

“Only US Citizens Get US Passports, Except those who Aren’t and those who Can’t” by Adam Edward Rothwell, Esq.

After a foreign citizen naturalizes, getting a US Passport is usually a very high and immediate priority. There are a handful of logical reasons why this is the case. Newly naturalized US Citizens often have overseas relatives and places to visit. Holding US Citizenship requires a US Citizen to exit and enter the US on a US Passport, so even a newly naturalized US Citizen needs a US Passport to both leave and reenter the United States. Additionally, as foreign citizens enter the US through overseas travel, they often place very high value on holding a valid Passport. Moreover, for many foreign citizens especially, the physical actualization of US Citizenship is not receipt of a Naturalization Certificate but rather holding a valid US Passport.

A high percentage of newly-naturalized US Citizens believe a valid US Passport tells the world a person is a US Citizen, because only US Citizens are entitled to US Passports. This belief makes logical sense, but it’s not technically true under the law for a couple reasons. There is no right to a US Passport, and a very small number of non-US Citizens may receive and travel on US Passports.

Initially a very small number of individuals without US Citizenship may receive US Passports. These individuals are called non-US Citizen-US Nationals. A non-US Citizen-US National must be from an outlying US possession, specifically either American Samoa, Swains Island or the Marianas Islands.

Again there are very few non-US Citizen-US nationals. In 13 years of practicing immigration law, I have only been contacted by, about, or on behalf of non-US Citizen-US nationals three times. But I’m surprised that I’ve even been contacted three times. The vast majority of Americans have never heard of non-US Citizen-US Nationals, more or less that they may receive US Passports. Still the bigger issue with the belief that only US Citizens are entitled to US Passports is that a US Citizen, from a legal standpoint at least, is not entitled to a US Passport.

US Passport Applications may be held up or even denied by the US Passport Office based on repeated loss of prior US Passports by the Applicant, concern over fraud performed by the Applicant or concern that the Applicant for a US Passport has intent to perform criminal activity. There is no legal right for a US Citizen to receive a US Passport, and the US Passport Office inspects the background of Applicants to find red flags in Applications. Additionally, it has been my experience that, while some Applicants for US Passports who encounter difficulty expect it, other Applicants for US Passports who find their Applications held up or even denied are shocked. However, this is not to say these US Citizens unable to timely receive US Passports should be shocked, it’s just to say that they are surprised.

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