



KPB Immigration Law Firm

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Article: **OBTAINING OR RENEWING A U.S. PASSPORT**

By: **Christopher A. Kerosky, Esq.**

In 2007 laws were changed requiring all US citizens to have a US passport (or US passport card) to travel to Canada and Mexico.

Prior to then, US citizens were allowed to travel showing their birth certificate or certificate of US citizenship or even a driver's license.

Now, the combination of many ten year passports expiring as well as the fact that there are five states (IL, MN, MO, NM, WA) and a territory (American Samoa) that are not in compliance with the Real ID Act (which means in January 2018 their residents will not be able to use a driver's license to board a plane), and the fact that many countries will not allow a traveler to enter if they have less than six months on their existing passport, the US Department of State announced over a year ago that they would like US citizens to apply even before their current passport expires if they want to avoid not being able to travel out of the country.

Fortunately, most people holding a ten year passport expiring in 2017 are eligible to renew by mail using Form DS-82. Please consider starting the renewal as soon as possible, even if you still have some months left on your current passport. If your plans include travel this summer, it would be a good idea to pay the extra expedite fee so that you will have the new passport with its new number to input into your airlines ticket information.

To renew by mail you need the following:

- 1) You need to submit your old passport which had to be issued within the past 15 years.
- 2) Your old passport cannot be damaged beyond normal wear and tear.
- 3) You must have been over 16 when your old passport was issued.
- 4) Your old passport must be issued in your current name or if your name has changed, you are able to submit an original or certified copy of your marriage certificate, divorce decree, or court order.

If any of the above criteria are not met, you are not eligible to renew by mail and must submit instead Form DS-11 to a passport facility or passport agency office.

5) Provide one 2x2 photograph. Staple the photo to the application using four staples vertically in the corners as close to the outer edges as possible. Do not bend the photo. As of

last November, you must remove your glasses for the photo.

<https://travel.state.gov/content/passports/en/passports/photos.html>

6) Fee. The fee for those 16 and over is \$110 for a passport book (i.e., not a passport card. A passport card can only be used for travel to Canada and Mexico and the fee for renewing one is \$30). Checks and money orders payable to the "U.S. Department of State" can be used for renewals.

7) When mailing your passport application, please use a large envelope so the application does not need to be folded. Mail using the US Postal Service and request a trackable delivery method such as Express Mail, Priority Mail with Signature Confirmation or Delivery Confirmation. In my experience, it is worth it to pay for Express Mail service.

8) If you live in California and are using the routine processing, you mail the above to the National Passport Processing Center, PO Box 640155, Irving, TX 75064-0155

9) If you are requesting Expedited Service, also enclose a check or money order for \$60 payable to the "U.S. Department of State" and write "EXPEDITE" on the outside of the mailing envelope and mail it to National Passport Processing Center, PO Box 90955, Philadelphia, PA 19190-0955

At press time the processing time was six to eight weeks for routine processing. Applying this month for travel later this summer should not be a problem but I would suggest paying the \$60 expedite fee and potentially using a private expediting company (put 'passport expedite' into Yelp) to avoid any problems or delays, especially as we get closer to the summer months. Please also be aware that children under the age of 16 are issued US passports which are only valid for five years and their renewal cannot be done by mail, it must be done in person.

Whether you are a newly naturalized US citizen, or a US citizen for many years, you will need to have your US passport before returning home or for other international travel. To get more information on applying for a US passport, whether you are renewing an old passport or applying for the first time, check out the US Department of State's website at <https://travel.state.gov/content/passports/en/passports.html>

The US government suggests that if you are eligible to renew by mail, that is the best way. Adults who reside in the US must apply to renew their passport by mail.

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About the author:

Christopher A. Kerosky of the law firm of KEROSKY PURVES & BOGUE LLP has practiced law since 1984 and has been recognized as one of the top immigration lawyers in Northern California for the last seven years by San Francisco Magazine "Super Lawyers" edition (2006-2012). He graduated from University of California, Berkeley Law School and was a former counsel for the U.S. Department of Justice in Washington D.C.

WARNING: The foregoing is an article discussing legal issues. It is not intended to be a substitute for legal advice. We recommend that you get competent legal advice specific to your case. If you would like such advice from our office, call (415) 777-4445 (San Francisco); (916) 349-2900 (Sacramento), (707) 224-2722 (Napa); (707) 433-2060 (Santa Rosa) or (707) 376-1010 (Ukiah)