

How Criminal Records Affect Passports and Your Right to Travel

Can I be denied a U.S. passport due to my record? YES. Even if you are a U.S. citizen, the Federal Government can deny you a U.S. passport in several instances. (22 CFR § 51.60, 22 U.S. Code § 2714)

- You have an outstanding federal, state, or local warrant for your arrest for a felony.
- You are currently serving time in prison or are under a supervised release program.
- You are prohibited from leaving the country under a court order, probation, or parole.
- You are currently imprisoned or on other supervised release following imprisonment as the result of a conviction for a Federal or state felony drug offense.
- You are currently imprisoned or on other supervised release following imprisonment as a result of a conviction for a misdemeanor federal or state drug offense AND the Secretary of State makes an individual determination that in your case a passport shall not be issued (this section does not apply to a first conviction for a misdemeanor which involves only possession of a controlled substance).
- You have been convicted of sex trafficking crimes under 18 U.S.C § 2423 and utilized your passport or crossed an international border in committing the underlying offense.
- You fall under one of the other exclusion categories, including but not limited to: you owe more than \$2500 in back child support; you fail to include a social security number on the application or include an incorrect/invalid social security number; or you have been declared legally incompetent.

See <https://travel.state.gov/content/travel/en/passports.html> for additional information

Can I be denied entry to a country due to my criminal record even if I have a U.S. passport? YES. Each country has its own entry restrictions.

- Before booking tickets or applying for a travel visa to a foreign country, check online to ensure that you are not barred entry due to your criminal history.
- In some cases, you can apply for a specialized entry permit or a certificate of rehabilitation that will allow you to enter the country despite your criminal record.

Can I travel while serving a probation or parole sentence? MAYBE. You must either get permission from your supervising officer or the sentencing court.

TSA Pre-Check and Global Entry *(Allows approved applicants to move through airport security/customs faster)*

Can I be excluded from TSA pre-check due to my record? YES. Your TSA pre-check application will be denied if you were convicted within the last seven years, were released from incarceration within the last five years, or are currently wanted for certain crimes, such as:

- Distribution, possession with intent to distribute, or importation of controlled substance
- Unlawful possession, use, sale, manufacture, purchase, distribution, or otherwise illegal transportation of a firearm or other weapon
- Immigration violations
- Smuggling
- Crimes involving dishonesty, fraud, or misrepresentation, including identify fraud (exception for welfare fraud/bad checks)
- Rape or aggravated sexual abuse

See <https://www.tsa.gov/disqualifying-offenses-factors> for a full list of potential disqualifying crimes

Can I be excluded from Global Entry due to my record? YES. You may be denied participation in the Global Entry program if you:

- Have been convicted of any criminal offense
- Are the subject of an ongoing investigation by any federal, state, or local law enforcement agency
- Have pending criminal charges or outstanding warrants
- Cannot demonstrate your low-risk status for the US Customs and Border Patrol
- Have been denied the purchase of a firearm
- Provide false information

See <https://www.cbp.gov/travel/trusted-traveler-programs/global-entry/eligibility> for more information

Valid as of 9/8/2022

For more information about the Criminal Records Program at Georgia Justice Project, call our intake line at 40427-0027, ext. 238 or visit www.GJP.org.