

JUSTIFICATION FOR EMERGENCY REVIEW
Request for Approval to Travel to a Restricted Country or Area
OMB Control No. 1405-XXXX

Pursuant to 5 CFR § 1320.13, the Department of State requests OMB emergency approval to immediately begin collecting the following information from a certain category of U.S. nationals.

The approval of the proposed additional collection of information from certain U.S. nationals is warranted on an emergency basis. The Department of State has determined that the serious risk to United States nationals of arrest and long-term detention represents imminent danger to the physical safety of United States nationals traveling to and within the Democratic People's Republic of Korea (DPRK), within the meaning of 22 C.F.R. § 51.63(a)(3). As a result, pursuant to 22 U.S.C. § 211a and Executive Order 11295 (August 5, 1966), and in accordance with 22 C.F.R. §§ 51.63(a)(3) and 51.64, the Secretary of State has declared all United States passports invalid for travel to, in, or through the DPRK unless specially validated for such travel.

Submission and publication of this determination in the *Federal Register* is imminent, and the restrictions on use of a passport shall be effective 30 days after publication. After the effective date, if a U.S. national travels to the DPRK using his or her U.S. passport, the Department can revoke the U.S. passport for misuse under 22 C.F.R. § 51.62(a)(2). Further, he or she may be subject to felony prosecution under 18 U.S.C. § 1544 for misuse of a U.S. passport.

Pursuant to 22 C.F.R. § 51.64, the Department of State may issue a U.S. passport with a special validation for travel to the DPRK, if it determines that such travel is in the national interest of the United States. The Department may determine it is in the national interest if:

- (1) The applicant is a professional reporter or journalist, the purpose of whose trip is to obtain, and make available to the public, information about the restricted area; or
- (2) The applicant is a representative of the International Committee of the Red Cross (ICRC) or the American Red Cross traveling pursuant to an officially-sponsored Red Cross mission; or
- (3) The applicant's trip is justified by compelling humanitarian considerations; or
- (4) The applicant's request is otherwise in the national interest.

Because individuals in these categories already travel to the DPRK, and the Department may find they qualify for special validations permitting additional travel to the DPRK after the passport restriction is effective, there must be a mechanism in place for them to request approval from the Department immediately upon the effective date. This is critical, especially for

journalists and those with compelling humanitarian considerations, who may have an urgent need for travel.

Individuals requesting approval to travel will need to provide, at a minimum, a written request along with a copy of a valid government issued photo identification with date of birth; current contact information; the reason for the travel, including the specific category into which the applicant feels their trip is in the national interest under 22 C.F.R. § 51.64 (reporter, ICRC, etc.); and any documentation that may support the basis for the applicant's request. If the request is approved, the applicant may submit a passport application for a second passport (DS-82) (or DS-11, if applicable), which will be valid for one year and permit one round trip to the DPRK. The Department estimates that approximately 100 individuals may submit requests for approval per year. It should take, on average, approximately 45 minutes to obtain and submit the requested information.

For the reasons given above, the Department has therefore determined that:

1. The proposed information collection:

(i) Is needed prior to the expiration of time periods established under 5 CFR Part 1320; and

(ii) Is essential to the mission of the Department; and

2. The Department cannot reasonably comply with the normal clearance procedures under this part because public harm is reasonably likely to result if normal clearance procedures are followed. It is in the public interest for the categories of individuals who are able to request approval to travel to the DPRK, to be able to do so immediately upon the effective date of the imposed passport restriction. Eligible individuals may already travel to the DPRK. There must be a mechanism in place for them to request approval from the Department immediately upon the effective date. This is critical, especially for journalists and those with compelling humanitarian considerations, who may have an urgent need for travel. In addition, U.S. nationals currently in the DPRK for reasons that may be eligible for special validation, such as humanitarian workers, and who must depart the DPRK as a result of the travel restriction, will be forced to remain abroad until their applications for special validation are considered and approved.

Therefore, the Department of State requests emergency OMB approval for this information collection, within 30 days after publication of the *Federal Register* notice prescribed by 5 CFR §1320.5(a)(1)(iv).