** , eliminated those regulations during the same month. See Emergency Controls on International Economic Transactions: Hearings before the Subcommittee on International Economic Policy & Trade of the House Committee ...

Content: Court Filings | **Date:** September 14, 1983

176. [MUSKIE v. AGEE](#), 1981 U.S. S. Ct. Briefs LEXIS 2367

... , and under such rules as the President shall designate and prescribe... 23 11 Stat. 60 (1856), amended in 1866 (14 Stat. 54), in 1875 (Rev. Stat. § 4075), in 1902 (32 Stat. 386) and in 1926 (44 Stat. 657), in respects not material to this discussion. It is now codified at **22 U.S.C. § 211a** . Congress explicitly imposed upon the right to a passport only one substantive condition, springing from the very nature of the passport -- namely that the applicant be a citizen of the United States ...

Content: Court Filings | **Date:** April 3, 1981

177. [MUSKIE v. AGEE](#), 1980 U.S. S. Ct. Briefs LEXIS 2287

... The Passport Act of 1926 provides that the "Secretary of State may grant and issue passports * * * under such rules as the President shall designate and prescribe for and on behalf of the United States * * * ." **22 U.S.C. 211a** (emphasis supplied). 10 by Exec. Order No. 11295, 31 Fed. Reg. 10603 (1966), reprinted in **22 U.S.C. 211a** note, the President has delegated to the Secretary of State the authority to designate and prescribe rules governing passports. 3 U.S.C. 301 permits such delegation. ...

Content: Court Filings | **Date:** November 21, 1980

178. [MUSKIE v. AGEE](#), 1980 U.S. S. Ct. Briefs LEXIS 1338

... granted in 1918, and this Court has so presumed, holding as a general rule that passport regulations enacted during the wartime measures of 1918 and 1941 are not relevant to the construction of a peacetime statute. Kent, 357 U.S. at 128 . Both Courts below quickly disposed of the government's surprising reliance on the 1978 revision of **22 U.S.C. § 211a** . The contraction of power to impose broad area control restriction hardly "support [s] the Secretary's construction of **22 U.S.C. § 211a** ...

Content: Court Filings | **Date:** August 15, 1980

179. [MUSKIE v. AGEE](#), 1980 U.S. S. Ct. Briefs LEXIS 1393

... attacks (App. H, infra, 125a-127a) (affidavit submitted to court of appeals in support of stay pending review on certiorari). Accordingly, review by this Court is warranted. 1. The Passport Act of 1926, **22 U.S.C. 211a** , provides that the "Secretary of State may grant and issue passports * * * under such rules as the President shall designate and prescribe for and on behalf of the United States * * * ." 7 By Exec. Order No. 11,295, 31 Fed.Reg. 10603 (1966) , reprinted in **22 U.S.C. 211a** ...

Content: Court Filings | **Date:** July 18, 1980

180. [ZIVOTOFSKY v. KERRY](#), 2014 U.S. S. Ct. Briefs LEXIS 2566

... U.S. CONST. art. I, § 1 U.S. CONST. art. I, § 8 U.S. CONST. art. II, § 1 U.S. CONST. art. II, § 2 U.S. CONST. art. II, § 3 STATUTES AND REGULATIONS 1 Stat. 118 : Rev. State 4062 (1790) 11 Stat. 60 (1856) 12 Stat. 754 (1863) 14 Stat. 54 : Rev. Stat. 4076, 4078 (1866) **22 U.S.C. § 211a et seq.** 22 U.S.C. § 212(a)(b)(1) 22 U.S.C. § 2714 32 Stat. 386 (1902) 34 Stat. 1228 (1907) 40 Stat. 559 (1918) 41 Stat. 1217 (1921) 44 Stat. 887 , 22 U.S.C. § 211a (1926) Act of Aug, 18, 1856, ch. 164, § 1, ...

Content: Court Filings | **Date:** July 22, 2014

181. [REGAN v. WALD](#), 1983 U.S. S. Ct. Briefs LEXIS 1078

... Sec. 124. For the purpose of achieving greater United States compliance with the provisions of the Final Act of the Conference on Security and Cooperation in Europe (signed at Helsinki on August 1, 1975) and for the purpose of encouraging other countries which are signatories to the Final Act to comply with those provisions, the first section of the Act entitled "An Act to regulate the issue and validity of passports and for other purposes", approved July 3, 1926 (**22 U.S.C. 211a**), is amended ...

Content: Court Filings | **Date:** October 27, 1983

182. [MUSKIE v. AGEE](#), 1980 U.S. S. Ct. Briefs LEXIS 1840

... we pointed out in the petition (see Pet. 14-15), the passport control legislation enacted in 1918 would have been largely ineffectual without such authority over the issuance of passports. And any doubt on this point was eliminated eight years later, when Congress broadly provided that "[t]he Secretary of State may grant and issue passports * * * under such rules as the President shall designate and prescribe for and on behalf of the United States * * * ." Passport Act of 1926, **22 U.S.C. 211a** ...

Content: Court Filings | **Date:** September 26, 1980

183. [UNITED STATES v. FELIZ](#), 2015 U.S. 1st Cir. Briefs LEXIS 397

... intent in 2007, when he used the Rodriguez identity to apply for a passport, this time for his minor daughter who was legally entitled to one as a U.S. citizen, because the prosecution case focused on the series of lies regarding his identity beginning with those told at the time of his reentry. Adriana Lebreault was a natural-born U.S. citizen, and, therefore, was entitled to a passport, even if her father was illegally in this country. 8 U.S.C. § 1401, et seq. ; **22 U.S.C. § 211a, et seq.** ...

Content: Court Filings | **Date:** January 30, 2015

184. [HIZAM v. CLINTON](#), 2013 U.S. 2nd Cir. Briefs LEXIS 430

... . Under that authority, the State Department issues CRBAs to document that a person born abroad satisfies the statutory criteria for citizenship. 22 C.F.R. § 50.7(a) . The State Department also has authority to issue passports to United States citizens. **22 U.S.C. §§ 211a** , 212 ; 22 C.F.R. § 51.2(a) . Both valid U.S. passports and CRBAs serve as proof of U.S. citizenship . 22 U.S.C. § 2705 . The State Department has the power to cancel passports and CRBAs, a previously recognized authority ...

Content: Court Filings | **Date:** January 22, 2013

185. [HINOJOSA v. HORN](#), 2018 U.S. 5th Cir. Briefs LEXIS 509

... undermines this analysis. It simply holds that the APA no longer need be construed to confer jurisdiction, because the amended version of 28 U.S.C. § 1331 provides that function. And unlike the statute examined in *Califano* , no explicit language in **22 U.S.C. § 211a** , which authorizes the State Department to issue a U.S. passport, precludes § 1331 jurisdiction when challenging a passport denial. The fact that § 1503(b) or (c) cannot be the sole means of challenging the denial of a ...

Content: Court Filings | **Date:** June 28, 2018

186. [DE LA GARZA GUTIERREZ v. TILLERSON](#), 2018 U.S. 5th Cir. Briefs LEXIS 490

... affects its substantive holding that the APA provided judicial review of final agency actions. *Califano* simply held that the APA no longer need be construed to confer jurisdiction, because the amended version of 28 U.S.C. § 1331 provides that function. And unlike the statute examined in *Califano* , no explicit language in **22 U.S.C. § 211a** , which authorizes the State Department to issue a U.S. passport,

precludes § 1331 jurisdiction when challenging a passport denial. VII. CONCLUSION ...

Content: Court Filings | **Date:** June 28, 2018

187. [United States v. Casillas-Casillas](#), 2016 U.S. 5th Cir. Briefs LEXIS 664

... unless there are compelling indications that it is wrong. Haig v. Agee, 453 U.S. 280, 291 (1981) (emphasis added). It is clear that the Executive Branch's Department of State, through the Code of Federal Regulations pertinent to the administrative construction of the statute found at **22 U.S.C. § 211a** (which codifies the Passport Act), clearly establishes four different types of passports. It would certainly not be consistent with the administrative construction of the statute empowering ...

Content: Court Filings | **Date:** September 13, 2016

188. [Keil v. Triveline](#), 2011 U.S. 8th Cir. Briefs LEXIS 640

... STATEMENT OF FACTS I. STATUTORY AND REGULATORY BACKGROUND A. Issuance and Use of Passports In the Passport Act, Congress granted the Secretary of State the authority to issue passports, to deny passport applications, and to revoke passports already issued. **22 U.S.C. § 211a**; Haig v. Agee, 453 U.S. 280, 290-291 (1981). The Act also gives the Secretary "broad rule-making authority," Haig, 453 U.S. at 291 (citing Zemel v. Rusk, 381 U.S. 1, 12 (1965)), to promulgate rules governing ...

Content: Court Filings | **Date:** June 17, 2011

189. [ZZYYM v. POMPEO](#), 2019 U.S. 10th Cir. Briefs LEXIS 133

... never authorized the Department to require that passports identify the bearer's sex as either male or female. That claim is meritless. The Passport Act provides that "[t]he Secretary of State may grant and issue passports . . . under such rules as the President shall designate and prescribe for and on behalf of the United States." **22 U.S.C. § 211a**; see 31 Fed. Reg. 10,603 (Aug. 9, 1966) (delegating authority to the Secretary of State). The Supreme Court has repeatedly recognized that ...

Content: Court Filings | **Date:** May 30, 2019

190. [Zzyym v. Pompeo](#), 2019 U.S. 10th Cir. Briefs LEXIS 68

... Br.App'x2)-from obtaining a U.S. passport with a gender marker other than "M" or "F" arbitrary and capricious in violation of the APA, 5 U.S.C. § 706(2)(A)? STATEMENT OF THE CASE I. STATUTORY AND REGULATORY BACKGROUND The Passport Act, **22 U.S.C. § 211a**, provides that the Secretary of State (the "Secretary") "may grant and issue passports, and cause passports to be granted, issued, and verified in foreign countries . . . under such rules as the President shall designate and ...

Content: Court Filings | **Date:** May 10, 2019

191. [HIZAM v. CLINTON](#), 2012 U.S. Dist. Ct. Briefs LEXIS 10679

... ("The Secretary of State shall be charged with the administration and the enforcement of the provisions of [the INA] relating to . . . the determination of nationality of a person not in the United States."); see also 22 C.F.R. § 50.2, and, following a determination that the relevant requirements have been met, to issue documentation of that status, see **22 U.S.C. § 211a** (authorizing State Department to "grant and issue passports, and cause passports to be granted, issued, and verified ...

Content: Court Filings | **Date:** April 13, 2012

192. [DURRANI v. DURRANI](#), 2011 NJ Sup. Ct. Briefs LEXIS 10

... is designed to insure the continued presence of a defendant within the state, the court is not prohibited from retaining a defendant's passport as a bond in the absence of some other appropriate bond being furnished by the Defendant. Indeed, "nothing in [the Passport Act, **22U.S.C. § 211a**] prohibits a court from ordering the holder to surrender it for use in connection with a judicial proceeding." U.S. v. Praetorius, 622 F.2d. 1054 , 1062 (App. Div., 2nd Cir. 1979) . If the Defendant ...

Content: Court Filings | **Date:** January 31, 2011

Motions

193. [JOHN DOE #1 v. KERRY](#), 2016 U.S. Dist. Ct. Motions LEXIS 190

... , on an analysis of several factors to determine whether a message conveys government or private speech may no longer apply. In any event, the factors identified in that case also confirm that information contained in a U.S. passport is government speech. A U.S. passport is a government-issued document. See **22 U.S.C. § 211a** . Indeed, passports remain United States property even when held by individuals. 22 C.F.R. § 51.7(a) ("A passport at all times remains the property of the United States ...

Content: Court Filings | **Date:** April 18, 2016

194. [MACIEL v. RICE](#), 2007 U.S. Dist. Ct. Motions LEXIS 58282

... . When a mandamus claim challenges a discretionary act, it should be dismissed for lack of subject matter jurisdiction. Stang v. I.R.S., 788 F.2d 564 , 566 (9th Cir. 1986) . Here, defendant owes no duty to issue a passport to plaintiff. The Secretary of State is authorized by statute to issue passports. **22 U.S.C. § 211a** ("[t]he Secretary of State may grant and issue passports" (emphasis added)). The issuance of U.S. passports is not a mandatory duty owed to citizens, however; it is a ...

Content: Court Filings | **Date:** November 1, 2007

195. [ZIVOTFSKY v. SECRETARY OF STATE](#), 2006 U.S. Dist. Ct. Motions LEXIS 63158

... . Since the recognition of foreign sovereigns and their territory is exclusively an Executive function, Section 214(d) must be construed as advisory to avoid questions as to its constitutionality. Similarly, even aside from the constitutionality of Section 214(d), the Secretary of State is statutorily entrusted with issuing passports and otherwise managing the United States' foreign affairs, see **22 U.S.C. §§ 211a** , 2656 , and the courts are obliged, particularly in "matters . . . which involve ...

Content: Court Filings | **Date:** December 7, 2006

196. [MENACHEM v. SECRETARY OF STATE](#), 2006 U.S. Dist. Ct. Motions LEXIS 63157

... constitutional question although properly presented by the record, if there is also present some other ground upon which the case may be disposed of"); id. at 22-24 (explaining that "[a] mandatory construction of Section 214(d) would effect an implied partial repeal of **22 U.S.C. § 211a** and 22 U.S.C. § 2656 . . . [which is] strongly disfavored"). Plaintiff does not address either doctrine in his motion for summary judgment. Instead, he contends that "it is plain from its language and from ...

Content: Court Filings | **Date:** November 6, 2006

197. [ZIVOTFSKY v. SECRETARY OF STATE](#), 2006 U.S. Dist. Ct. Motions LEXIS 63161

... **22 U.S.C. § 211a** ("The Secretary of State may grant and issue passports, and cause passports to be granted, issued, and verified in foreign countries ... and no other person shall grant, issue, or verify such passports."); 22 U.S.C. § 2656 ("The Secretary of State shall perform such duties as shall from time to time be enjoined on or intrusted to him by the President relative to ... such other matters respecting foreign affairs as the President of the United States shall assign to the department, ...

Content: Court Filings | **Date:** October 3, 2006

198. [Lesnik v. SE](#), 2018 U.S. Dist. Ct. Motions LEXIS 84301

... February 19, 2008. The description of m 3. The authority citation for part 51 the revisions made to §)1.20 of this part continues to read as follows: 31 CFR Part 1 were not clear resulting in redundant Authority: 8 U.S.C. 1504 ; 18 U.S.C. 1621 ; paragraphs at the end of that section. **22 U.S.C. 211a** , 212 , 213 , 213n (Pub. L. 106- Freedom of Information Act, Privacy In FR Doc. E9-31150 appearing in 113 Div. B, Sec. 1000(a)[7] [Div. A, Title II, Act of 1974; Implementation ...

Content: Court Filings | **Date:** August 9, 2018

199. [JOSEPH v. TILLERSON](#), 2018 U.S. Dist. Ct. Motions LEXIS 2951

... . Further, "a passport at all times remains the property of the United States and must be returned to the U.S. Government upon demand." 22 C.F.R. §§ 51.7(a) . The Secretary of State and his designees have both the power to grant passports, and the power to revoke them. See **22 U.S.C. § 211a** , see also Haig, 453 U.S. at 290-91 (holding that the State Department's power to revoke passports is implicit in the broad rulemaking authority conferred by **22 U.S.C. § 211a**). Federal law specifically ...

Content: Court Filings | **Date:** July 26, 2018

200. [Anayainicole Karnley Jarbie v. Kerry](#), 2016 U.S. Dist. Ct. Motions LEXIS 4390

... A "passport" is defined as a "travel document issued by a competent authority showing the bearer's origin, identity, and nationality if any, which is valid for the admission of the bearer into a foreign country." 8 U.S.C. § 1101(a)(30) . In the United States, only the Secretary of State has authority to grant, issue, and verify passports. See Exec. Order No. 11295, 31 F.R. 10603 (August 5, 1966) , codified as amended at **22 U.S.C. § 211a** . Under this authority, the Secretary of State "may ...

Content: Court Filings | **Date:** March 29, 2016

201. [WAKE v. STATE & all its agents](#), 2017 CO Dist. Ct. Motions LEXIS 6381

... On page 3 of his Verified Complaint, Plaintiff demanded a "diplomatic passport." This Court has no authority to issue a passport. Only the United States Secretary of State's office is authorized by the United States Congress to issue passports. **22 U.S.C. § 211a** . "[N]o other person shall grant, issue, or verify such passports." Id. For this reason, Plaintiff's request for a diplomatic passport must be denied. II. PLAINTIFF FAILS TO STATE A CLAIM. Colorado Rule of Civil Procedure 8(a) requires ...

Content: Court Filings | **Date:** June 28, 2017

Pleadings

202. [Nguyen v. Clinton](#), 2009 U.S. Dist. Ct. Pleadings LEXIS 7972

... Plaintiff, by his attorney, complaining of Defendants, alleges as follows: 1. Plaintiff is a citizen of the United States who resides within the jurisdiction of this Court. Plaintiff is an applicant for a United States passport, and his claim to relief arises under **22 U.S.C. 211a** and 22 C.F.R. 51. He was born in Orange County , California on July 25, 1979. 2. Hillary Rodham Clinton is the Secretary of State of the United

States and Thomas D. Reid, Jr. is the Regional Director of the Los Angeles ...

Content: Court Filings | **Date:** June 9, 2009

203. [GILL v. OFFICE OF PERSONNEL MGMT.](#), 2009 U.S. Dist. Ct. Pleadings LEXIS 5649

... 489. Plaintiffs Keith and Albert Toney III repeat and reallege the allegations set forth in Paragraphs 26-27, 35-58, and 311-328 as if fully set forth herein. 490. The issuance of United States passports is controlled generally by Chapter 4 of Title 22 of the United States Code. See generally **22 U.S.C. §§ 211a, et. seq.** 491. Under 22 U.S.C. § 211a , the Secretary of State has the authority to grant and issue passports in accordance with United States law. 492. Pursuant to Congressional authority, ...

Content: Court Filings | **Date:** March 3, 2009

204. [MACIEL v. RICE](#), 2008 U.S. Dist. Ct. Pleadings LEXIS 296

... has been denied his right to travel and his due process of law under the Fifth Amendment. 38. The Plaintiff has exhausted all his administrative remedies. FIRST CAUSE OF ACTION: WRIT OF MANDAMUS 39. Plaintiff repeats, alleges, and incorporates paragraphs 1 through 38 above as though fully set forth herein. 40. Pursuant to **22 U.S.C. § 211a** , the United States Secretary of State has the power to grant, issue, and cause passports to be granted. 41. Defendant, in violation of the Administrative Procedures ...

Content: Court Filings | **Date:** January 7, 2008

205. [JOSEPH v. TILLERSON](#), 2018 U.S. Dist. Ct. Pleadings LEXIS 20430

... 1. Plaintiff BOMIBOBAN JOSEPH [HEREINAFTER, "MR. JOSEPH"] is a citizen of the United States and a resident of Santa Clara County , California . 2. Defendant REX TILLERSON is the United States Secretary of State and is sued in his official capacity. Defendant TILLERSON is empowered by statute to grant, issue, and cause passports to be granted. See **22 U.S.C. § 211a** . 3. Defendant DAVID TYLER is the Director of the San Francisco Passport Agency of the United States Department of State, an ...

Content: Court Filings | **Date:** January 22, 2018

206. [E.H.D. & D.](#), 2016 TX Dist. Ct. Pleadings LEXIS 14267

... For information on International Parental Child Abduction , please visit www.travel.state.gov/childabduction or contact the Office of Children s Issues by telephone at 1-888-407-4747 or by e-mail at PreventAbduction1@state.gov . PRIVACY ACT STATEMENT AUTHORITIES : We are authorized to collect this information by **22 U.S.C. 211a et seq.** ; 8 U.S.C. 1104 ; 26 U.S.C. 6039E : Executive Order 11295 (August 5, 1966);and 22 C.F.R. parts 50 and 51 . PURPOSE: The primary purpose for soliciting the ...

Content: Court Filings | **Date:** October 6, 2016

Legend



Warning - Negative Treatment is Indicated



Red - Warning Level Phrase



Questioned - Validity questioned by citing references



Orange - Questioned Level Phrase



Caution - Possible negative treatment



Yellow - Caution Level Phrase



Positive - Positive treatment is indicated



Green - Positive Level Phrase



Analysis - Citing Refs. With Analysis Available



Blue - Neutral Level Phrase



Cited - Citation information available



Light Blue - No Analysis Phrase



Warning - Negative case treatment is indicated for statute