

## ENFORCING A SUPPORT ORDER

### Passport Denial and Revocation

CS 508.7

#### **SUPERSEDES**

CS 508.7, Passport Denial and Revocation, April 15, 2004

#### **REFERENCES**

42 U.S.C. §652(k); OCSE-AT-99-14, AT-08-01; OCSE Federal Offset Program User Guide, March 2003

#### **Policy**

##### **Passport Denial/Revocation Remedy**

The federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 established passport denial as a remedy for the enforcement of child support arrears. Under this remedy the U.S. Secretary of State must refuse to issue a U.S. passport to an obligor owing arrears in an amount exceeding \$2,500, and may revoke, restrict, or limit a passport issued previously to that obligor.

At the time of this writing the revocation mechanism was limited to situations where the Department of State (DoS) had the existing passport in hand (for example, the DOS was processing the passport for renewal or change, or in support of an application for a child). Until full revocation capability is added, the passport denial remedy will have no enforcement effect in cases where the obligor is currently in possession of a valid passport.

##### **OCSE Certification to the DoS**

The passport denial remedy operates by "piggybacking" on the federal offset process described in CS 508.3 Collection by Federal Offset. The federal Office of Child Support Enforcement (OCSE) uses a state's cases submitted for federal offset to identify obligors whose total TANF and non-TANF arrears exceed \$2,500. OCSE certifies these obligors to the DOS for passport denial; if 30 days have not elapsed since an obligor's pre-offset notice was sent the OCSE delays certifying the obligor until that time has expired. Note that an obligor's arrears must exceed \$2,500 for a single state; arrears for one state that do not reach the threshold will not be added to arrears from another.

##### **Conditions for Decertification**

OCSE does not clear or decertify an obligor with the DOS until the obligor is decertified for every state for which he/she was previously certified. An obligor is decertified for a submitting state if (1) the state deletes the obligor's previously submitted assigned and unassigned arrears, or (2) the state releases the obligor from the passport denial remedy. OCSE will not automatically decertify an obligor for a state just because arrears drop to \$2,500 or below.

##### **Paid in Full Defined**

A state must delete the obligor's arrears if both assigned and unassigned amounts fall below the respective thresholds for federal offset given in section CS 508.3 (\$150 for assigned arrears, \$500 for unassigned arrears). In the remainder of this section the phrase "paid in full for purposes of federal offset" means paid down to levels below the thresholds, so that the obligor's cases were or should have been deleted from the federal offset process.

## ENFORCING A SUPPORT ORDER

### Passport Denial and Revocation

CS 508.7

#### Releasing an Obligor: Emergency Request

States can release an obligor from the passport denial remedy by submitting a passport denial exclusion for the obligor (see Releasing an Obligor--Exclusion), or by submitting an emergency request to OCSE. Emergency requests are limited to life-or-death situations involving the obligor's immediate family, or cases that were erroneously submitted. Criteria for determining a life-or-death situation are given in some detail by OCSE (see Chart 5-1 at the end of this section).

Criteria for identifying an erroneously submitted case are more general. The CSED will submit an emergency request on the basis of erroneous submission when one of the following conditions applies:

- a. Mistaken identity--A person who is not a CSED obligor is mistakenly submitted for federal offset. This can occur when the CSED submits an incorrect social security number for a CSED obligor, and the SSN actually belongs to another person who is not a CSED obligor.
- b. Arrears never exceeded \$2,500--The total arrears amount submitted to OCSE for federal offset is or was in error, and (a) and (b) below apply:
  - i. The total arrears actually owed never exceeded \$2,500 or total arrears exceeded \$2,500 but were later paid in full for purposes of federal offset.
  - ii. There is an emergency situation in which the obligor must obtain a passport or suffer harsh consequences.

Written verification of the non-obligor's identity or of the miscalculation of arrears in is required. Documentation of the emergency situation in is also required.

**ADMINISTRATOR'S EXCEPTION:** In extremely rare situations the CSED Administrator or designee may allow a request for emergency withdrawal in the absence of a life-or-death situation or erroneous submission if a passport emergency exists and negotiation of passport relief would be beneficial to the overall enforcement of the case.

#### Releasing an Obligor: Exclusion

Exclusion is the standard method for releasing an obligor from passport denial. However, passport denial is a mandatory federal remedy, and states may not refuse to participate in the remedy by simply excluding all submitted cases. Exclusions are available only on a case-by-case basis according to the specific policy established by the submitting state.

Montana is a zero-tolerance state for purpose of passport exclusion. It does not exclude the obligor from passport denial just because total arrears decrease to \$2,500 or below. The CSED grants an exclusion while maintaining submission of the arrears for other remedies only if the total arrears amount submitted to OCSE for federal offset is or was in error, and the total arrears actually owed never exceeded \$2,500 or the total arrears exceeded \$2,500, but was later paid in full for purposes of federal offset; now additional arrears not exceeding \$2,500 have accrued; and the obligor does not qualify for emergency relief. Refer to Releasing an Obligor--Emergency Request above.

The CSED requires proof of any facts not already documented on SEARCHS or contained in the case file that support the above assertions.

## ENFORCING A SUPPORT ORDER

### Passport Denial and Revocation

CS 508.7

**ADMINISTRATOR'S EXCEPTION:** In extremely rare situations the CSED Administrator or designee may grant an exclusion where the arrears amount was never in error, but where negotiation of passport relief would be beneficial to the overall enforcement of the case.

#### Removing an Exclusion

If after an exclusion is submitted to OCSE the situation changes and the exclusion no longer applies, the CSED may submit another transaction to OCSE removing the exclusion. The CSED will remove an exclusion if the exclusion was based on an erroneous submission of arrears over \$2,500, and arrears are now calculated to exceed \$2,500, or the exclusion was based on an Administrator's exception and the obligor fails to comply with any terms set for the exception, or the exclusion indicator was placed on the file by OCSE while implementing an emergency request, and the basis for the emergency no longer exists. Note that the removal transaction may be ineffective if the obligor has already obtained a passport on the basis of the exclusion. However, the CSED submits the transaction to ensure the passport can be denied or revoked in the future if it comes into the hands of the DoS.

#### Procedures

##### Procedure for SEARCHS

1. Submission for passport denial. Identifies and submits cases to OCSE for federal offset via the Case Submission and Update File described in section CS 508.3 Collection by Federal Offset. The file includes the TANF and non-TANF arrears amounts used to determine certification for passport denial, but does not include passport denial exclusion indicators.

##### Procedures for OCSE

2. Certification/decertification to DoS. Upon receipt of a submitting state's Case Submission and Update File, certifies or decertifies obligors for passport denial in steps 2a through 2c below.
  - a. Weekly identifies cases in which the obligor's child support-related passport eligibility has changed for the submitting state since the previous submission. Passport eligibility is determined as follows:
    - The obligor is not eligible for a passport if total TANF and non-TANF arrears exceed \$2,500, or previously exceeded \$2,500 and are still submitted for a positive amount, and the state has not released the obligor by exclusion or emergency withdrawal in steps 7 or 8 from the passport denial remedy for those arrears.
    - The obligor is eligible for a passport if total arrears submitted for offset have never exceeded \$2,500.
    - The obligor is eligible for a passport if total arrears submitted for offset have exceeded \$2,500, but the state has released the obligor by exclusion or emergency withdrawal in steps 7 or 8 from the passport denial remedy for those arrears, or deleted the obligor's total TANF and non-TANF arrears from the state's submission because the amounts have fallen below the federal offset thresholds.
  - b. For each obligor identified in step 2a whose status has changed to "not eligible," checks the date of the pre-offset notice issued to the obligor (see section CS 508.3) and, if fewer than 30 days have elapsed, does not proceed to step 2c until the notice period has expired.

## ENFORCING A SUPPORT ORDER

### Passport Denial and Revocation

CS 508.7

- c. Creates a file containing the obligors identified in step 2a and transmits the file to the U.S. Department of State (DoS). The file certifies obligors who have lost eligibility and whose pre-offset notice periods have expired. The file decertifies obligors who have regained eligibility. (OCSE decertifies an obligor only if the obligor is eligible, or is being changed to eligible, for all submitting states.)

#### Procedure for U.S. Department of State (DoS)

3. Receipt of certification/decertification file from OCSE. Upon receipt of the weekly file from OCSE (or of an emergency withdrawal submitted outside the weekly process in step 12b), updates the Passport Services central data base as follows:
  - a. For each obligor being certified by OCSE, sets a "deny" indicator. If the obligor currently holds a U.S. passport, proceeds to step 5; otherwise, proceeds to step 4.
  - b. For each obligor being decertified by OCSE, removes the "deny" indicator, and follows standard agency procedures for any subsequent passport application received from the obligor. Does not take special steps to notify a previously denied obligor that he or she may now reapply. See OCSE User Guide section 5-6, Guidelines for Obtaining a Passport After Clearance of OCSE Denial at the end of this section.
4. Passport denial. Upon receipt of an application for a U.S. passport from an obligor flagged for denial on the basis of child support, denies the application and sends a letter to the obligor explaining the reason for the denial. (A sample of the denial letter is included at the end of this section.) The letter also informs the applicant (the obligor) that he or she may reapply when DoS is notified by the proper agency that the child support arrearage is satisfied. Takes no further action until notified by OCSE that the obligor is decertified; then proceeds in step 3b.
5. Passport revocation. Upon being notified in step 3 that an obligor who currently holds a U.S. passport has been certified by OCSE, revokes the passport according to standard agency procedures only if the existing passport is currently in the possession of a passport agency or DoS (see POLICY, Passport Denial/Revocation).

At the time of this writing, the mechanism for revocation of a passport physically held by the obligor was not operational.

#### Procedures for Caseworker

6. Obligor objection to passport denial. Upon being contacted by an obligor or other individual whose application for a passport has been denied in step 4, or whose passport has been revoked in step 5, explains the passport denial/revocation process and the threshold of \$2,500, and identifies the person's specific complaint. Proceeds in steps 6a through 6d as applicable.

#### Coordination with Supervisor

Because the supervisor must approve any exclusion or emergency withdrawal negotiated in steps 6a through 6c, it is important that the caseworker consult with the supervisor before completing negotiations with the obligor.

## ENFORCING A SUPPORT ORDER

### Passport Denial and Revocation

CS 508.7

#### All States Must Decertify

In a case where the CSED agrees in steps 6a through 6c to submit an exclusion or an emergency request, it is important that the obligor understand that the passport will remain subject to denial as long as any state has certified the obligor for this remedy. The obligor must regain eligibility in all states before OCSE will decertify him or her to DoS.

#### Time Frames for Return of Eligibility

If exclusion applies, the obligor can expect to regain passport eligibility within approximately 8 business days after the date the CSED submits the exclusion. If emergency relief applies, the obligor can expect to regain passport eligibility within approximately 24 hours after the date the request for emergency withdrawal is approved by OCSE/DoS.

- a. Mistaken identity. If a non-obligor is wrongfully denied a passport on the basis of child support (for example, an individual whose social security number was incorrectly attached to a CSED obligor), verifies the person's identity, and pursues return of the individual's eligibility through the emergency relief option in step 8. This particular cause for relief is limited to cases of mistaken identity, where the individual has never had a child support case submitted for federal offset.
- b. Arrears in dispute. If the obligor claims he or she should not be subject to passport denial because total arrears subject to offset did not exceed \$2,500 at any time since January 1, 1998 (the date OCSE implemented the passport denial remedy), or exceeded \$2,500 but were later paid in full for purposes of federal offset, checks SEARCHS for account information.
  - i. Arrears never exceeded \$2,500--relief available. If SEARCHS shows the obligor is correct (arrears never exceeded \$2,500, or exceeded \$2,500 but were later paid in full for purposes of federal offset), requests the necessary adjustments to SEARCHS accounts. If an emergency situation exists (the obligor must obtain a passport immediately or suffer harsh consequences), proceeds to step 8 to initiate an emergency withdrawal of passport denial. Otherwise, proceeds to step 7 for an exclusion.
  - ii. Arrears exceeded \$2,500--no relief available. If SEARCHS shows arrears exceeded \$2,500 and were correctly submitted at any time since January 1, 1998, and those arrears were not later paid in full for purposes of federal offset, follows the procedures in section CS 508.5, Federal Offset Administrative Review, to resolve the complaint. Returns to this section only if the review process results in a change in SEARCHS amounts to the extent that relief is now available.
- c. Life or death situation. If the obligor agrees he or she is subject to passport denial based on arrears, but requests relief from the passport remedy based on a life-or-death situation, evaluates the claim according to the criteria listed in Chart 5-1 at the end of this section. If emergency relief would be appropriate, identifies and arranges for the obligor to provide the necessary documentation, and proceeds to step 8.
- d. Normal processing. If the obligor agrees he or she is subject to passport denial based on arrears, and a life-or death situation does not apply, explains the obligor's opportunity for relief as follows: If the obligor reduces TANF and non-TANF arrears to amounts below the

## ENFORCING A SUPPORT ORDER

### Passport Denial and Revocation

CS 508.7

respective thresholds for federal offset, the obligor's case(s) will be deleted from the offset file in the CSED's next monthly submission. Eligibility will be returned when OCSE processes the submission and decertifies the obligor to the DoS; the obligor may then reapply for the passport. Enters a SEARCHS case note for the contact and takes no further action in this section.

7. Processing an exclusion. Upon determining in step 6 that exclusion applies, requests supervisor approval for the exclusion and enters a SEARCHS case note documenting the request. The case note must contain adequate supporting facts for the supervisor's review.

CAUTION: Because the passport will be valid for 10 years, with little or no opportunity for revocation during that time (step 5), it is essential that the caseworker carefully review the enforcement prospects in the case before initiating relief in this step.

Monitors for a response from the supervisor within the same day, or within two working days if necessary. Upon receiving approval in step 9, contacts the CSED Federal Offset Specialist to initiate the exclusion.

When the exclusion transaction is complete, provides to the obligor upon request any available information for reclaiming eligibility and obtaining the passport. See OCSE User Guide section 5-6, Guidelines for Obtaining a Passport After Clearance of OCSE Denial at the end of this section.

8. Executing the Emergency Notice of Withdrawal of Passport Denial. Immediately upon determining in step 6 that emergency relief applies and that the necessary documentation has been provided by the obligor, requests supervisor approval for the emergency withdrawal and enters a SEARCHS case note documenting the request. The case note must contain adequate supporting facts for the supervisor's review.

CAUTION: Because the passport will be valid for 10 years, with little or no opportunity for revocation during that time (see step 5), it is essential that the caseworker carefully review the enforcement prospects in the case before initiating relief in this step.

Monitors for a response from the supervisor within the same day. Upon receiving approval in step 9, immediately proceeds in steps 8a through 8c below.

- a. Emergency documentation package. Prepares a documentation package containing a description of any time requirements specific to the case, plus the specific documentation required below.
  - For a life-or-death situation documentation verifying the death or medical emergency of an immediate family member. Refer to OCSE "Chart 5-1" at the end of this section for criteria and official documents. A written explanation of the situation is also required.
  - For an erroneous submission documentation verifying the erroneous submission of the individual for passport denial, along with a copy of the Passport Application Denial Letter the obligor received from DoS. A sample denial letter is included at the end of this section. Specific documentation needed to verify erroneous submission will depend on the type of error. Refer to the criteria for erroneous submission given in Releasing an obligor--Emergency Request above.

## ENFORCING A SUPPORT ORDER

### Passport Denial and Revocation

CS 508.7

- b. Requesting Emergency Notice. Contacts the CSED Federal Offset Specialist to request submission of the Emergency Notice of Withdrawal of Passport Denial. Delivers to the Federal Offset Specialist (by fax or other expedited method) the documentation package prepared in step 8a.

Upon receiving a copy of the Emergency Notice submitted by the Federal Offset Specialist in step 11, sends a copy of the form to the obligor; attaches a warning that the copy is provided for reference only--the notice itself does not restore eligibility. Monitors for the outcome of the transaction.

- c. Results of emergency notice. If the request is denied, returns to step 7 to process the request as an exclusion. If the request is granted, informs the obligor; provides to the obligor upon request any available information for reclaiming eligibility and obtaining the passport. Refer to OCSE User Guide section 5-6, Guidelines for Obtaining a Passport After Clearance of OCSE Denial at the end of this section.

#### Procedure for Supervisor

9. Approving passport relief. Upon receiving a request from the caseworker concerning an exclusion or emergency relief, takes action according to the following time frames:

FOR AN EXCLUSION--Within the same day if possible, but usually within two working days.

FOR AN EMERGENCY WITHDRAWAL--Within the same day.

Determines the request based on the case facts and CSED criteria listed in POLICY, this section. Enters a SEARCHS case note approving or denying the relief and giving the basis for the decision, and notifies the caseworker.

CAUTION: Because the passport will be valid for 10 years, with little or no opportunity for revocation during that time (see step 5), it is essential that the CSED carefully review the enforcement prospects in the case before granting relief in this step.

#### Procedure for Federal Offset Specialist

10. On-line exclusion. Upon being contacted by the caseworker for an exclusion of the passport denial remedy, verifies that all of the obligor's CSED cases have been included in the determination, and that supervisor approval has been obtained.

Submits the exclusion electronically for the obligor's TANF and non-TANF arrears, and enters a SEARCHS case note for the exclusion sent. Monitors for acceptance of the transaction and notifies the caseworker. If necessary, maintains the exclusion with OCSE by resubmitting the exclusion whenever the CSED's Case Submission and Update File contains a tax offset exclusion for the obligor. The tax offset exclusion is entered by batch process, and overlays the passport exclusion.

#### NOTE 1:

**Other States Denying Passport.** In submitting the exclusion via electronic process, the Federal Offset Specialist may learn of other states that have certified the obligor for passport denial. This information may be useful to the caseworker OCSE will not decertify the obligor to DoS as long as any state maintains the certification for passport denial.

## ENFORCING A SUPPORT ORDER

### Passport Denial and Revocation

CS 508.7

#### NOTE 2:

**On-Line process for Removing Exclusion.** If at any time after the exclusion is set it becomes necessary for the CSED to remove the exclusion, the Federal Offset Specialist can do so via on-line submission using the same software. See POLICY, Removing an Exclusion.

11. Emergency withdrawal. Upon being contacted by the caseworker for an emergency withdrawal from the passport denial remedy, verifies that all the obligor's CSED cases have been included in the determination, and that supervisor approval has been obtained.

Upon receipt of the documentation package prepared in step 8a, generates form CS-508.7A, Emergency Notice of Withdrawal of Passport Denial. Where necessary obtains any additional information from the caseworker. For purposes of the signature on the emergency notice, the director or designee must be one of the CSED's authorized representatives either the Federal Offset Specialist or the Program and Training Bureau Chief.

Faxes the form and accompanying documentation to the OCSE Special Collections Unit at the number given on the form. Retains the original of the form for the federal offset file, sends a copy to the caseworker, and enters a SEARCHS case note for the emergency withdrawal submitted.

Monitors for disposition of the request and informs the caseworker. DoS makes the final determination on a life-or-death request; OCSE determines whether correction of an erroneous submission warrants emergency handling. If the request is denied, arranges with the caseworker to submit the request as an exclusion beginning in step 7.

#### Procedures for OCSE

12. Receipt of release from submitting state. Upon receipt of a release from the passport denial remedy by a submitting state, proceeds in step 12a or 12b as applicable.
  - a. For an exclusion submitted in step 10, processes the exclusion and transmits the decertification to DoS via the regular file (step 2).
  - b. For an emergency request submitted in step 11, determines whether the request could have been submitted as a non-emergency exclusion. If so, informs the submitting state and takes no further action on the request.

If the request is approved for emergency processing, enters an exclusion on the Case Master file for Montana, and sends the decertification to DoS using expedited procedures. DoS will release the hold on the passport within 24 hours if the obligor is otherwise qualified. (In the case of life-or-death situations DoS will make the final determination whether the decertification requires emergency release.)

#### NOTE:

**Coordination with Other Submitting States.** OCSE will not decertify an obligor with DoS if the obligor is certified for passport denial by another submitting state and the state has not requested release. However, OCSE will process and retain the exclusion or emergency withdrawal in the OCSE master file, and will decertify the obligor if at any time in the future he or she is released by all other submitting states.



## ENFORCING A SUPPORT ORDER

### Passport Denial and Revocation

CS 508.7

**CHART 5-1: CRITERIA FOR VERIFYING LIFE OR DEATH SITUATIONS**

| <b>Reasons for Traveling</b><br>Applies to immediate family members only  | <b>Immediate Family</b>  |
|---|--|
| <ul style="list-style-type: none"><li>▪ Imminent death or funeral</li><li>▪ Serious illness</li><li>▪ Dangerous operation</li></ul> | <ul style="list-style-type: none"><li>▪ Parent or guardian of obligor</li><li>▪ Child (natural or adopted)</li><li>▪ Grandparent</li><li>▪ Sibling</li><li>▪ Aunt</li><li>▪ Uncle</li><li>▪ Step-child</li><li>▪ Step-parent</li><li>▪ Step-sibling</li><li>▪ Spouse; sometimes the spouse may need to travel if they are supporting the obligor</li></ul> |

#### 5.6 Guidelines for Obtaining a Passport After Clearance of OCSE Denial

The Passport Agency will hold the denied application for 90 days. At the end of the 90-day hold period, if OCSE has cleared the obligor, the Passport Agency will mail the passport to the obligor within two to five working days. If the clearing process exceeds 90 days, a new passport application must be submitted.

If OCSE has cleared an obligor and the obligor needs the passport before the end of the 90-day hold period, the following options are available:

- An obligor or a representative of a courier agency can go in person to the passport agency listed in the upper right-hand corner of the DoS Passport Application Denial Letter. All passport agencies require an appointment be made in advance.
- An obligor can contact the National Passport Information Center (NPIC). Refer to Appendix D, Technical and Program Assistance for information regarding how to contact NPIC. The NPIC representative will not know the status of the case, only that the application is on hold. The obligor must request that NPIC notify the passport agency listed in the upper right-hand corner of the DoS Passport Application Denial Letter, relay that he/she has been cleared with OCSE, and provide the OCSE clearance date. If the passport is cleared, the passport agency will mail the passport to the obligor within two to five workdays. If the passport is being denied for reasons other than child support, DoS will contact the obligor.

**ENFORCING A SUPPORT ORDER**  
**Passport Denial and Revocation**

---

CS 508.7

**K.1 Passport Denial Letter**

**United States Department of State**  
**Portsmouth Consular Center**

*National Passport Center*  
*31 Rochester Avenue*  
*Portsmouth, New Hampshire 03801-2900*  
*1-900-225-5674*

August 29, 2000

*Name*

*Address*

Dear Mr. *Name*,

This is in reference to the passport application you mailed on August 4, 2000. The Department of State has determined that you are ineligible to receive a passport. This determination is based on Section 51.70(a)(8) of Title 22 of the Code of Federal Regulations and the certification of the Secretary of Health and Human Services that you are in arrears of child support in excess of \$5,000.00.

51.70 - Denial of Passports

- (a) A passport, except for direct return to the United States, shall not be issued in any case in which:
- (8) The applicant has been certified by the Secretary of Health and Human Services as transmitted from a state agency to be in arrears of child support in an amount exceeding \$5,000.00.

Neither this passport agency nor the Department of State has information concerning your child support obligation. A list of state child support enforcement agencies and their phone numbers is attached to this letter for your use.

This decision is not appealable with the Department of State. You may receive a passport once the Secretary of Health and Human Services has certified to the Secretary of State that you have satisfied the child support arrearage.

This application is denied unless you adequately address the requirements stated above for issuance of a passport. If we do not receive a response within ninety (90) days, your application will be filed without further action.

**PLEASE RETURN THIS LETTER WITH YOUR REPLY. THANK YOU.**

Attachment:

List of State Child Support Enforcement Agency Telephone Numbers.

**To Customer:** If you have any questions regarding this letter or your passport application, contact the National Passport Information Center at 900-225-5674 (TDD: 900-225-7778), or 888-362-8668 (TDD: 888-498-3648) with a major credit card. Customer Service Representatives are available Monday – Friday, 8:30 a.m. to 5:30 p.m., ET, excluding Federal holidays. Also, for a wealth of passport and travel information, including where to apply, visit us at <http://travel.state.gov>.