Detainees with Minor Children: Frequently Asked Questions

Florida Immigrant Advocacy Center (FIAC) is a not-for-profit legal services agency. Many immigrants in detention have questions about their minor children and what may happen to them while they are detained and if they are deported. FIAC has put together some information to help you. This packet contains some basic information and sample forms for people who are separated from their children. Every case is unique. These materials are for informational purposes only and are not intended as individualized legal advice.

How can I designate someone I trust to act on my behalf for my children while I am detained?

Note: If your child is already in someone else’s care, such as his or her other parent, an appointed legal guardian, or in the custody of Department of Children and Families (DCF or foster care), this section may not apply to you.

If you are the sole caregiver for your child, you may want to consider appointing a guardian to temporarily care for your child. You can appoint a trusted friend or family member, who has legal status in the United States, to be legal guardian of your child. This will allow the person of your choice to be legally authorized to help your children in your absence. This includes helping your child get medical care, registering your child in school, and obtaining a passport for your child, if needed. (Please also see page 5 for what you will need to submit to get your child a passport.) If your child is already staying with the person of your choice on an informal basis, completing a “Statement of Guardianship” will assist this person in caring for your child.
Please note this is outside of the court process and is a separate and distinct way to give limited, temporary authority to a person to care for your child. There is another, different legal process for appointing an official, legal guardian on a more permanent basis through a private petition (Ch. 751).

See pages 8 and 9 for a sample “Statement of Guardianship” that can be used in the state of Florida to designate a person you completely trust to be your child’s guardian. The form must be notarized and signed by two witnesses. The detention center should provide access to a notary if you are unrepresented. If you have more than one child, you will need to fill-out separate “Statement of Guardianship” forms for each.

**IMPORTANT:** Appointing someone guardian of your child is a very powerful tool and an important responsibility. It is essential that you only assign this privilege to someone you completely trust.

Be sure to inform whoever is caring for your child in your absence of important information including:

- Medical information, especially if your child has any allergies or health problems, and the name and contact information for your child’s doctor;
- School information;
- Information about your child’s normal routine and activities;
- Where your child’s birth certificate, travel document, medical records, school records and any other important documents are kept;
- Any other special needs your child may have.

**Tip:** If you are the sole caregiver for your child, make sure that your Deportation Officer is aware of your situation and request to be released to care for your child. If your request is not granted, also consider requesting to be released under supervision (often with an ankle bracelet.) Explaining your situation to your Deportation Officer will not guarantee your release, but it is worth asking.

At the end of this packet is also a sample “Power of Attorney” form with instructions. See pages 10-15. Similar to the Guardianship Statement, this form will be useful to you if you have a trusted friend or relative who you want to help take care of things for you in the U.S. while you are detained and/or after you are deported. With a “Power of Attorney” this person could act on your behalf by paying
bills, selling your car and other property, or closing a bank account. You should also tell the person where to find copies of bank account information, titles to cars and other property, rental agreements, etc. Like the Guardianship Statement, please remember that giving someone “power of attorney” is very powerful. Only give this to someone you completely trust! If the person abuses that trust, your only remedy may be to sue that person in a court in the United States, which may not be a realistic option if you are facing deportation.

What can I do if my child was placed in foster care when I was detained?

If your child was placed in foster care when you were detained, your child's case is likely being heard by a juvenile court judge or possibly in a probate court. There are steps you can take from detention to protect your parental rights, such as:

- **Talk to your family attorney.** You should be assigned a lawyer by the court in charge of your child's case if you cannot afford a family law attorney yourself. This lawyer should keep you informed about what is happening with your children. You should receive notice by the court handling your child's case about any hearings. You have the right to participate in the court process. The juvenile court may not be aware that you are detained and where you are being held. Be proactive in finding out who is representing you and letting the court know about your situation.

- **Talk to your child's caseworker.** Your child will also be assigned a caseworker through the foster care program who may be in contact with you. The caseworker is responsible for coordinating your child's care and looking after his or her best interest while in foster care. The caseworker may be able to help arrange visits with your child in detention. The caseworker should also be able to tell you who is your attorney if you do not know.

- **Inform your deportation officer and the immigration judge.** It is important to make sure your deportation officer and immigration judge know that your child is in foster care, even if they cannot help you directly with it. Tell them that your child is in foster care and what you want to happen if you are deported. Ask your deportation officer if she or he has been contacted by your family court lawyer.

- **Inform your consulate.** Your consulate may also be able to provide support, gather information for you, and advocate on your family's behalf if your
children are in the state’s custody. Even though your child is a U.S. citizen, the Consulate may still be able to advocate on your behalf. Your children may also have dual citizenship with your country of origin.

- **Inform your immigration attorney or FIAC.** If you do not have an immigration attorney and your child is in foster care, please contact FIAC at (305) 573-1106 or by speaking with one of our staff at a Know Your Rights presentation.

### I am going to be deported. How can I bring my children with me?

If you have decided to return to your country of origin or if you have lost your immigration case and the U.S. Government is trying to deport you (for example, if they are asking for your travel document and/or birth certificate and you do not have any more court hearings), you should tell your Deportation Officer and ask if it is possible that your children be permitted to return at the same time you do. However, you should not depend on help from your Deportation Officer. Your Deportation Officer is not your advocate and he or she is not obligated to help your children. His or her job is to deport you.

You should take steps on your own to arrange for your children's travel. If your child is in foster care, you should talk to your family attorney and consider asking the family court judge to order that your children be reunited with you when you are deported (for example, a judge might be able to order that your family be reunited at the airport before your deportation). If your child is in the custody of someone else, such as a parent, legal guardian, or the state, it may be a complicated process depending on your circumstances to bring your child with you, but some steps you can take are:

- **If your children were born in the United States, make sure they have important documents like their birth certificate and Social Security card before they leave the country.** Go to this website for a link to the state your child was born in for instructions on how to get a birth certificate: [http://www.cdc.gov/nchs/w2w.htm](http://www.cdc.gov/nchs/w2w.htm)
• **Get your child a passport.**
  o **If your child is a United States citizen**, and does not yet have a U.S. passport or needs to renew it, she or he can apply for one using the application form on pages 20 and 21. This form and instructions are also available at some post offices and online at [http://travel.state.gov/passport/get/minors/minors_834.html](http://travel.state.gov/passport/get/minors/minors_834.html). Please read the instructions carefully on pages 16-19.
  
  o Because you are detained, you must also complete a special form called a “Notarized Statement of Consent or Special Circumstances” (DS-3053). See the form on pages 22 and 23. You must complete this form to explain why you cannot go with your child in person to apply since you are detained. You must sign Section 4a in the presence of a notary. A notary should be available to you by request in detention if you are unrepresented (refer to your detention handbook).
  
  o Your child should go in person to apply with his or her other parent.
  
  o If your child’s other parent is not available, and there is no other court-appointed legal guardian you must either:
    - Show legal evidence that you have sole custody of your child. While a court order is the best evidence of sole custody, a notarized letter from a government or religious official indicating that you are the only parent of the child may suffice. If the other parent died, present the death certificate.

    **OR**
    
    - If you do not have sole custody, you must obtain from the other parent a signed and notarized Statement of Consent or Special Circumstances (DS-3053). This is the same form that you are going to complete because you are detained. Please see instructions above and the form on pages 22 and 23. The purpose of the form is to explain why your child’s other parent cannot go with your child to apply for the passport.

      ➢ If your child is in foster care, your child’s caseworker should be able to help your child get a U.S. passport.
      
      ➢ Submit a notarized written statement or affidavit authorizing the person going with the child to apply for a passport. If it is only signed by you (and not by the other parent), the guardian must present evidence that you have sole custody. The “Statement of Guardianship” on pages 8 and 9.
can be used for this purpose. *Remember, assigning a guardian is a powerful responsibility that should only be given to someone you completely trust!*

- You may also try contacting your consulate for a travel document for your child since he or she may be a dual national of that country. However, it is very important that your child has proof of his or her U.S. Citizenship, so try to get his or her birth certificate and passport before leaving the country.

  - **If your child is not a citizen of the United States**, and does not have a passport, you will need to contact your child’s Consulate to find out the application process. You have the right to contact your Consulate at no cost while you are in detention.

- **If your child will travel with an adult, you will need to write a notarized permission letter for your child to travel.**

  - According to the U.S. State Department, special documentation is required of all adults accompanying minors out of the country due to international initiatives to prevent kidnapping. You should check with the airline for specific guidance on what your child will need to travel. Your child will need a notarized letter from you to travel internationally (without you) for most airlines to allow your child to fly. Other general advice follows:

    - If one parent is traveling with the child, a special notarized letter of permission still needs to be issued by the non-traveling parent, explaining why the other parent is not also accompanying the child and indicating that the child has that parent’s permission to travel.

    - If the guardian is traveling with the child, your notarized letter of permission will also be needed. In your letter, you may want to explain the guardianship relationship, why you are not able to accompany the child, and your awareness of your child’s travel plans. Please see sample “Notarized Travel Letter” on page 24. The guardian should carry the Statement of Guardianship, or other evidence of guardianship, while traveling with the child. Check with the airline your child will be traveling on for further guidance about appropriate documentation for travel.
• If your child is traveling unaccompanied from the United States to another country:
  o You and/or your child’s guardian should check with the airline for specific guidance on whether or not your child would be permitted to travel unaccompanied, and if so, what documentation will be needed. Some general guidance follows:
    ▪ If your child is between the ages of 14 and 18, he or she may be allowed to travel alone only if the child is carrying a notarized permission by the parent or guardian explaining the child’s travel plans and giving their permission. Please see sample “Notarized Travel Letter” on page 24.
    ▪ If the child is between the ages of 5 and 14, he or she may be permitted to travel internationally unaccompanied on certain kinds of flights with specific written letters of travel permission. Please call the airlines to have specific understanding of the regulations for the international travel of an unaccompanied minor between the ages of 5 and 14.
    ▪ Your child will be unable to travel alone if he or she is under the age of 5. Even if you have other children, at least one of them traveling with the young child must be of at least 18 years of age.

• While still in the United States, it may be helpful to inform the Consulate of the country where your child is going of your child’s travel plans if your child is not a citizen of that country. For your personal records, note of the name of the person you spoke with at the consulate, the date, and what you were told.

• Get copies and keep documentation about all of the special circumstances of your child’s travel. This can help prevent last minute problems with your child’s travel.

• For further guidance, consult the airline your child will be traveling on and the Consulate of the country to which your child is traveling.
STATEMENT OF GUARDIANSHIP

STATE OF FLORIDA
COUNTY OF __________________________

I / We, _____________________________ the undersigned, do hereby make,

Full Name of Parent(s)

constitute and appoint, _____________________________, DOB(s) ______________

Full Name of Guardian(s) Guardian’s DOB

________________________, resident(s) of _____________________________, Florida as the legal guardians of

Guardian’s City of Residence

the person of my child, _____________________________, DOB, ______________

Name of Child Child’s DOB

until such time as I / we request the return of full custody to me.

Said person(s) shall have all powers normally bestowed on a legal guardian of the person, including,

among other powers, the right to allow or deny medical treatments, the right to obtain health and life
insurance, the right to arrange for schooling, the right to feed, clothe and otherwise determine my
child’s daily care, and the right to obtain a passport for my child. A copy of this Statement of
Guardianship shall have the same force and effect as the original.

__________________________________________  _______________________________________
Signature(s) of Parent (s)  Signature(s) of Parent (s)

__________________________________________
Signature of Witness 1

Name: _____________________________

Address: _____________________________
STATEMENT OF GUARDIANSHIP, continued

Signature of Witness 2

Name: ____________________________________________

Address: __________________________________________

Notary Signature

On this _________ day of ______________________, 2007, personally appeared

________________________

Name of Parent(s)

being duly sworn, acknowledged before me that they executed the foregoing Statement of

Guardianship for the purposes therein expressed.

________________________

Notary Public, State of Florida

My commission expires: ______________________________

Personally known ________ Produced Identification__________________

Type of I.D. Produced: __________________________
LIMITED POWER OF ATTORNEY

STATE OF FLORIDA
COUNTY OF ________________________

I, ________________________________, Date ____________________________, (Full and Complete Name of Principal)
of Birth ______________________, Place of Birth ________________________________

Hereby appoint ________________________________, Social Security ____________________________, (Full and Complete Name of Attorney-in-Fact)
(SSN) ________________________________, Address ________________________________, (Address of Attorney-in-Fact)

As my attorney-in-fact for the purposes of:

☐ Sell my home / Rent my home:
   Address: ________________________________,
   proceeds to be deposited in my bank account at ________________________________ bank,
   account number ________________________________.

☐ End my lease for apartment located at:
   Address: ________________________________

☐ Sell my car:
   Make, Model, Year: ________________________________
   VIN ________________________________
   proceeds to be deposited in my bank account at ________________________________ bank,
   account number ________________________________.

☐ Close my bank account:
   Account number: ________________________________
   Bank Name: ________________________________
☐ Sell my business / Rent my business / Act on my behalf as owner and operator of my business:

Name: ____________________________

Location: ____________________________

Proceeds, if applicable, to be deposited in my bank account at __________________ bank, account number ________________.

☐ Other: ____________________________

____________________________________

I grant my attorney-in-fact full authority to act in any manner that is proper and necessary to the exercise of the powers listed above, and I ratify every act that my attorney-in-fact may lawfully perform in exercising those powers.

____________________________________

Signature of Principal

____________________________________

Signature of Witness 1

Name: ____________________________

Address: ____________________________

____________________________________

Signature of Witness 2

Name: ____________________________

Address: ____________________________

____________________________________

Notary Signature

Sworn to and subscribed before me this ________ day of ________________________.

____________________________________

Notary Public, State of Florida

My commission expires: ____________________________

Personally known ________ Produced Identification ________________________

Type of I.D. Produced: ________________________
INSTRUCTIONS FOR POWER-OF-ATTORNEY:

[Taken from: Public Information, Consumer Information, Florida Powers of Attorney, The Florida Bar found at http://www.floridabar.org/]

What is a Power of Attorney?
A Power of Attorney is a legal document. In that legal document, the maker of the Power of Attorney gives the right to another person to act for the maker. A Power of Attorney can be very broad or very limited.

Who is the Principal?
The “principal” is the maker of the Power of Attorney.

Who is the Attorney-in-Fact?
The “attorney-in-fact” is the person given the power to act for the principal.

Who may serve as an attorney-in-fact?
Any competent person 18 years of age or older may serve as an attorney-in-fact. An attorney-in-fact needs to be chosen carefully. The person must be reliable and trusted by the principal.

What are some uses of a Power of Attorney?
A Power of Attorney may be used to give another the right to sell a car, home, or other property, to handle financial transactions, or to sign legal documents for the principal. The attorney-in-fact can only perform the acts specified in the power-of-attorney.

What if the property I want my attorney-in-fact to sell is jointly owned by my spouse?
If property is jointly owned, both owners must authorize the attorney-in-fact to act on their behalves.

What are the responsibilities of an attorney-in-fact?
The power of attorney gives the attorney-in-fact the power to act for the principal, but an attorney-in-fact must agree to take on that responsibility. Once the attorney-in-fact has taken on the responsibility to act for the principal, he or she has a duty to act wisely.
Is there a code of conduct for attorneys-in-fact?
An attorney-in-fact is a “fiduciary” under the law. This means that the attorney-of-fact must act in good faith on behalf of the principal. A fiduciary must act reasonably and cautiously when acting for the principal. The attorney-in-fact should keep careful records of everything he or she does for the principal. Everything the attorney-in-fact does should be written down. The attorney-in-fact should keep all receipts and copies of all correspondence.

If the attorney-in-fact violates this fiduciary trust, there may be civil and criminal punishments.

When does the Power of Attorney take effect?
The Power of Attorney takes effect when it is given to the attorney-in-fact. There should be a clear understanding between the principal and the attorney-in-fact when the Power of Attorney will take effect. A third party may keep a signed power of attorney and give it to the attorney-in-fact at an agreed upon time or based on the occurrence of an agreed upon event.

What does the attorney-in-fact do to act on behalf of the Principal?
The attorney-in-fact should make a copy of the Power of Attorney document and show it to any third party (for example, the bank or person with whom you need to deal). Some third parties may ask the attorney-in-fact to sign a document saying they are acting properly. (See below). The third party should accept the Power of Attorney and allow the attorney-in-fact to act for the principal.

How should the attorney-in-fact sign when acting as an attorney-in-fact?
An attorney-in-fact should indicate that he or she is signing for the principal. It is best for the attorney-in-fact to write the following after their signature:

Jon Doe, as attorney-in-fact for Joe Brown.

In this example, Jon Doe is the attorney-in-fact. Joe Brown is the principal.

What if a third party refuses to honor the Power of Attorney?
A third party can require the attorney-in-fact to sign an affidavit (a sworn or affirmed written statement) saying that he or she is acting validly under the Power of Attorney. See attached sample of an affidavit for an attorney-in-fact to use. The affidavit is to be given in addition to the Power of Attorney document. Once the third party has been given this affidavit, they should accept the power of attorney as
valid. In the attached affidavit, the "affiant" (the person signing the affidavit) is the attorney-in-fact.

**How can a Principal revoke a Power of Attorney?**
The Principal must give written notice of a decision to revoke (end) the Power of Attorney. The Principal must also give written notice to any other party who might rely on the Power of Attorney. These written notices should be sent by certified mail.
STATE OF FLORIDA
COUNTY OF _____________

Before me personally appeared ______________________ (“Affiant”) who swore or affirmed that:

1. He / She is the attorney-in-fact named in the Limited Power of Attorney signed by the Principal ______________________ on _______________ (date).

2. This Limited Power of Attorney is currently exercisable by Affiant. The principal is living in __ ________________________. (city and country or detention facility)

3. To the best of the Affiant’s knowledge after diligent search and inquiry:
   a. The Principal has not passed away; and
   b. The Principal has not revoked, terminated, or suspended the Limited Power of Attorney and there has been no court order declaring the Principal incompetent or the initiation of such court proceedings.

4. Affiant agrees not to exercise any powers granted by the Limited Power of Attorney if Affiant learns that the that it has been revoked, terminated, or suspended, or is no longer valid because of the death of the Principal or a court order declaring the Principal to be incompetent.

_________________________
Affiant (Attorney-in-fact)

Sworn to and subscribed before me this _____ day of _____________ by Affiant who is personally known to me or who produced _________________________ as identification.

_________________________
Notary Public

SEAL
U.S. Department of State
APPLICATION FOR A U.S. PASSPORT

PLEASE DETACH AND RETAIN THIS INSTRUCTION SHEET FOR YOUR RECORDS.

I applied: Place: _________________________________

Date: ____________________

FOR INFORMATION, QUESTIONS, AND INQUIRIES: Please visit our website at travel.state.gov. In addition, you can contact the National Passport Information Center (NPIC) toll-free at 1–877–487–2778 (TDD: 1–888–874–7793) or by e-mail at NPIC@state.gov. Customer Service Representatives are available M–F, 6AM–12 Midnight Eastern Time (excluding federal holidays). Automated information is available 24/7.

U.S. PASSPORTS, EITHER IN BOOK OR CARD FORMAT, ARE ISSUED ONLY TO U.S. CITIZENS OR NON–CITIZEN NATIONALS. EACH PERSON MUST OBTAIN HIS OR HER OWN PASSPORT BOOK OR PASSPORT CARD. THE PASSPORT CARD IS A U.S. PASSPORT ISSUED IN CARD FORMAT. LIKE THE TRADITIONAL PASSPORT BOOK, IT REFLECTS THE BEARER’S ORIGIN, IDENTITY, AND NATIONALITY AND IS SUBJECT TO EXISTING PASSPORT LAWS AND REGULATIONS. UNLIKE THE PASSPORT BOOK, THE PASSPORT CARD IS VALID ONLY FOR INTERNATIONAL TRAVEL BY LAND OR SEA BETWEEN THE UNITED STATES, CANADA, MEXICO, THE CARIBBEAN AND BERMUDA. IT IS NOT GLOBALLY INTEROPERABLE AND IS NOT VALID FOR TRAVEL BY AIR TO OR FROM ANY FOREIGN DESTINATION.

APPLICANTS WHO HAVE HAD A PREVIOUS U.S. PASSPORT BOOK AND/OR U.S. PASSPORT CARD
If your most recent passport book and/or passport card was issued less than 15 years ago and you were over 16 years old at the time of issuance, you may be eligible to use Form DS–82 (mail-in or electronic application). Please inquire about eligibility when you apply, visit our website, or contact NPIC. Address any requests for the addition of visa pages to a Passport Agency or a U.S. consulate or embassy abroad. In advance of your departure, check for any visa requirements with consular officials of the countries you will be visiting.

SPECIAL REQUIREMENTS FOR CHILDREN

• AS DIRECTED BY PUBLIC LAW 106–113 AND 22 CFR 51.28:
  To submit an application for a child under age 16 both parents or the child’s legal guardian(s) must appear and present the following:
  • Evidence of the child’s U.S. citizenship,
  • Evidence of the child’s relationship to parents/guardian(s), AND
  • Parental/guardian identification.
  IF ONLY ONE PARENT APPEARS YOU MUST ALSO SUBMIT ONE OF THE FOLLOWING:
  • Second parent’s notarized written statement consenting to passport issuance for the child,
  • Primary evidence of sole authority to apply, OR
  • A written statement (made under penalty of perjury) explaining the second parent’s unavailability.

• AS DIRECTED BY REGULATION 22 CFR 51.21 and 51.28:
  Each minor child applying for a passport book and/or passport card must appear in person.

WHAT TO SUBMIT WITH THIS FORM:
1. PROOF OF U.S. CITIZENSHIP (Evidence of U.S. citizenship that is not damaged, altered, or forged will be returned to you.)
2. PROOF OF IDENTITY
3. TWO RECENT COLOR PHOTOGRAPHS, AND
4. FEES (Please visit our website at travel.state.gov for current fees.)

WHERE TO SUBMIT THIS FORM:
Please complete and submit this application in person to one of the following acceptance agents: a clerk of a Federal or State court of record or a judge or clerk of a probate court accepting applications; a designated municipal or county official; a designated postal employee at an authorized post office; or an agent at a Passport Agency (by appointment only) in Boston, Chicago, Aurora CO, Honolulu, Houston, Los Angeles, Miami, New Orleans, New York, Norwalk CT, Philadelphia, San Francisco, Seattle, or Washington DC; or a U.S. consular official at a U.S. embassy or consulate, if abroad. To find your nearest acceptance facility, visit our website or contact the National Passport Information Center.

See Instruction Page 2 for detailed information on the completion and submission of this form.

05–11
02–2008

Instruction Page 1 of 4
WARNING: False statements made knowingly and willfully in passport applications, including affidavits or other documents submitted to support this application, are punishable by fine and/or imprisonment under the provisions of 18 USC 1011, 18 USC 1542, and/or 18 USC 1621. Alteration or mutilation of a passport issued pursuant to this application is punishable by fine and/or imprisonment under the provisions of 18 USC 1543. The use of a passport in violation of the restrictions contained therein or of the passport regulations is punishable by fine and/or imprisonment under 18 USC 1544. All statements and documents are subject to verification.

1. PROOF OF U.S. CITIZENSHIP

   a. APPLICANTS BORN IN THE UNITED STATES: Submit a previous U.S. passport or certified birth certificate. A birth certificate must include your full name, the full name of your parent(s), date and place of birth, sex, date the birth record was filed, and the seal or other certification of the official custodian of such records.

   1) If the birth certificate was filed more than 1 year after the birth: It must be supported by evidence described in the next paragraph.
   2) If no birth record exists: Submit a registrar’s notice of that effect. Also submit a combination of the following: an early baptismal or circumcision certificate, hospital birth record, early census, school, or family Bible records, or newspapers or insurance files. Notarized affidavits of persons having knowledge of your birth may be submitted in addition to at least one record listed above. Evidence should include your given name and surname, date and place of birth, and the seal or other certification of the office (if customary) and the signature of the issuing official. Visit travel.state.gov for details.

   b. APPLICANTS BORN OUTSIDE THE UNITED STATES: Submit a previous U.S. passport, Certificate of Naturalization, Certificate of Citizenship, Report of Birth Abroad, or evidence described below.

   1) If You Claim Citizenship Through Naturalization: Submit the Certificate(s) of Naturalization of your parent(s), your foreign birth certificate, and proof of your admission to the United States for permanent residence.

   2) If You Claim Citizenship Through Birth Abroad to One U.S. Citizen Parent: Submit a Consular Report of Birth (Form FS-240), Certification of Birth (Form DS-1358 or FS-545), or your foreign birth certificate, proof of citizenship of your parent, your parent's marriage certificate, and an affidavit showing all of your U.S. citizen parent's periods and places of residence/physical presence in the United States and abroad before your birth.

   3) If You Claim Citizenship Through Birth Abroad to Two U.S. Citizen Parents: Submit a Consular Report of Birth (Form FS-240), Certification of Birth (Form DS-1358 or FS-545), or your foreign birth certificate, parents' marriage certificates, proof of your parents' citizenship, and an affidavit showing all of your U.S. citizen parent's periods and places of residence/physical presence in the United States and abroad before your birth.

   4) If You Claim Citizenship Through Adoption by a U.S. Citizen Parent(s): Submit evidence of your permanent residence status, full and final adoption, and your U.S. citizen parent(s)' evidence of legal and physical custody. (Please note: Adoption of U.S. citizenship for persons born abroad and adopted only applies if the applicant was born on or after 02/27/1993.)

   c. ADDITIONAL EVIDENCE: When necessary, we may ask you to provide additional evidence to establish your claim to U.S. citizenship.

2. PROOF OF IDENTITY

You must establish your identity to the satisfaction of the acceptance agent.

You may submit items such as the following containing your signature AND physical description or photograph that is a good likeness of you: previous or current U.S. passport book or passport card; driver's license (not temporary or learner's license); Certificate of Naturalization, Certificate of Citizenship; military identification; or federal, state, or municipal government employee identification card or pass. Temporary or expired documents are not acceptable. When necessary, we may ask you to provide additional evidence to establish your identity.

IF YOU CANNOT PROVIDE DOCUMENTARY EVIDENCE OF IDENTITY as stated above, you must appear with an IDENTIFYING WITNESS who is a U.S. citizen, non-citizen U.S. national, or the lawful permanent resident alien who has known you for at least 2 years. Your witness must prove his or her identity and complete and sign an Affidavit of Identifying Witness (Form DS-71) before the acceptance agent. You must also submit some identification of your own.

3. TWO RECENT COLOR PHOTOGRAPHS

Submit two identical color photographs of you alone, sufficiently recent to be a good likeness of you (taken within the last six months), and 2x2 inches in size. The image size measured from the bottom of your chin to the top of your head (including hat) should not be less than 1 inch and not more than 1 3/8 inches. The photographs must be color, clear, with a full front view of your face, and printed on thin paper with plain light (white or off-white) background. The photographs must be taken in normal street attire, without a hat, hood covering, or dark glasses unless a signed statement is submitted by the applicant verifying the item is worn daily for religious purposes or a signed doctor’s statement is submitted verifying the item is used daily for medical purposes. Photographs retouched so that your appearance is changed are unacceptable. Snapshots, most vending machine prints, and magazine or full-length photographs are unacceptable. Digital photos must meet the previously stated qualifications and will be accepted for use at the discretion of Passport Services. (Visit our website for details)

4. FEES

   a. If you are 16 years of age or older: Your passport will be valid for 10 years from the date of issue except where limited by the Secretary of State to a shorter period. (See information below about the additional cost for expedited service.)

   b. If you are under 16 years of age: Your passport will be valid for 5 years from the date of issue except where limited by the Secretary of State to a shorter period. (See information below about the additional cost for expedited service.)

   BY LAW, THE PASSPORT FEES ARE NON-REFUNDABLE. PLEASE VISIT OUR WEBSITE AT TRAVEL.STATE.GOV FOR CURRENT FEES.

   • The passport processing, execution, and security fees may be paid in any of the following forms: Checks (personal, certified, traveler’s); major credit card (Visa, Master Card, American Express, Discover); bank draft or cashier’s check; money order (U.S. Postal, international, currency exchanges), or if abroad, the foreign currency equivalent, or a check drawn on a U.S. bank. All fees should be payable to the “U.S. Department of State” or if abroad, the appropriate U.S. embassy or U.S. consulate. When applying at a designated acceptance facility, the execution fee will be paid separately and should be made payable to the acceptance facility. NOTE: Some designated acceptance facilities do not accept credit cards as a form of payment.

   • For faster processing, you may request expedited service. Please include the expedite fee in your payment. Our website contains updated information regarding fees and processing times for expedited service. Expedited service is available only in the United States.

   • If you desire OVERNIGHT DELIVERY service for the return of your passport, please include the appropriate fee with your payment.

   • An additional fee will be charged when, upon your request, the U.S. Department of State verifies issuance of a previous U.S. passport or Consular Report of Birth Abroad because you are unable to submit evidence of U.S. citizenship.

   • For applicants with U.S. Government or military authorization for no-fee passports, no fees are charged except the execution fee when applying at a designated acceptance facility.

   • If you choose to provide your e-mail address in Item #1 on this application, Passport Services will only use that information to contact you in the event there is a problem with your application or if you need to provide additional information to us.
FEDERAL TAX LAW

Section 6039E of the Internal Revenue Code (26 U.S.C. 6039E) requires you to provide your Social Security Number (SSN). If you have one, when you apply for a U.S. passport or renewal of a U.S. passport, if you have not been issued a SSN, enter zeros in box #5 of this form. If you are residing abroad, you must also provide the name of the foreign country in which you are residing. The Department of State must provide your SSN and foreign residence information to the Department of Treasury. If you fail to provide the information, you are subject to a $500 penalty enforced by the IRS. All questions on this matter should be directed to the nearest IRS office.

NOTICE TO CUSTOMERS MAKING PAYMENT BY CHECK

If you send us a check, it will be converted into an electronic funds transfer (EFT). This means we will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will usually occur within 24 hours, and will be shown on your regular account statement. You will not receive your original check back. We will destroy your original check, but we will keep the copy of it. If the EFT cannot be processed for technical reasons, you authorize us to process the copy in place of your original check. If the EFT cannot be completed because of insufficient funds, we may try to make the transfer up to two times and we will charge you a one-time fee of $25, which we will also collect by EFT.

REMITTANCE OF FEES

31 U.S.C. 7701 requires persons “doing business” with a federal agency to provide their Social Security Numbers to that agency. Because the Department of State collects fees for the provision of passport services to you, you are considered a person “doing business” with the Department. Passport service fees are established by law and regulation (see 22 U.S.C. 214, 22 CFR 22.1, and 22 CFR 51.50–56) and are collected at the time you apply for the passport service. If the Department fails to receive full payment of the applicable fees, because, for example, your check is returned for any reason or you dispute a passport fee charge to your credit card, the Department of State will take action to collect the delinquent fees from you under 22 CFR Part 34 and the Federal Claims Collection Standards (see 31 CFR Parts 900–904). In accordance with the Debt Collection Improvement Act (Pub. L. 104–134), if the fees remain unpaid after 180 days and no repayment arrangements have been made, the Department will defer the debt to the Department of Treasury for collection. Debt collection procedures used by Treasury may include referral of the debt to private collection agencies, reporting of the debt to credit bureaus, garnishment of private wages and administrative offset of the debt by reducing or withholding eligible Federal payments (e.g. tax refunds, social security payments, federal retirement, etc.) by the amount of your debt, including any interest penalties or other costs incurred.

In addition, non-payment of passport fees may result in the invalidation of your passport. An invalid passport cannot be used for travel.

OTHER USES OF SOCIAL SECURITY NUMBERS

In addition to reporting your Social Security Number to Treasury and using it in connection with debt collection, the Department checks Social Security Numbers against lists of persons ineligible or potentially ineligible to receive a U.S. passport.

PAPERWORK REDUCTION STATEMENT

You are not required to provide the information requested on this form unless the form displays a currently valid OMB number. We try to create forms and instructions that can be easily understood. Often this is difficult to do because our citizenship laws are very complex. The estimated burden time for this information collection is 5 minutes, which includes the time required to search existing data sources, gather the necessary data, complete and review this form, and provide and submit the form and any additional information required. If you have comments concerning the accuracy of this time estimate or suggestions for making this form simpler, we would be happy to hear from you. You can write to us at: U.S. Department of State (A/ISS/DIR) Washington, DC 20520.

IMPORTANT NOTICE TO APPLICANTS WHO HAVE LOST OR HAD A PREVIOUS PASSPORT BOOK AND/OR PASSPORT CARD STOLEN

A United States citizen may not normally bear more than one valid or potentially valid U.S. passport book or more than one valid or potentially valid U.S. passport card at a time. Therefore, when a valid or potentially valid U.S. passport book or U.S. passport card cannot be presented with a new application, it is necessary to submit a Form DS-64, Statement Regarding a Lost or Stolen Passport. Your statement must detail why the previous U.S. passport book and/or U.S. passport card cannot be presented.

The information you provide regarding your lost or stolen U.S. passport book or U.S. passport card will be placed into our Consular Lost/Stolen Passport System. This system is designed to prevent the misuse of your lost or stolen U.S. passport book or U.S. passport card. Anyone using a passport book or passport card reported as lost or stolen may be detained upon entry into the United States. Should you locate the U.S. passport book or U.S. passport card reported lost or stolen at a later time, report it as found and submit it for cancellation. It has been invalidated. You may not use that passport book or passport card for travel.

PROTECT YOURSELF AGAINST IDENTITY THEFT

REPORT YOUR LOST OR STOLEN PASSPORT BOOK OR PASSPORT CARD!

For more information or to report your lost or stolen passport book or passport card by phone, call NPIC or visit our website at travel.state.gov.
ACTS OR CONDITIONS

(If any of the below-mentioned acts or conditions have been performed by or apply to the applicant, the portion which applies should be lined out, and a supplementary explanatory statement under oath (or affirmation) by the applicant should be attached and made a part of this application.) I have not, since acquiring United States citizenship/nationality, been naturalized as a citizen of a foreign state; taken an oath or made an affirmation or other formal declaration of allegiance to a foreign state; entered or served in the armed forces of a foreign state; accepted or performed the duties of any office, post, or employment under the government of a foreign state or political subdivision thereof; made a formal renunciation of nationality either in the United States, or before a diplomatic or consular officer of the United States in a foreign state; or been convicted by a court or court martial of competent jurisdiction of committing any act of treason against, or attempting by force to overthrow, or bearing arms against, the United States, or conspiring to overthrow, put down, or to destroy by force, the Government of the United States.

PRIVACY ACT STATEMENT

AUTHORITIES: Collection of the information solicited on this form is authorized by Titles 8, 22, and 26 of the United States Code, whether or not codified, including specifically 22 U.S.C. 211a et seq.; 26 U.S.C. 6039E, 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 22 CFR parts 50 and 51.

PURPOSE: The primary purpose for soliciting the information is to establish citizenship, identity, and entitlement to issuance of a U.S. passport.

ROUTINE USES: The information solicited on this form may be made available as a routine use to other government agencies to assist the U.S. Department of State in adjudicating passport applications and requests for related services, and for law enforcement and administrative purposes. The information may be made available to foreign government agencies to fulfill passport control and immigration duties. The information may also be provided to foreign government agencies, international organizations and, in limited cases, private persons and organizations to investigate, prosecute, or otherwise address potential violations of law or to further the Secretary's responsibility for the protection of U.S. citizens and non-citizen nationals abroad. The information may be made available to private U.S. citizen 'wardens' designated by the U.S. embassies and consulates. For a more detailed listing of the routine uses to which this information may be put, see the Prefatory Statement of Routine Uses and the listing of routine users set forth in the system descriptions for Overseas Citizen Services Records (State-05) and Passport Records (State-26) published in the Federal Register.

CONSEQUENCES OF FAILURE TO PROVIDE INFORMATION: With the exception of your Social Security Number (see Federal Tax Law statement on Instruction Page 3), you are not legally required to provide the information requested on this form. However, failure to do so may result in Passport Services' refusal to accept your application or result in the denial of a U.S. passport.

ELECTRONIC PASSPORT STATEMENT

The State Department has begun issuing a new type of passport book containing an embedded electronic chip and called an "Electronic Passport". The new passport book continues to be proof of the bearer's United States citizenship/nationality and identity, and looks and functions in the same way as a passport without a chip. The addition of an electronic chip in the back cover enables the new passport book to carry a duplicate electronic copy of all information from the data page. The new passport book is usable at all ports-of-entry, including those that do not yet have electronic chip readers.

Use of the electronic format provides the traveler the additional security protections inherent in chip technology. Moreover, when used at ports-of-entry equipped with electronic chip readers, the new passport book provides for faster clearance through some of the port-of-entry processes.

The new passport book does not require special handling or treatment, but like previous versions should be protected from extreme bending and from immersion in water. The electronic chip must be read using specially formatted readers, which protects the data on the chip from unauthorized reading.

The cover of the new passport book is printed with a special symbol representing the embedded chip. The symbol will appear in port-of-entry areas where the electronic passport book can be read.

NOTICE TO APPLICANTS FOR OFFICIAL, DIPLOMATIC, OR NO- FEE PASSPORTS

You may use this application if you meet all of the provisions listed on Instruction Page 2, however you must CONSULT YOUR SPONSORING AGENCY FOR INSTRUCTIONS ON PROPER ROUTING PROCEDURES BEFORE FORWARDING THIS APPLICATION. Your completed passport will be released to your sponsoring agency for forwarding to you.
<table>
<thead>
<tr>
<th>Name of Applicant (Last, First &amp; Middle)</th>
<th>Date of Birth (mm/dd/yyyy)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>16. Additional Contact Phone Numbers</td>
<td></td>
</tr>
<tr>
<td>[ ] Home</td>
<td>[ ] Work</td>
</tr>
<tr>
<td>[ ] Cell</td>
<td>[ ] Work</td>
</tr>
<tr>
<td>17. Permanent Address: Street/RFD #</td>
<td>(No P.O. Box)</td>
</tr>
<tr>
<td>City</td>
<td>State</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>18. Emergency Contact - Provide the information of a person not traveling with you to be contacted in the event of an emergency:</td>
<td></td>
</tr>
<tr>
<td>Name</td>
<td>Address: Street/RFD # or P.O. Box</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>City</td>
<td>State</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>19. Travel Plans</td>
<td></td>
</tr>
<tr>
<td>Date of Trip (mm/dd/yyyy)</td>
<td>Length of Trip</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>20. Have you ever been married?</td>
<td>[ ] Yes</td>
</tr>
<tr>
<td>If yes, complete the remaining items in #20.</td>
<td></td>
</tr>
<tr>
<td>Current spouse’s or most recent former spouse’s name</td>
<td>Place of birth</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>21. Have you ever issued a U.S. Passport Book?</td>
<td>[ ] Yes</td>
</tr>
<tr>
<td>Your name as listed on your most recent passport book</td>
<td>Most recent passport book number</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Status of your most recent passport book</td>
<td>[ ] In My Possession</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>22. Have you ever issued a U.S. Passport Card?</td>
<td>[ ] Yes</td>
</tr>
<tr>
<td>Your name as listed on your most recent passport card</td>
<td>Most recent passport card number</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Status of your most recent passport card</td>
<td>[ ] In My Possession</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**STOP! PLEASE DO NOT WRITE BELOW THIS LINE**

FOR ISSUING OFFICE ONLY  
[ ] Sole Parent  
[ ] Both  

Name as it appears on citizenship evidence:  

[ ] Birth Certificate  
[ ] SR  
[ ] OR  
[ ] City  
[ ] Filed/Issued:  
[ ] Report of Birth  
[ ] 240  
[ ] 545  
[ ] 1350  
[ ] Filed/City:  
[ ] Naturalization / Citizenship Certificate  
[ ] A#  
[ ] Date Acquired:  
[ ] Passport  
[ ] Issue Date:  
[ ] Other:  
[ ] Attached:  

DS-11-02-2008  
Page 2 of 2
# U.S. Department of State

**STATEMENT OF CONSENT OR SPECIAL CIRCUMSTANCES: ISSUANCE OF A PASSPORT TO A MINOR UNDER AGE 16**

**WARNING:** False statements made knowingly and willfully on passport applications, including affidavits or other supporting documents submitted therewith, may be punishable by fine and/or imprisonment under the provisions of 18 U.S.C. 1001, 18 U.S.C. 1542, and/or 18 U.S.C. 1821.

**FORM INSTRUCTIONS**
1. Complete items 1, 2, and 3.
2. Complete item 4a, Statement of Consent, only if you are a non-applying parent or guardian consenting to the issuance of a passport for your minor child. **NOTE:** Your signature must be witnessed and notarized in item 4b.
3. Complete item 5, Statement of Special Circumstances, only if you are an applying parent or guardian and the written consent of the non-applying parent or guardian cannot be obtained.

## 1. MINOR’S NAME

<table>
<thead>
<tr>
<th>Last</th>
<th>First</th>
<th>Middle</th>
</tr>
</thead>
</table>

## 2. MINOR’S DATE OF BIRTH (mm/dd/yyyy)

## 3. YOUR RELATIONSHIP TO MINOR

## 4a. STATEMENT OF CONSENT

To be completed by the non-applying parent or guardian when he or she will not be present at the time the applying parent or guardian submits the minor’s application.

I, ____________________________, give my consent to the issuance of a United States passport to my minor child named on this application. 

**OATH:** I declare under penalty of perjury that all statements made in this supporting document are true and correct.

_____________________________  __________________________
Signature of Parent or Guardian  Date (mm/dd/yyyy)

## 4b. STATEMENT OF CONSENT NOTARIZATION

<table>
<thead>
<tr>
<th>Name of Notary</th>
<th>Print Name</th>
<th>NOTARY SEAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>City, State</td>
<td></td>
</tr>
<tr>
<td>Commission Expires</td>
<td>Date (mm/dd/yyyy)</td>
<td></td>
</tr>
<tr>
<td>Signature of Notary</td>
<td>Date (mm/dd/yyyy)</td>
<td></td>
</tr>
<tr>
<td>Date of Notarization</td>
<td>Date (mm/dd/yyyy)</td>
<td></td>
</tr>
</tbody>
</table>

**Identification Presented by Non-Applying Parent or Guardian:**

- [ ] Driver’s License
- [ ] Passport
- [ ] Military Identification
- [ ] Other (specify): __________

**Place of Issue:** __________

**Issue Date:** __________

**ID Number:** __________

## 5. STATEMENT OF SPECIAL CIRCUMSTANCES

To be completed by applying parent or guardian when the written consent of the non-applying parent or guardian cannot be obtained. (Use back of form if additional space is needed.)

**OATH:** I declare under penalty of perjury that all statements made in this supporting document are true and correct.

_____________________________  __________________________
Signature of Parent or Guardian  Date (mm/dd/yyyy)
CONTINUATION OF STATEMENT OF SPECIAL CIRCUMSTANCES:

FOR INFORMATION, QUESTIONS, AND INQUIRIES:

Please visit our website at travel.state.gov. In addition, contact the National Passport Information Center (NPIC) toll-free at 1-877-487-2778 (TDD: 1-888-874-7793) or by e-mail at npic@state.gov. 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, 1968); and 22 CFR 51.28.

PURPOSE: The primary purpose is to document the notarized written consent of a parent or legal guardian to the issuance of a U.S. passport to a child under sixteen years of age, or, alternatively, to document the existence of exigent or special family circumstances, when the parent or legal guardian is not present when an application is made for issuance of a U.S. passport for the child.

ROUTINE USES: The information solicited on this form may be made available as a routine use to other government agencies to assist the U.S. Department of State in adjudicating passport applications and requests for related services, and for law enforcement and administrative purposes. The information may be made available to foreign government agencies to fulfill passport control and immigration duties. The information may also be provided to foreign government agencies, international organizations and, in limited cases, private persons and organizations to investigate, prosecute, or otherwise address potential violations of law or to further the Secretary's responsibility for the protection of U.S. citizens and non-citizen nationals abroad. The information may be made available to private U.S. citizen 'wardens' designated by the U.S. embassies and consulates. For a more detailed listing of the routine uses to which this information may be put, see the Prefatory Statement of Routine Uses and the listing of routine users set forth in the system descriptions for Overseas Citizen Services Records (State-05) and Passport Records (State-26) published in the Federal Register.

CONSEQUENCES OF FAILURE TO PROVIDE INFORMATION: You are not legally required to provide the information requested on this form. However, failure to do so may result in Passport Services' refusal to accept your application or result in the denial of a U.S. passport.

PAPERWORK REDUCTION ACT STATEMENT

Public reporting burden for this collection of information is estimated to average 60 minutes per response, including time required for searching existing data sources, gathering the necessary data, providing the information required, and reviewing the final collection. You do not have to provide the information unless this collection displays a currently valid OMB number. Send comments on the accuracy of this estimate of the burden and recommendations for reducing it to: U.S. Department of State (A/ISS/DIR) Washington DC 20520.
SAMPLE NOTARIZED LETTER OF PERMISSION FOR CHILD TO TRAVEL

To Whom It May Concern:

This letter is to authorize my child’s travel internationally with (full name of person traveling with your child), who is my child’s (other parent OR appointed guardian). My child is:

Name: ______________________________
Place of Birth: _________________________
Date of Birth: __________________________

I am currently unable to travel with my child because I am in immigration detention. My contact information while I am in immigration custody is as follows:

My Full Name: ________________________________
My “A” Number (identification number for Immigration): __________________________
Place of Detention: (For example: Broward Transitional Center, 3900 Powerline Rd., Pompano Beach, FL)
Phone Number of Detention Center: __________________________

[If you have an attorney, include:] I may also be reached through my attorney, (name of attorney and contact information)

I will be deported to (name of country). My child is traveling internationally in order to join me there. My child’s travel plans are as follows:

Date of flight: __________________________
Flight departing from: _______________________
Flight arriving to: ___________________________
Airline and flight number: __________________________

With my signature below, I give full consent and permission for my child to travel on the above named flight to (country) with (name of person traveling with child).

Signed: ____________________________
Executed on: __________
Date

Full Printed Name: ____________________________

Notarial Certificate

STATE OF FLORIDA
COUNTY OF ________________

This Letter of Permission for Child to Travel was sworn to (or affirmed) and subscribed before me this _____ day of __________, 20__, by ____________________________.

Signature of Florida Notary Public

Personally Known ________________ OR Produced Identification ________
Type of Identification Produced__________