



## DEPARTMENT OF STATE

### 22 CFR Part 51

[Public Notice : 13104]

RIN 1400-AF97

#### Passports: Expanding Online Passport Renewal Overseas

**AGENCY:** Department of State.

**ACTION:** Proposed rule.

**SUMMARY:** The Department proposes to amend 22 C.F.R. 51.21 by consolidating requirements for persons applying by mail and online in the United States and overseas. This proposed change includes expanding online passport application availability to qualified applicants located in foreign countries. In addition, the Department is proposing to remove the requirement that an applicant's most recently issued passport must have a year or less of remaining validity to qualify to submit an online passport application. Finally, the Department is proposing technical corrections to 51.8(b) to change "on-line" to read "online" for consistency.

**DATES:** The Department of State will accept comments until [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

**ADDRESSES:** Interested parties may submit comments to the Department by any of the following methods:

- Visit the Regulations.gov Web site at: <http://www.regulations.gov> and search for the docket number DOS-2026-0925. As required by the Administrative Procedure Act at 5 U.S.C. 553(b)(4), you can also find a plain language summary of this rulemaking at that location.
- Email: [PassportOfficeofAdjudicationGeneral@state.gov](mailto:PassportOfficeofAdjudicationGeneral@state.gov). You must include RIN 1400-AF97 in the subject line of your message.

- All comments should include the commenter's name, the organization the commenter represents, if applicable, and the commenter's address. If the Department is unable to read a comment for any reason, and cannot contact the commentor for clarification, the Department may not be able to consider this comment. After the conclusion of the comment period, the Department will publish a Final rule (in which it will address relevant comments) as expeditiously as possible.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Tinianow, Office of Adjudication, Passport Services, (202) 765-6517, or email [PassportOfficeofAdjudicationGeneral@state.gov](mailto:PassportOfficeofAdjudicationGeneral@state.gov).

**SUPPLEMENTARY INFORMATION:** The Department of State first introduced online passport applications through its Online Passport Renewal (OPR) platform in 2022, following publication of the final rule *Passports: Option for Passport Applicants Eligible to Apply by Mail for Renewal of Passports to Apply On-Line*.<sup>1</sup> That rule contained certain requirements that restricted eligibility for applicants, including to those located within the United States whose most recent passport had one year or less of remaining validity.

The eligible applicant pool for OPR has not been expanded since the publication of that rule. At that time, the systems and technology for OPR were still largely in development, and its first release was intentionally limited. However, the Department has always intended to make OPR more widely available, including to eligible persons located abroad and individuals with more than a year of validity remaining on their most recent passport.

The online process allows the applicant to bypass the logistical hurdle of securing appointments, which has often been a challenge for citizens residing abroad. By enabling

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<sup>1</sup>Public Notice 11609, 86 FR 72521 (Dec. 22, 2021).

eligible persons overseas to submit applications, pay fees, and upload photos entirely online, the traditional requirement for two in-person visits to a consular post would be eliminated. Additionally, this digital transition removes the necessity of transferring physical applications to a domestic passport agency for adjudication, which will significantly accelerate processing times.

Expanding availability to customers worldwide will optimize the Department's global operation. OPR will be deployed overseas in phases, and as implementation progresses, the Department will maintain an updated list on its website, [travel.state.gov/renewonline](https://travel.state.gov/renewonline), that specifies the countries in which customers are eligible to use OPR. Additionally, due to system advances, it is no longer necessary to limit the applicant pool only to those applicants whose most recently issued passport has a year or less of remaining validity. The Department aims to gradually relax this requirement, and up-to-date requirements for the remaining validity on an applicant's previous passport will be listed on [travel.state.gov/renewonline](https://travel.state.gov/renewonline). These changes will enable the Department to expand online passport application services for all Americans in compliance with regulations.

Finally, the Department seeks to make two minor technical corrections to § 51.8(b) to change two uses of "on-line" to read "online." The corrections ensure that the language and terminology within Department regulations remain consistent.

### **Preliminary Regulatory Impact Analysis**

As noted below in the Regulatory Analyses, this rule, if finalized, is likely to be economically significant within the meaning of section 3(f)(1) of Executive Order 12866, since the beneficial impact is likely to exceed \$100 million. The Department offers the following preliminary regulatory impact analysis (RIA) and invites comment on it.

#### *1. The need for the regulatory action*

As noted above, the Department has been considering the gradual expansion of OPR since 2022. This rulemaking provides a more comprehensive codification of the OPR

program and the modification to OMB Control No. 1405-0020 than what was in the previous rulemaking.

## *2. Horizon of Analysis*

When choosing the appropriate time horizon for estimating benefits and costs, the Department considered how long this regulation is likely to have economic effects. The Department believes that 10 years is a reasonable time horizon. It is possible, if not probable, that the regulation proposed to be modified herein will be amended again within that time period, possibly as new technologies emerge.

## *3. Regulatory alternatives and consequences*

The Department assesses two alternatives to this rulemaking: no action, and expanding the eligibility pool for online renewal applicants located in the United States. Neither are viable options.

### *a. No action.*

Federal law (22 U.S.C. 211a *et seq.*) provides the authority for the Secretary of State to issue passports, “under such rules as the President shall designate”. The President’s authority was delegated to the Secretary of State by Executive Order 11295, of August 5, 1966 (31 FR 10603). The procedures for qualified individuals to obtain and renew passports are set out in such rules. OPR became a part of the Department’s rules in 2022; however, the current § 51.21 provides that the program was only available for applicants in the United States and contained a requirement that the applicant’s passport have one year or less of validity remaining. Those restrictions thus cannot be removed by any action other than rulemaking. “No action” is not a viable alternative if the goal is to increase the availability of this option to U.S. citizens renewing their passports.

### *b. Expanding renewal eligibilities.*

The Department has explored the option of including in the OPR eligibility those applicants with a current lost or stolen passport and those applicants with a passport that

expired over 15 years ago. Expanding to applicants with a lost or stolen passport would require major changes to the passport application adjudication process, and with the current restriction of one year or less of remaining validity for OPR eligibility, Department data from FY 2025 showed that this expansion would result in only a 0.1% increase in applicants eligible for OPR (about 300,000 applicants annually).

According to Department data from FY 2025, expansion from a 15- to an 18-year issuance gap would result in an estimated 7% increase in the pool of applicants eligible to use OPR (about 495,000 additional applicants annually). However, the Department does not currently have sufficient technological capability to support expansion of renewal applications to applicants with a passport that was issued over 15 years ago. This change will also require a rulemaking, and the Department plans to pursue this expansion and associated rulemaking in the future when adequate technology is available.

Finally, neither of these changes would assist U.S. passport applicants located overseas who seek to renew a passport online, as these expansions would still only apply to individuals located in the United States absent the current proposed rulemaking.

#### *4. Quantify the Benefits, Cost Savings, and Costs*

Department of State Form DS-82, which is a U.S. passport renewal application for eligible individuals, is used in online passport applications. The Department does not anticipate any revisions to this form will be required as part of this rulemaking. The time burden for online renewal applications was found to be virtually identical to the time burden for paper applications.

The Department estimates that approximately 60% of all DS-82 renewal applicants will be submitted through the OPR platform. The Department projects that the total annual number of form DS-82 renewal applicants for FY27 will be 10,509,576 . The

estimated total number of annual OPR applicants for FY27 is 6,279,511. The overseas applicant expansion could add up to 220,000 additional OPR applicants in FY27.<sup>2</sup>

The Department charges the same fee for a passport renewal application regardless of whether it is received by mail or online. Nevertheless, the Department expects that online renewal applicants will in the aggregate experience a reduced monetary burden as compared to applicants using the paper application.

OPR users are subject to a reduced monetary burden for photo services. According to a Department post-service survey of online applicants, only 34% (2,060,234 applicants) of respondents reported that their passport photo was obtained from a post office or other professional photo service that would require payment.<sup>3</sup> We estimate the current price for photo services to be \$15.00.<sup>4</sup> The remaining 66% (3,999,277 applicants) reported that they obtained their photo in a means that did not cause a monetary burden.

Additionally, OPR users are not subject to a monetary burden for postage or travel to a mailing facility. The Department strongly encourages mail-in applicants to utilize trackable mail for their applications, and the current price for a flat rate Priority Mail envelope is \$11.95.<sup>5</sup> The Department estimates that most respondents domestically submit their application to their local U.S. Post Office for processing, which is estimated to be an average distance of approximately three miles one way and six miles round trip. This distance is estimated to take an amount of five minutes each way for a total of 10 minutes round trip. The Department has no way to calculate the average distance overseas applicants may need to travel to submit the form. Assuming that a large share of U.S. citizens live in densely populated urban areas, factors such as traffic congestion

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<sup>2</sup> There were 220,802 DS-82 applications from OPDP and the Repatriation Program. We estimate that there will be approximately 220,000 overseas applications eligible for OPR in FY 2027.

<sup>3</sup> This may be because these applicants were not able to meet the requirements for passport photos using only the OPR platform.

<sup>4</sup> Source: USPS, "USPS Retail Customer Appointment Scheduler," <https://faq.usps.com/s/article/USPS-Retail-Customer-Appointment-Scheduler> (last visited Apr. 3, 2026).

<sup>5</sup> Source: USPS, "Priority Mail," <https://www.usps.com/ship/priority-mail.htm> (last visited Apr. 3, 2026).

and distance can significantly increase travel time. This does not account for additional delays, including limited parking at embassies and consulates or the time required to pass through security screening. At a minimum, an applicant would likely need to take a half day off work to complete this process. A half day is estimated at 4 hours. Using the OECD's reported average annual wage for Americans overseas (\$44,439 in 2024), the estimated hourly wage is \$21.36<sup>6</sup>. Therefore, the total estimated lost wages per applicant would be \$85.44.

To determine the travel cost to the applicant, the Department is factoring in the General Services Administration (GSA) reimbursement rate of \$0.725 per mile for privately owned vehicles (POV)<sup>7</sup>. Government efficiencies are acknowledged by reducing the workload on locally employed staff, including greeters and intake personnel, as well as decreasing the time required for package preparation prior to officer review. By shifting document collection and preparation to the applicant as a one-time responsibility, posts could reduce the need for intake-specific staffing. Currently, locally employed staff are responsible for gathering paperwork, verifying that all required documents are complete and accurate, scanning applications, and providing instructions regarding passport pickup or delivery options. Under OPR, these responsibilities would be largely eliminated or significantly reduced. Furthermore, locally employed staff currently spend approximately \$0.98 per applicant for overseas passport intake process (FY2023-2026 Cost of Service Model). When multiplied by the total number of expected overseas passport applications, this would result in a total cost savings of \$215,600 for intake.

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<sup>6</sup> Source: OECD (2025), "*Pensions at a Glance 2025: OECD and G20 Indicators*," [https://www.oecd.org/en/publications/pensions-at-a-glance-2025\\_e40274c1-en.html](https://www.oecd.org/en/publications/pensions-at-a-glance-2025_e40274c1-en.html) (last visited Aug. 5, 2026).

<sup>7</sup> Source: General Services Administration, "Privately Owned Vehicles (POV) Mileage Reimbursement Rates," <https://www.gsa.gov/travel/plan-book/transportation-airfare-rates-pov-rates/privately-owned-vehicle-pov-mileage-reimbursement-rates> (last visited Apr. 3, 2026).

Pursuant to the above analysis, the estimated annual savings for OPR users for FY27 on average are as follows:

|                                            |                                                                               |   |               |
|--------------------------------------------|-------------------------------------------------------------------------------|---|---------------|
| Passport Photo Cost Savings                | 2,060,234 applicants x \$15.00                                                | = | \$30,903,506  |
| Postage Cost Savings                       | 6,059,511 applicants x \$11.95                                                | = | \$72,411,156  |
| Average Travel Cost Savings                | 6,059,511 applicants x 6 miles x \$0.725 per mile                             | = | \$26,358,873  |
| Lost Wages (Opportunity Costs) Avoided     | 220,000 applicants x \$21.36 average hourly rate x 4 hours                    | = | \$ 18,796,800 |
| Government Efficiencies on Staffing        | 220,000 applicants x \$0.98 Locally employed staff time allocation in dollars | = | \$215,600     |
| <b>Total Estimated Annual Cost Savings</b> | <b>\$148,685,935</b>                                                          |   |               |

5. *Discount Future Benefits*

**3% discount**

| Value       | Year    |
|-------------|---------|
| 148,685,935 | Present |
| 144,225,357 | 2       |
| 139,898,596 | 3       |
| 135,701,638 | 4       |
| 131,630,589 | 5       |
| 127,681,672 | 6       |
| 123,851,221 | 7       |
| 120,135,685 | 8       |



|             |    |
|-------------|----|
| 116,531,614 | 9  |
| 113,035,666 | 10 |

**7% discount**

|             |         |
|-------------|---------|
| 148,685,935 | Present |
| 138,277,920 | 2       |
| 128,598,465 | 3       |
| 119,596,573 | 4       |
| 111,224,812 | 5       |
| 103,439,075 | 6       |
| 96,198,340  | 7       |
| 89,464,456  | 8       |
| 83,201,944  | 9       |
| 77,377,808  | 10      |

*6. Non-quantified Benefits and Costs*

The primary qualitative benefit is the ease of submission, which is related to the quantified savings in section 4, above. With respect to non-quantified cost, members of the public commenting on the 2022 rulemaking<sup>8</sup> were concerned about possible identity theft and insisted on the use of the latest technology to protect applicants. The Department reiterates that it processes passport applications, whether mailed or submitted online, on controlled workstations accessed by authorized employees only. The data is encrypted.

Passport records are legally protected from unauthorized access, use, or disclosure under the Privacy Act of 1974 (5 U.S.C. 552a). More information can be found in System of Records Notices STATE-26, Passport Records, and STATE-05, Overseas Citizens Services Records and Other Overseas Records. All Federal employees and contractors

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<sup>8</sup> See Passports: Proposed Rule Allowing Passport Applicants Eligible to Apply by Mail for Renewal of Passports the Additional Option to Apply On-Line, REGULATIONS.GOV, <https://www.regulations.gov/document/DOS-2021-0016-0002/comment> (last visited Aug. 5, 2026).

with access to passport and U.S. citizen consular records are required to safeguard the privacy of U.S. citizens and non-citizen U.S. nationals and their records.

#### *7. Uncertainty*

The Department's primary uncertainty regarding the estimates in this rulemaking relates to the uncertainty of predicting future passport application activity. However, since the demand for passports has generally been stable (other than in surge years, such as the implementation of the Western Hemisphere Travel Initiative), the Department is confident in these figures. In addition, forecast numbers contained in the Department's renewals under the Paperwork Reduction Act have been accurate.

#### **Regulatory Findings:**

##### *Administrative Procedure Act*

The Department is soliciting comments during a 60-day comment period, to which it will respond in a final rule, should the Department choose to finalize all or part of this proposal.

##### *Regulatory Flexibility Act*

The Department of State, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and, by approving it, certifies that this rule will not have a significant economic impact on a substantial number of small entities.

##### *Unfunded Mandates Act of 1995*

This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any year and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

##### *Executive Order 12866—Regulatory Planning and Review*

The Office of Information and Regulatory Affairs (OIRA) had designated this rule as an economically significant action under Executive Order 12866, dated September 30,

1993. For a discussion of the regulatory impact of this proposed rule (should it be finalized), see the Regulatory Impact Analysis section, above.

As OPR becomes more widely available overseas, the Department also expects a shift in passport-related work from overseas posts to the United States. The number of DS-82 paper renewal applications that overseas posts must accept, process, and/or bundle and mail to the United States is expected to decrease with more renewal applications being accepted and processed online, which will free up overseas consular staff to focus on matters more aligned with their expertise, such as complex citizenship cases and special citizens services.

With respect to costs for the federal government, the costs of expanding this program are expected to be covered through the existing application fees and will save applicants ancillary costs (such as postage) as described in the RIA section, above.

*Executive Order 14192 – Unleashing Prosperity Through Deregulation*

This rule is a deregulatory action within the meaning of Executive Order 14192.

*Executive Order 13563—Improving Regulation and Regulatory Review*

The Department of State has considered this rule in light of Executive Order 13563, dated January 18, 2011, and affirms that this regulation is consistent with the guidance therein.

*Executive Orders 12372 and 13132—Federalism*

This regulation will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement. The regulations implementing

Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this regulation.

*National Environmental Policy Act*

The Department has analyzed this regulation for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347) and has determined that it will not have any effect on the quality of the environment.

*Executive Order 13175 – Effect on Tribes*

This rulemaking will not have an effect on tribes and no actions are needed under Section 5 of the Executive Order.

*Paperwork Reduction Act*

The information collection contained in this rule is pursuant to the Paperwork Reduction Act, 44 U.S.C. Chapter 35, and relates to OMB Control Number 1405-0020.

Department of State Form DS-82, which is a U.S. passport renewal application for eligible individuals, is used in online passport applications. The Department does not anticipate any revisions to the DS-82 form will be required as part of this rulemaking. The time burden for individuals using the online renewal option, but needing to obtain passport photographs from a commercial source, was slightly less than the burden for applicants who applied using the DS-82. Applicants who were able to submit their photographs without using a commercial service enjoyed a significant decrease in cost burden. As noted in the RIA section above, there is and will be a benefit to increased use of OPR.

The Department requests public comment on time burdens encountered during the application process, both in the use of OPR and in the use of the DS-82 form.

**List of Subjects in 22 CFR Part 51**

Passports.

Accordingly, for the reasons set forth in the preamble, 22 CFR Part 51 is proposed to be amended as follows:

## **PART 51 – PASSPORTS**

1. The authority citation for part 51 continues to read as follows:

**Authority:** 8 U.S.C. 1104; 8 U.S.C. 1185; 8 U.S.C. 1185n (text of Pub. L. 108-458, 118 Stat. 3638, 3823 (Dec. 17, 2004)); 8 U.S.C. 1504; 8 U.S.C. 1714; 22 U.S.C. 211a, 212, 212a, 212b, 213, 213n (Pub. L. 106-113 Div. B, Sec. 1000(a)(7) [Div. A, Title II, Sec. 236], 113 Stat. 1536, 1501A-430); 214, 214a, 217a, 218, 2651a, 2671(d)(3), 2705, 2714, 2714a, 2721, and 3926; 26 U.S.C. 6039E; 26 CFR 301.6039E-1; 31 U.S.C. 9701; 34 U.S.C. 21501-21510; 42 U.S.C. 652(k) ; E.O. 11295, Aug. 5, 1966, 31 FR 10603, 3 CFR, 1966-1970 Comp., p. 570; Pub. L. 114-119, 130 Stat. 15.

### **§ 51.21 [Amended]**

2. Section 51.21 is amended to read as follows:

(a) \* \* \*

#### **(b) *Application by mail or online***

(1) A person in the United States, or in a foreign country where the Department has authorized a post to receive passport applications by mail, who previously has been issued a passport valid for 10 years in his or her own name may apply for a new passport by filling out, signing, and mailing an application on the form prescribed by the Department if:

(i) The applicant's most recently issued passport was issued when the applicant was 16 years of age or older;

(ii) The application is made not more than 15 years following the issue date of the previous passport, except as provided in paragraph (d) of this section; and

(iii) The most recently issued passport of the same type is submitted with the new application.

(2) A person in the United States, or in a foreign country in which the Department has authorized applicants to apply online and listed on its website at [travel.state.gov/renewonline](https://travel.state.gov/renewonline), who previously has been issued a passport valid for 10 years in his or her own name may apply for a new passport by filling out, signing, and submitting an online application via the Department's official website if:

(i) The applicant's most recently issued passport was issued when the applicant was 16 years of age or older, and remains valid for a period prescribed on the Department's website at [travel.state.gov/renewonline](https://travel.state.gov/renewonline);

(ii) The application is made not more than 15 years following the issue date of the most recently issued passport of the same type; and

(iii) The most recently issued passport of the same type is available for verification via the online process.

(3) The applicant must also provide photographs as prescribed by the Department and pay the applicable fees prescribed in the Schedule of Fees for Consular Services (22 CFR 22.1).

(c) Nothing in this part shall prohibit or limit the Department from authorizing an overseas post to accept a passport application or applications from persons outside the country or outside the person's country of residence in circumstances which prevent provision of these services to the person where they are located or in other unusual circumstances as determined by the Department.

(d) A senior passport authorizing officer may authorize acceptance of an application by mail where the application is made more than 15 years following the issue date of the previous passport as appropriate and in accordance with guidance issued by the Department.

**§ 51.8 [Amended]**

3. Section 51.8 is amended to read as follows:

(a) \* \* \*

(b) When applying for a new passport online, an applicant must have the currently valid passport of the same type available for cancellation via the online process.

(c) \* \* \*

(d) \* \* \*

**John L. Armstrong,**

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