

7 FAM 1300 APPENDIX O TRAVEL DOCUMENTS ISSUED BY NATIVE AMERICAN TRIBES OR NATIONS OR PRIVATE ORGANIZATIONS

*(CT:CON-449; 03-25-2013)
(Office of Origin: CA/OCS/L)*

7 FAM 1310 APPENDIX O INTRODUCTION

(CT:CON-315; 09-03-2009)

- a. Native Americans: The Bureau of Consular Affairs (CA) is aware of instances in which members of Native American nations or tribes attempt to travel abroad and enter foreign countries bearing tribal "passports" or similar documentation.
- (1) Under INA 215(b) (8 U.S.C. 1185(b)) it is unlawful except as otherwise provided for any citizen of the United States to depart from or enter, or attempt to depart from or enter, the United States without a valid passport.
 - (2) A Native American who is a citizen or national of the United States must depart and re-enter the United States using a U.S. passport. 8 U.S.C. 1401(b) (INA 301(b)) provides that "a person born in the United States to a member of an Indian, Eskimo, Aleutian, or other aboriginal tribe" "shall be nationals and citizens of the United States." (See 7 FAM 1117 Native Americans and Eskimos.)
 - (3) The United States has implemented Article III of the Jay Treaty of 1794 through INA 289 (8 U.S.C. 1359), which provides:

"Nothing in this title shall be construed to affect the right of American Indians born in Canada to pass the borders of the United States, but such right shall extend only to persons who possess at least 50 per centum of blood of the American Indian race."

U.S. Customs and Border Protection interprets and applies INA 289 and can best address questions concerning how individuals can document their qualifications to benefit from this statute.

- b. Private Organizations: CA is also aware of certain private organizations that issue documents identified as "passports". One very well known private organization, "World Service Authority" (WSA), has been issuing a document called the World Passport since at least 1954, and represents that it is valid for

international travel.

- c. Municipalities, Heraldic Societies and Mythical Kingdoms: There are a number of municipalities, heraldic societies and so-called mythical kingdoms that also issue identity documents, laissez-passés, and related travel documents.

7 FAM 1320 APPENDIX O AUTHORITY FOR NATIVE AMERICAN TRAVEL DOCUMENTS

(CT:CON-269; 10-22-2008)

Travel documents issued by Native American tribes or nations are not issued under the authority of the United States. They are not considered passports under 8 U.S.C. 1101(a)(30) (INA 101(a)(30)), which defines a passport as a travel document issued by competent authority which is valid for the bearer's entry into a foreign country. Pursuant to 22 U.S.C. 211a, only the U.S. Secretary of State is authorized to issue U.S. passports.

7 FAM 1330 APPENDIX O NATIVE AMERICANS ENTERING FOREIGN COUNTRIES

(CT:CON-269; 10-22-2008)

- a. U.S. embassies and consulates have encountered U.S. citizens or nationals attempting to use documents issued by Native American tribes enter foreign countries. In several instances, some foreign governments have visaed and recognized these passports.
- b. Consular officers at U.S. embassies and consulates and passport specialists at domestic U.S. passport agencies and centers should advise anyone inquiring about whether they will be permitted to enter a foreign country bearing a Native American tribal document that:
 - (1) Such documents are not considered passports under 8 U.S.C. 1101(a)(30) (INA 101(a)(30));
 - (2) Under INA 215(b) (8 U.S.C. 1185(b)) it is unlawful except as otherwise provided for any citizen of the United States to depart from or enter, or attempt to depart from or enter, the United States without a valid passport; and
 - (3) The inquirer may wish to contact the embassy or consulate of the foreign State regarding acceptable travel and entry documentation for that country.

7 FAM 1340 APPENDIX O RESPONDING TO HOST COUNTRY INQUIRIES

(CT:CON-449; 03-25-2013)

- a. Consular officers at U.S. embassies abroad or passport specialists at domestic U.S. passport agencies and centers might be asked about the validity of Native American tribal "passports" by a foreign government. You should reply that Native American "passports" are not issued under the authority of the United States. They are not considered passports under 8 U.S.C. 1101(a)(30) (INA 101(a)(30)).
- b. Should posts need assistance in contacting next of kin (NOK) in the event of an emergency abroad, CA/OCS/L (Ask-OCS-L@state.gov) can assist in establishing contact with tribal officials.

7 FAM 1350 APPENDIX O WORLD SERVICE AUTHORITY DOCUMENTS

(CT:CON-269; 10-22-2008)

- a. We are aware that a private organization in the United States calling itself the "World Service Authority" (WSA) has been issuing a document called a "World Passport." The World Service Authority, located in Washington, DC, furnishes the document upon application and payment of a fee.
- b. The booklet is not a passport under 8 U.S.C. 1101(a)(30) (INA 101(a)(30)) and it is not valid for entry into the United States. Contrary to any such suggestion arising from WSA advertising, the booklet is not and has not been accepted for entry into the United States for either a U.S. citizen or for an alien and a U.S. visa may not be placed in it. (See 9 FAM 41.104 N4.)
- c. Requests for consular notarial or authentication services respecting these booklets or applications for them should be declined under 22 CFR 92.9(b). (See 7 FAM 894.)

7 FAM 1360 APPENDIX O HERALDIC SOCIETY AND MYTHICAL KINGDOM AND MUNICIPALITY TRAVEL DOCUMENTS

(CT:CON-269; 10-22-2008)

There are a variety of heraldic societies, municipalities and so-called mythical kingdoms that issue identity documents, laissez-passés and related travel documents. None of these documents constitute valid travel documents for the purposes of 8 U.S.C. 1101(a)(30) (INA 101(a)(30)).

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For Example: ...
Knights of Malta
Hutt River Province Principality (Australia)
Conch Republic (Key West, Florida)

***7 FAM 1370 APPENDIX O THROUGH 1390
APPENDIX O UNASSIGNED***