

## Department of State

## § 72.5

closest known relative of the deceased. Notification of death by telegraph does not eliminate the necessity for reporting the death on Form FS-192.

(b) *Information required on Form FS-192.* All information called for under the various headings of Form FS-192 should be supplied in as much detail as possible. When prolonged delay is experienced in procuring full data, the consular officer should prepare and distribute a preliminary report of death on Form FS-192, marking the report "Preliminary." This should be followed by a final and complete report as soon as full data are available. Expanded comments necessary to cover special circumstances concerning the death, should appear under the heading "Remarks." When applicable, statements concerning the following subjects should also appear under the heading "Remarks":

(1) Disposition made of the passport and certificate of naturalization (see § 72.8);

(2) If the deceased is known to have been the recipient of continuing payments other than salary from the Federal Government (e.g., retirement, social security, disability compensation, or veterans insurance or benefits), indication of the nature of the Payments received;

(3) If the deceased is a Selective Service registrant of inductible age, his Selective Service registration number and the number and address of his Local Board, when known.

(c) *Signing and sealing of Form FS-192.* All copies of the Form FS-192 should be signed by the consular officer with his name and official title typed below, and the consular impression seal should be impressed on each copy.

(d) *Transmission of Form FS-192 to the Department.* The original of Form FS-192 shall be sent to the Department, plus one additional copy for each agency concerned, if the deceased was:

(1) A recipient of continuing payments other than salary from the Federal Government; or

(2) An officer or employee of the Federal Government (other than Department of Defense or Coast Guard); or

(3) A Selective Service registrant of inductible age.

(e) *Transmission of form to legal representative and next of kin.* A copy of Form FS-192 should be sent to the legal representative. A copy should also be sent to the closest known relative of the deceased (or relatives, if there are two or more persons having equal interests). No fee is prescribed for sending one copy each of completed Form FS-192 to the legal representative and to the closest known relative or relatives.

(f) *Transmission of form to other consular districts.* In the event that a part of the personal estate of the decedent is known to be in a consular district other than that in which the death occurs (see § 72.32), a copy of Form FS-192 should be sent to the consular officer in the other district.

(g) *Supplying copies of form.* Copies of Form FS-192 shall be supplied by the Department of State or by the Foreign Service post upon request to any person having valid need therefor. Charges are as prescribed in the Schedule of Fees (§ 21.1 of this chapter) or in the Tariff of Fees, Foreign Service of the United States of America (§ 22.1 of this chapter).

### § 72.5 Reports of presumptive deaths.

(a) *Provisional report.* Upon the receipt of evidence that a United States citizen is missing and is presumed to be dead, a report should be submitted to the Department on Form FS-192, with the title amended to read "Report of the Presumptive Death of an American Citizen." A statement should be inserted in the form under the heading "Cause of Death" such as the following: "Reported missing, believed to be dead", giving the source of the information upon which the presumption is based. A statement should also be included under the heading "Remarks" showing the requirements of local law for the establishment of legal presumption of the death of missing persons; i.e., whether under local law the legal presumption of death automatically arises at the expiration of a stipulated lapse of time, or whether formal action is necessary to obtain legal confirmation of the death of missing persons.

(b) *Final report.* In the event that the fact of death is established, a final complete report shall be submitted to

## § 72.6

## 22 CFR Ch. I (4-1-04 Edition)

the Department on Form FS-192 marked "Final Report," in which reference shall be made, under the heading "Remarks", to the provisional report. If feasible, a "Final Report" should be submitted at such time as legal presumption of death arises in accordance with local law.

### § 72.6 Reports of deaths on the high seas.

(a) *On vessels of United States registry.* When a United States citizen (not a seaman) dies on board a vessel of the United States making a voyage from a port in the United States to any foreign port, the master of the vessel is required to enter the circumstances of the death in the official log book (46 U.S.C. 201). Customarily, these circumstances are reported to the consular officer at the first port of call. On the basis of the log entry, the consular officer should report the death on Form FS-192 in the manner prescribed for other United States citizens (see § 72.4). A copy of the text of the log entry, certified by the master, should be retained with the office copy of Form FS-192.

(b) *On vessels of foreign registry.* When a United States citizen dies on a vessel of foreign registry, all information obtained from the master of the vessel for purposes of reporting the death on Form FS-192, should be supported by a certified copy of the text of the log entry, if obtainable.

### § 72.7 Reports on deceased persons believed to be United States citizens.

(a) *Verification of citizenship.* As Form FS-192 may be accepted in courts of law, or considered elsewhere, as evidence of United States citizenship at the time of death, the consular officer should consult the regulations describing the evidence of citizenship which is acceptable for passport and registration purposes and should exercise due care in determining the citizenship status of the deceased. In doubtful cases he should transmit the Form FS-192 to the Department under cover of a despatch stating that the citizenship of the deceased has not been verified. The Department will then determine whether Form FS-192 may be released to the legal representative, next of kin,

or other interested person, and will inform the consular officer of whatever action is taken.

(b) *Presumptions as to citizenship status.* When the deceased was not currently documented at a Foreign Service office as a United States citizen, it must be assumed that, if the deceased was—

(1) A native citizen, he had retained United States citizenship at the time of death, in the absence of evidence of an affirmative act of expatriation under paragraph 1, section 2 of the act of March 2, 1907, section 401 of the Nationality Act of 1940, or section 340 or 350 of the Immigration and Nationality Act;

(2) A naturalized citizen, he had retained United States citizenship at the time of death, in the absence of evidence that he had lost nationality of the United States by having a continuous residence for three years in the territory of a foreign state as provided in section 352(a)(1) of the Immigration and Nationality Act, or by having a continuous residence for five years in any other foreign state or states as provided in section 352(a)(2) of the same act, unless there is evidence that his case comes within one of the exceptions established under section 353 or 354 of the act. Nationality may also have been lost under similar provisions contained in section 404 of the Nationality Act of 1940. The term residence as used herein means the place of general abode, and residence shall be considered continuous for the purpose of sections 350 and 352(a) (1) and (2) of the act where there is a continuity of stay but not necessarily an uninterrupted physical presence in a foreign state or states or outside the United States.

### § 72.8 Disposition of nationality documents.

(a) *Passport.* The passport of a deceased United States citizen should be canceled by the consular officer and either returned to the Department or delivered to the person having a legitimate interest therein. Only a person who is included in the passport may be considered to have a legitimate interest in it. The date and place of death should be noted on the passport, and an