



Embassy of the United States of America
100 Duke & Young Streets, Kingston, Georgetown, Guyana

**Ask the Consul Installment One Hundred Thirty-One
American Citizen Services**

Q: What can the U.S. Embassy do for a U.S. citizen in trouble with the law in Guyana?

The U.S. Embassy is concerned with the welfare of all U.S. citizens in Guyana, whether they were born in Guyana, the United States, or somewhere else. The Embassy has a section known as American Citizen Services (ACS) that provides a wide range of services to U.S. citizens within Guyana including obtaining or renewing a U.S. passport, documenting a child born to a U.S. citizen parent or parents, or assisting with an emergency, such as death or arrest.

In the event that a U.S. citizen is arrested while in Guyana and as soon as the Embassy's Consular Section learns about the arrest, a consular officer requests permission from local authorities to visit the prisoner within a specific timeframe. If the individual arrested is detained at a prison or police station located close to the Embassy, the officer will usually conduct the visit within 24 hours. When the prison or police station is located farther away, the visit is normally within 48 hours of learning of the arrest. Once the detained U.S. citizen is tried and sentenced, a consular officer will conduct a prison visit on a quarterly basis unless there is a specific need for more frequent contact.

During the initial visit, the consular officer meets with the U.S. citizen prisoner to ascertain his/her physical and medical condition and to seek permission to contact the U.S. citizen's family or friends in the United States, if the prisoner wishes. The consular officer will provide the arrested U.S. citizen with a list of local attorneys and some basic information about

the legal system in Guyana. Also, if the authorities allow, the consular officer can take the prisoner's U.S. passport to the Embassy for safekeeping, and with the individual's permission, arrange for a friend to store his/her personal belongings. The consular officer can protest on the prisoner's behalf if there is evidence of mistreatment in prison. **However, it is important to note that the Embassy cannot get an individual released from custody simply because he/she is a U.S. citizen or secure preferential treatment at a standard different than that afforded Guyanese prisoners.** Finally, the consular officer can request prison officials to arrange medical care using the prisoner's funds, or after making contact with the prisoner's family, set up a trust or loan so that the prisoner can purchase toiletries or other necessities while he or she is detained.

Q: I am a U.S. citizen living in Guyana. Tax time will be approaching in a few short months and I would like to clarify something that was never really explained to me about taxes. I have been back in Guyana for the past couple of years paying income tax here. As a U.S. citizen, am I required to file a tax return in the United States or am I exempt because I am paying taxes to the Government of Guyana?

All U.S. citizens and legal permanent residents of the United States, regardless of the country where they physically reside or where they were born, are **required** to file an income tax return with the Internal Revenue Service (IRS) of the United States. It is a common misconception that U.S. citizens (or legal permanent residents) living abroad are exempt from filing an income tax return with the IRS. While there are a few exceptions whereby a U.S. citizen abroad might not have to pay U.S. income tax, most people are not covered by those exceptions. It is possible that a U.S. citizen overseas might qualify for the foreign earned income exclusion based on his/her individual circumstances. U.S. citizens living outside the United States are encouraged to contact the IRS directly for more detailed information. The IRS can be contacted by way of the individual tax help hotline, 1-800-829-1040 or through their website www.irs.gov where publications and forms can be downloaded.

Q: I was born in Guyana and am now a U.S. citizen. I plan to stay here for an open-ended period of time. Someone from the U.S. Embassy asked me if I was registered. What does that mean and why should I register?

By registering with the Embassy, a U.S. citizen informs the Consular Section of his/her arrival and stay in Guyana. Previously, U.S. citizens traveling abroad were encouraged to visit the U.S. Embassy in person to register their stay by filling out a registration card. Now, U.S. citizens overseas can register online at the Department of State website at <https://travelregistration.state.gov/ibrs/ui/> through the Smart Traveler Enrollment Program (STEP).

There are several reasons for registering. If there is an emergency, civil disturbance, or impending danger about which the Embassy decides to issue an advisory, the Consular Section needs to be able to communicate with U.S. citizens in Guyana quickly. Moreover, if there is a natural disaster that would require the evacuation of U.S. citizens, the registration system allows the Consular Section to identify more quickly those U.S. citizens in need of services. Registering through the STEP also allows the Embassy to better assist you in an emergency.

Q: I would like to vote in the Presidential election this year. What do I need to do?

The Department of State encourages all U.S. citizens abroad to exercise their right to vote. Citizens can register to vote by absentee ballot by visiting the following website, www.fvap.gov, and downloading and completing a postcard to mail in to your local election official. Your voting district will then mail an absentee ballot to the address you provide. The website also contains a state-by-state reference guide with the timelines by which you must register.

Q: I need to renew my passport. How soon do I need to come in to have it renewed?

It normally takes about two weeks to renew a U.S. passport. You do not have to wait until your passport is expired in order to renew. If you are planning a trip coming months and your passport has less than six months remaining validity, you can renew now in order to be assured that your new passport is processed in time for your travel. You can find the instructions and forms associated with renewing your passport on the U.S. Embassy's website <http://georgetown.usembassy.gov>.

Q: I am a U.S. citizen but I live in Guyana. Will I lose my status as a U.S. citizen? What if I acquire dual nationality?

No. You cannot lose your U.S. citizenship for simply living outside of the United States, or by automatically acquiring dual nationality. The concept of dual nationality means that a person is a citizen of two countries at the same time. Each country has its own citizenship laws based on its own policy. Persons may have dual nationality by automatic operation of different laws rather than by choice. For example, a child born in a foreign country to U.S. citizen parents may be both a U.S. citizen and a citizen of the country of birth.

A person who is automatically granted another citizenship does not risk losing U.S. citizenship. However, a person who acquires a foreign citizenship by applying for it may lose U.S. citizenship. In order to lose U.S. citizenship, the law requires that the person must apply for the foreign citizenship voluntarily, by free choice, and with the intention to give up U.S. citizenship. However, dual nationals owe allegiance to both the United States and the foreign country. They are required to obey the laws of both countries. Either country has the right to enforce its laws, some of which may even apply outside of the country (the requirement to file U.S. taxes, for example). Additionally, most U.S. citizens, including dual nationals, must use a U.S. passport to enter and leave the United States. Dual nationals may also be required by the foreign country to use its passport to enter and leave that country. Use of the foreign passport **does not** endanger U.S. citizenship.

“Ask the Consul” is a bi-weekly column from the U.S. Embassy answering questions about U.S. immigration law and visa issues. If you have a general question about visa policy please email it to us at AskGeorge@state.gov. We select questions every other week and publish the answers in Stabroek News and on our website at <http://georgetown.usembassy.gov/ask-the-consul.html>. Information about visas and travel can be viewed at <http://georgetown.usembassy.gov>, <http://travel.state.gov>, and at <http://www.dhs.gov>. Applicants are strongly encouraged to prepare their own documents and avoid third-party advice. U.S. Consular rules change frequently and non-US government advisors often provide inadequate or inaccurate information.

Other than the questions we select, we DO NOT respond to questions sent to Ask the Consul. Please contact the visa inquiries unit (email visageorge@state.gov or call 225-7965 between 8 am and 4 pm Monday through Friday) if you have questions about a specific case.