

(2) The applicant is a representative of the American Red Cross; or

(3) The applicant establishes that his or her trip is justified by compelling humanitarian considerations; or

(4) The applicant's request is otherwise in the national interest.

(Sec. 1, 44 Stat. 887, as amended (22 U.S.C. 211a); sec. 4, 63 Stat. 111, as amended (22 U.S.C. 2658); E.O. 11295, 36 FR 10603; 3 CFR 1966–70 Comp., 507; E.O. 12211, 45 FR 26685)

[45 FR 30619, May 9, 1980. Redesignated at 54 FR 8532, Mar. 1, 1989]

**§ 51.75 Notification of denial or withdrawal of passport.**

Any person whose application for issuance of a passport has been denied, or who has otherwise been the subject of an adverse action taken on an individual basis with respect to his or her right to receive or use a passport shall be entitled to notification in writing of the adverse action. The notification shall set forth the specific reasons for the adverse action and the procedures for review available under §§ 51.81 through 51.105.

(22 U.S.C. 2658 and 3926)

[33 FR 12043, Aug. 24, 1968, as amended at 49 FR 16989, Apr. 23, 1984]

**§ 51.76 Surrender of passport.**

The bearer of a passport which is revoked shall surrender it to the Department or its authorized representative upon demand and upon his or her refusal to do so such passport may be invalidated by notifying the bearer in writing of the invalidation.

(22 U.S.C. 2658 and 3926)

[31 FR 13540, Oct. 20, 1966, as amended at 49 FR 16989, Apr. 23, 1984]

**Subpart F—Procedures for Review of Adverse Action**

**§ 51.80 Applicability of §§ 51.81 through 51.89.**

The provisions of §§ 51.81 through 51.89 shall not apply to any action of the Secretary of State taken on an individual basis in denying, restricting, revoking or invalidating a passport or in any other way adversely affecting the ability of a person to receive or use a passport by reason of:

- (a) Noncitizenship.
- (b) Refusal under the provisions of § 51.70(a)(8),
- (c) Refusal to grant a discretionary exception under the emergency or humanitarian relief provisions of § 51.71(c), or
- (d) Refusal to grant a discretionary exception from geographical limitations of general applicability. The provisions of this subpart shall otherwise constitute the administrative remedies provided by the Department to persons who are the subject of adverse action under § 51.70, § 51.71 or § 51.72.

[62 FR 62695, Nov. 25, 1997]

**§ 51.81 Time limits on hearing to review adverse action.**

A person who has been the subject of an adverse action with respect to his or her right to receive or use a passport shall be entitled, upon request made within 60 days after receipt of notice of such adverse action, to require the Department or the appropriate Foreign Service post, as the case may be, to establish the basis for its action in a proceeding before a hearing officer. If no such request is made within 60 days, the adverse action will be considered final and not subject to further administrative review. If such request is made within 60 days, the adverse action shall be automatically vacated unless such proceeding is initiated by the Department or the appropriate Foreign Service post, as the case may be, within 60 days after request, or such longer period as is requested by the person adversely affected and agreed to by the hearing officer.

(22 U.S.C. 2658 and 3926)

[31 FR 13540, Oct. 20, 1966, as amended at 49 FR 16989, Apr. 23, 1984]

**§ 51.82 Notice of hearing.**

The person adversely affected shall receive not less than 5 business days' notice in writing of the scheduled date and place of the hearing.

**§ 51.83 Functions of the hearing officer.**

The hearing officer shall act on all requests for review under § 51.81. He shall make findings of fact and submit recommendations to the Administrator

of the Bureau of Security and Consular Affairs. In making his or her findings and recommendations, the hearing officer shall not consider confidential security information unless that information is made available to the person adversely affected and is made part of the record of the hearing.

(22 U.S.C. 2658 and 3926)

[31 FR 13540, Oct. 20, 1966, as amended at 49 FR 16989, Apr. 23, 1984]

**§51.84 Appearance at hearing.**

The person adversely affected may appear at the hearing in person or with his or her attorney, or by his or her attorney. The attorney must possess the qualifications prescribed for practice before the Board of Appellate Review or be admitted to practice before the courts of the country in which the hearing is to be held.

(22 U.S.C. 2658 and 3926)

[36 FR 9068, May 19, 1971, as amended at 49 FR 16989, Apr. 23, 1984]

**§51.85 Proceedings before the hearing officer.**

The person adversely affected may appear and testify in his or her own behalf and may himself, or by his or her attorney, present witnesses and offer other evidence and make argument. If any witness whom the person adversely affected wishes to call is unable to appear in person, the hearing officer may, in his or her discretion, accept an affidavit by the witness or order evidence to be taken by deposition. The person adversely affected shall be entitled to be informed of all the evidence before the hearing officer and of the source of such evidence, and shall be entitled to confront and cross-examine any adverse witness. The person shall, upon request by the hearing officer, confirm his or her oral statements in an affidavit for the record.

(22 U.S.C. 2658 and 3926)

[31 FR 13540, Oct. 20, 1966, as amended at 49 FR 16989, Apr. 23, 1984]

**§51.86 Admissibility of evidence.**

The person adversely affected and the Department may introduce such evidence as the hearing officer deems proper. Formal rules of evidence shall

not apply, but reasonable restrictions shall be imposed as to relevancy, competency and materiality of evidence presented.

**§51.87 Privacy of hearing.**

The hearing shall be private. There shall be present at the hearing only the person adversely affected, his or her attorney, the hearing officer, official stenographers, employees of the Department directly concerned with the presentation of the case, and the witnesses. Witnesses shall be present at the hearing only while actually giving testimony or when otherwise directed by the hearing officer.

(22 U.S.C. 2658 and 3926)

[31 FR 13540, Oct. 20, 1966, as amended at 49 FR 16989, Apr. 23, 1984]

**§51.88 Transcript of hearing.**

A complete verbatim stenographic transcript shall be made of the hearing by a qualified reporter, and the transcript shall constitute a permanent part of the record. Upon request, the appellant or his or her counsel shall be entitled to inspect the complete transcript and to purchase a copy thereof.

(22 U.S.C. 2658 and 3926)

[31 FR 13540, Oct. 20, 1966, as amended at 49 FR 16989, Apr. 23, 1984]

**§51.89 Decision of Assistant Secretary for Consular Affairs; notice of right to appeal.**

The person adversely affected shall be promptly notified in writing of the decision of the Assistant Secretary for Consular Affairs and, if the decision is adverse to him or her, the notification shall state the reasons for the decision and inform him or her of the right to appeal the decision to the Board of Appellate Review (part 7 of this chapter) within 60 days after receipt of notice of the adverse decision. If no appeal is made within 60 days, the decision will be considered final and not subject to further administrative review.

[44 FR 68827, Nov. 30, 1979]

**PART 52—MARRIAGES**

Sec.

52.1 Celebration of marriage.