

# TRAINING



# BULLETIN

Date of Issue / Revision  
21 Dec 00

Index Number: III-O  
Alpha Index: Diplomatic and  
Consular Immunity

Evaluation Coordinator: Commander  
Automatic Revision Cycle: Years

*“Department Training Bulletins shall be used to advise members of current police techniques and procedures and shall constitute official policy.”*

## Diplomatic and Consular Immunity and the Treatment of Foreign Nationals<sup>1</sup>

### Table of Contents

Introduction .....	2
Persons Entitled to Privileges and Immunities .....	3
Further Explanation of Terms and Concepts .....	8
Identification of Persons Entitled to Privileges and Immunities .....	11
Responding to Incidents .....	17
Treatment of Foreign Nationals.....	20

### Significant Illustrations

Table of Diplomatic Immunities .....	10
Telephone and Fax Numbers to Verify Status and Report Incidents.....	16
Countries which Require Notification of Citizen's Detention/Arrest .....	22

---

<sup>1</sup> Information in this Training Bulletin is developed from Department of State Publication 10524, *Diplomatic and Consular Immunity*, Revised May 1998; and Department of State Publication 10518, *Consular Notification and Access*, Revised January 1998.



## **Introduction**

There are over 100,000 representatives of foreign governments, including dependents, in the United States. Some of these persons are members of diplomatic missions, others are assigned to consular posts, and still others are employees of international organizations. Many of these persons are entitled to some degree of immunity and/or privilege under international law.

Diplomatic immunity can be broadly defined as the freedom from local jurisdiction granted by the State Department to duly accredited diplomatic officers, their families, and official staffs.

Diplomatic privileges are entitlements granted to such individuals by the State Department, which may include special driver's licenses and license plates, various tax exemption cards, and other types of assistance.

It is the policy of the Oakland Police Department to treat all diplomatic and consular officers, staffs, and families with the respect appropriate to their distinguished positions. Failure to respect the immunities and privileges of accredited individuals may complicate diplomatic relations between the United States and the other country concerned. It may also lead to harsher treatment of U.S. personnel abroad since the principle of reciprocity has been integral to diplomatic relations since ancient times.



## **Persons Entitled to Privileges and Immunities Members of Diplomatic Missions**

Diplomatic missions or embassies are traditionally the principal communication link between the country that sends them and the host country. Accordingly, the staffs of diplomatic missions are afforded the highest level of immunity in the host country in order that they may effectively perform their duties.

What such immunity entails is described below. A table summarizing immunities granted to members of diplomatic missions-and all other individuals discussed in this Training Bulletin – provided on page 10.

### *Diplomatic Agents*

Diplomatic agents are political representatives sent by one country to another in order to deal directly with the officials of the host country. Diplomatic agents are concerned with international relationships and foreign policy. Their characteristic titles include, in order of rank, Ambassador, Minister, Counselor, Secretary (First, Second, or Third), and Attache.

Diplomatic agents enjoy the highest degree of immunity.

They enjoy complete personal inviolability, which means that they may not be handcuffed, arrested, or detained (except in the extraordinary circumstances described on page 8), and their property, vehicle, and residence may not be entered or searched.

Diplomatic agents also enjoy complete immunity from the criminal jurisdiction of the host country's courts and cannot be prosecuted-no matter how serious the offense-unless their immunity is waived by the sending state.

Diplomatic agents have immunity from civil suits except in very limited circumstances.

Diplomatic agents enjoy complete immunity from the obligation to provide evidence as witnesses and cannot be required to testify even if they have been the victim of a crime.

Family members of a diplomatic agent's household enjoy the same immunities as the sponsoring diplomatic agent. The United States defines "family member" as spouse, children under the age of 21 – or under the age of 23 if they are full-time students at an institution of higher learning and such other persons as expressly agreed to by the U.S. Department of State.



---

## Diplomatic and Consular Immunity, Index Number III-O

### *Members of Administrative and Technical Staff*

Members of the administrative and technical staff of a diplomatic mission – secretaries, certain clerical personnel, office managers, and certain professional security personnel-perform tasks critical to the workings of an embassy.

Members of the administrative and technical staff enjoy immunities identical to those of diplomatic agents in respect to personal inviolability, immunity from criminal jurisdiction, and immunity from the obligation to provide evidence as witnesses.

Members of the administrative and technical staff enjoy official-acts immunity from civil jurisdiction. Official-acts immunity, or immunity from prosecution for acts performed in the execution of one's official duties, is fully discussed on page 8.

With one exception, family members of administrative and technical staff enjoy the same immunities as their sponsors. Because family members have no official duties, they enjoy no official-acts immunity from civil jurisdiction.

### *Members of Service Staff*

Members of the service staff of a diplomatic mission-personnel who perform such tasks as driving, cleaning, and building-and-grounds maintenance-perform less critical support tasks for their missions than members of the administrative and technical staff and are accorded fewer immunities.

Service staff members have only official-acts immunity from criminal and civil jurisdiction and enjoy no personal inviolability, no inviolability of property, and no immunity from the obligation to provide evidence as witnesses.

The families of service staff members enjoy no immunities.

### *Temporary Duty*

Persons sent to the United States on short-term official duty with diplomatic missions ordinarily do not enjoy any immunities.

Law-enforcement officials should nonetheless seek prompt verification from the U.S. Department of State in particular cases involving such individuals. A Telephone Contact List is provided on page 16.



### **Members of Consular Posts**

Consular officers are members of their nation's professional diplomatic services and may be designated by rank as Consul General, Deputy Consul General, Consul, and Vice Consul.

Their principal duties consist of protecting the interests of their nationals, promoting the business of their countries, issuing passports, and performing other administrative and legal functions.

Consular officials are stationed in major cities throughout the U.S.

There are sixty-four consulates in Northern California, forty-one staffed by career diplomats and twenty-three by American citizens serving as honorary consuls.

The immunities granted to consular officers and their staffs are described below. A table summarizing these immunities is provided on page 10.

#### *Consular Officers*

Consular officers are those members of consular posts who are recognized by both the sending and host country as fully authorized to perform the broad array of formal consular functions.

Consular officers may be arrested pending trial only if the offense is a felony and a warrant is issued by an appropriate court.

Consular officers have official-acts immunity in respect to both criminal and civil matters.

Consular officers can be prosecuted for misdemeanors but remain at liberty pending trial or other disposition of charges.

Property of consular officers is not inviolable.

Consular officers are not obliged to provide evidence as witnesses in connection with matters involving their official duties, to produce official documents, or to provide expert witness testimony on the law of the sending country.

Consular officers who are full-time practitioners of consular functions are referred to as "career" consular officers. Career consular officers are prohibited by international law from engaging in professional or commercial activities outside the scope of their official consular functions.

The family members of consular officers enjoy no personal inviolability and no jurisdictional immunity of any kind.



*Members of Administrative and Technical Staff*

Employees who perform the administrative and technical support services for a consular post have no personal inviolability and enjoy immunity from criminal and civil jurisdiction only for official acts. They enjoy immunity from the obligation to provide evidence as witnesses only in respect to official acts.

The family members of consular employees enjoy no personal inviolability or jurisdictional immunities of any kind.

*Consular Service Staff*

Consular service staff do not enjoy personal inviolability or jurisdictional immunity of any kind, but they do have immunity from the obligation to provide evidence as witnesses in respect to official acts.

The family members of consular service staff enjoy no personal inviolability or jurisdictional immunities.

*Honorary Consuls*

Honorary consuls are American citizens or permanent resident aliens who perform consular services on a part-time basis.

Honorary consuls do not enjoy personal inviolability and may be arrested pending trial if circumstances warrant.

Honorary consuls have only official-acts immunity from criminal and civil jurisdiction and only immunity from the obligation to provide evidence as witnesses in respect to official acts.

Unlike career consuls, honorary consuls are permitted to carry on another business.

Family members of honorary consuls enjoy no immunity or personal inviolability.



### **Nationals or Permanent Residents of the United States**

The rules set forth above assume that members of a diplomatic or consular mission are nationals of the sending country.

The United States does not accept as diplomatic agents or consular officials-other than honorary consuls-its own nationals, legal permanent residents of the United States, or others who are permanently resident in the United States.

The family members of diplomatic agents enjoy no immunities if they are nationals of the United States.

Members of an administrative and technical staff, their families, and members of a service staff enjoy no immunities if they are U.S. nationals, legal permanent residents, or foreign nationals permanently resident in the United States.

### **Special Bilateral Agreements**

With some countries, the United States has concluded bilateral agreements which grant to all members of the staff of their respective embassy or consular offices-provided they are nationals of the sending country-the immunities to which only diplomatic agents are normally entitled.

The identification cards issued to individuals of these embassies and offices (see page 11) reflect this status.

### **International Organization Personnel and National Missions to Such Organizations**

In determining the immunity of persons associated with international organizations, such as the United Nations, officers should be guided by the identity documents issued to such persons.

The vast majority of these employees enjoy only official-acts immunity from criminal and civil jurisdiction and no personal inviolability.

In certain cases, however, the most senior executives of such organizations have been accorded privileges and immunities equal to those afforded diplomatic agents.



## **Further Explanation of Terms and Concepts Regarding Diplomatic and Consular Immunity**

### **Official-Acts Immunity**

Official-acts immunity pertains in numerous different circumstances. No law-enforcement officer, State Department officer, or diplomatic mission or consulate is authorized to determine whether a given set of circumstances constitutes an official act.

Determining what constitutes an official act is an issue which may only be resolved by the court with jurisdiction over the alleged crime.

Thus, a person enjoying official-acts immunity from criminal jurisdiction may be charged with a crime and may, in this connection, be required to appear in court in person or through counsel. At this point, however, such person may assert as a defense that the action complained of arose in connection with the performance of official acts.

If, upon examination, the court agrees, then the court is without jurisdiction to proceed and the case must be dismissed.

A full and complete police report may be critical in permitting the court to make a just decision.

### **Personal Inviolability vs. Public Safety**

As discussed above, personal inviolability is enjoyed by diplomatic agents, members of a diplomatic agent's administrative and technical staff, family members of such individuals, senior executives of international organizations such as the United Nations, and, to a much lesser degree, by career consular officers.

This inviolability generally precludes handcuffing, arrest, or detention in any form and forbids U.S. authorities from entering the residences, automobiles, or other property of protected persons.

Personal inviolability, however, is qualified by the understanding, well established in international practice, that the host country does not give up its right to protect the safety and welfare of its citizens and retains the right, in extraordinary circumstances, to prevent the commission of a crime.

Thus, in circumstances in which public safety is in imminent danger or it is apparent that a grave crime may otherwise be committed, police officers may intervene to the extent necessary to halt such activity.

This principle includes the power of the police to defend themselves and others from personal harm.





### **Waiver of Immunity**

Privileges and immunities are extended from one country to another in order to permit their representatives to perform their duties effectively; in a sense, it may be said the sending countries "own" these privileges and immunities.

Therefore, while the individual enjoying such immunities may not waive them, the sending countries can and do.

Officers should never address the alleged commission of a crime by a person enjoying full criminal immunity with the belief that there is no possibility that a prosecution could result.

The U.S. Department of State requests waivers of immunity in every case in which the prosecutor advises that, but for the immunity, charges would be pursued.

In serious cases, if a waiver is refused, the offender will be expelled from the United States and the Department of State will request that a warrant be issued and appropriate entries be made to the National Crime Information Center (NCIC) database by the responsible jurisdiction.

The seeking of a waiver of immunity is handled entirely via diplomatic channels, but effective and informed police work is the basis of the prosecutor's decision and the foundation for the waiver request and any subsequent prosecution or expulsion.

### **Termination of Immunity**

Criminal immunity precludes the exercise of jurisdiction by the courts over an individual whether the incident occurred prior to or during the period in which such immunity exists.

This jurisdictional bar, however, is not a perpetual benefit. With the exception of immunity for official acts, which exists indefinitely, criminal immunity expires upon the termination of the diplomatic or consular tour of the individual.

Therefore, obtaining an indictment, information, or an arrest warrant could lay the foundation for a prosecution at a later date if the diplomat returns to the United States in a private capacity.

Moreover, the existence of an outstanding arrest warrant may be entered into the records of the NCIC and bar the subsequent issuance of a U.S. visa permitting such person to enter the United States.



## Diplomatic and Consular Immunity, Index Number III-O

Diplomatic Immunities							
	Category	May Be Arrested Or Detained	Residence May Be Entered Subject to Ordinary Procedures	May Be Prosecuted (Criminal Jurisdiction)	May Be Issued Traffic Citation	May Be Subpoenaed As Witness	Family Member
Diplomatic	Diplomatic Agent	No	No	No	Yes	No	Full Immunity and Inviolability
	Member of Administrative & Tech Staff	No	No	No	Yes	No	Full Immunity and Inviolability
	Service Staff	Yes	Yes	No for Official Acts; Otherwise Yes	Yes	Yes	No Immunity Or Inviolability
Consular	Career Consular Officers	Yes, if for a Felony & Have Warrant	Yes	No for Official Acts; Otherwise Yes	Yes	No for Official Acts; Testimony may not be compelled in any case	No Immunity Or Inviolability
	Honorary Consular Officers	Yes	Yes	No for Official Acts; Otherwise Yes	Yes	No for Official Acts; Yes in all other cases	No Immunity Or Inviolability
	Member of Administrative & Technical Staff	Yes	Yes	No for Official Acts; Otherwise Yes	Yes	No for Official Acts; Yes in all other cases	No Immunity Or Inviolability
	Service Staff	Yes	Yes	Yes	Yes	No for Official Acts; Yes in all other cases	No Immunity Or Inviolability
International Organization	International Org. Staff	Yes	Yes	No for Official Acts; Otherwise Yes	Yes	No for Official Acts; Yes in all other cases	No Immunity Or Inviolability
	Diplomatic Level Staff of Missions To International Organizations	No	No	No	Yes	No	Full Immunity and Inviolability
	Support Staff Of Missions To International Organizations	Yes	Yes	No for Official Acts; Otherwise Yes	Yes	No for Official Acts; Yes in all other cases	No Immunity Or Inviolability



## **Identification of Persons Entitled to Privileges and Immunities**

### **Identification Cards Issued by the U.S. Department of State**

The identification card issued by the U.S. Department of State<sup>2</sup> to all persons entitled to diplomatic immunities and/or privileges provides an accurate indication of the holder's status.

Each card is 3% x 2Y2 inches in size. The front of the card displays a photograph of the individual to whom the card is issued. The front of the card also displays the individual's name, title, mission, city and state of assignment, date of birth, identification number, the card's expiration date, and a U.S. Department of State seal.

The card's reverse side displays a brief statement of the immunity enjoyed by the bearer. Space is provided for the bearer's signature.

Diplomatic agents are issued a Diplomatic Identification Card with a blue border, embassy employees are issued an Official Identification Card with a green border, and consular personnel are issued a Consular Identification Card with a red border. See Figures 2, 3, and 4 on the following page.

The U.S. Department of State recommends officers verify the status of all individuals claiming immunity even when the individual bears a proper identification card.

Department of State representatives are available twenty-four hours a day to verify a person's status. See the telephone list on page 16.

Officers should be aware that newly arrived members of diplomatic and consular staffs may not yet have official identify documents. In such instances, officers seek telephone verification of an individual's status.

---

<sup>2</sup> Identification cards issued to persons accredited to the United Nations are issued by the U.S. Mission to the United Nations.



Figure 2: Identification card issued to diplomatic officers and their families.



Figure 3: Identification card issued to embassy administrative and technical staff and their families and to embassy service staff.



Figure 4: Identification card issued to career consular officers; honorary consular officers; and to consular administrative, technical, and service staff.



## Foreign Diplomatic Passports Containing U.S. "A" or "G" Visas

Foreign diplomatic passports containing U.S. "A" or "G" visas are issued to a broad range of persons, including those who enjoy no immunities or privileges in the United States.<sup>3</sup>

This situation is often not fully understood even by the bearers of such documents, so officers must be alert to good faith but erroneous assertions of immunity by those not entitled to it.

The possession of these documents is an indication that the bearer might be entitled to privileges and immunities in the United States. Officers seek telephone verification of the individual's status whenever the need to confirm such status arises.

## Tax Exemption Cards

Under international law, many members of diplomatic missions and consular posts are entitled to exemption from sales tax in the United States. Such individuals are issued tax exemption cards. See Figure 5.

Tax exemption cards do not give a definitive indication of the bearer's degree of immunity and should not be relied upon for immunity purposes.

Officers seek telephone verification of an individual's status whenever the need to confirm such status arises.



Figure 5: Front and back of a Tax Exemption Card

<sup>3</sup> All foreign personnel assigned to diplomatic or consular missions in the U.S. are issued A-category visas. Foreign personnel assigned to an international organization in the U.S. or to a foreign country's mission to such an organization are issued G-category visas.



## Automobile License Plates, Registration, and Driver's License

Through its Office of Foreign Missions' Diplomatic Motor Vehicle Office, the U.S. Department of State has jurisdiction over the registration of vehicles, the issuance of distinctive license plates for those vehicles, and the issuance of operator's permits for individuals who enjoy such privilege in the United States.

Vehicle license plates issued by the U.S. Department of State are coded to reflect the degree of immunity which the registered owner enjoys. See Figure 6.

Plates with a "D" prefix are issued to diplomatic missions and those members who hold diplomatic rank.

Plates with a "C" prefix are issued to consular missions and career consular officers.

Plates with an "S" prefix are issued to the administrative and technical staff at diplomatic missions and consular employees at consular missions.

Plates with an "A" prefix are issued to official vehicles of the Secretariats of the United Nations and the Organization of American States and to the personally owned vehicles of those organization's staff members who have diplomatic status.

These plates alone should not be considered verification of the vehicle operator's status. A U.S. citizen who is the spouse of a diplomat may be driving a car with "D" plates even though he or she does not have immunity of any kind. Conversely, a diplomatic agent with full immunity may be driving a rented or borrowed car that does not have any type of special license plate.

As in other instances, officers verify through telephone contact any driver's claim of diplomatic or consular status.



Figure 6: License plates issued by the Department of State are coded to reflect the degree of immunity which the registered owner enjoys.





A vehicle registration card is issued at the time a vehicle is registered. Decals with the month and year reflecting the expiration date of the registration period are issued with the card and must be displayed on the vehicle's rear license plate.

An example of a driver's license issued to a diplomat by the Department of State is provided in Figure 7.

The Department of State's vehicle registration and driver's license records are available to officers through the National Law Enforcement Telecommunications System (NLETS). Officers may access these records using the standard NLETS registration and driver query formats. NLETS has assigned state code (destination ORI) "US" to this data base.

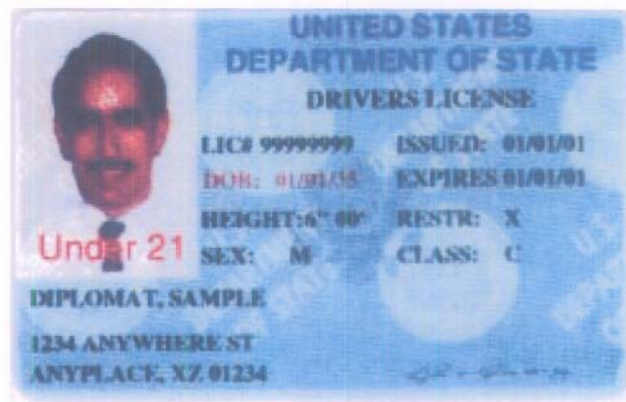


Figure 7: Driver's License issued by the Department of State



## Telephone and Fax Numbers

### To Obtain Information or Send Incident Reports Regarding Diplomatic and Consular Personnel

#### For Information on Diplomatic and Consular Personnel and Personnel of International Organizations other than the United Nations during Normal Business Hours

Status of Diplomatic Agents and Family Members.....	202-647-1664
Status of Embassy Administrative, Technical, and Service Staff & Families .....	202-647-1405
Status of Consular Personnel and Families .....	202-647-1404
Status of Personnel of International Organizations .....	202-647-1402
Status of Federal License Plates and Vehicle Registration.....	202-895-3532
Status of Federal Driver's Licenses .....	202-895-3521
To Report Traffic Incidents or Accidents or Issuance of Citations .....	202-895-3521
To Fax Copies of Incident Reports and Citations.....	202-895-3613

#### For Information on Diplomatic and Consular Personnel and Personnel of International Organizations other than the United Nations after Normal Business Hours

All Inquiries .....	202-647-7277
---------------------	--------------

#### For Information on United Nations Personnel during Normal Business Hours

Status of Diplomatic Agents and Family Member .....	212-415-4131
Status of U.N. Mission staff and Family Members .....	212-415-4168
Status of U.N. Secretariat Employees .....	212-415-4131 or 212-415-4168
Motor Vehicle Information .....	212-826-4500
Fax Copies of Police Reports .....	212-415-4162

#### For Information on United Nations Personnel after Normal Business Hours

All Inquiries .....	212-415-4444
---------------------	--------------

Figure 8: List of Telephone and Fax Numbers to Obtain Information or Fax Reports Regarding  
Diplomatic, Consular, and United Nations Personnel





## **Responding to Incidents**

### **General Procedures**

The vast majority of persons entitled to privileges and immunities in the United States are judicious in their actions and keenly aware of the significance attached to their actions as representative of their sending State.

On occasion, however, one of these persons may become involved in criminal misconduct. The most common types of misconduct are traffic violations, shoplifting, and assault.

Whatever the offense or circumstances of contact, officers should keep in mind that such persons are official representatives of foreign governments who are to be accorded the maximum degree of respect possible under the circumstances. Police handling of incidents in this country may have a direct effect on the treatment of U.S. diplomatic or consular personnel abroad.

When an officer is called to the scene of a criminal incident involving a person who claims diplomatic or consular immunity, the first step an officer takes, after attending to any first-aid requirements or health emergency present, is to verify the status of the suspect.

Should the person be unable to produce satisfactory identification and the situation is one that would normally warrant arrest or detention, the officer informs the individual that he or she will be detained until his or her identity can be confirmed.

In all cases, including those in which the suspect provides a State Department issued identification card, the officer should verify the individual's status with the U.S. Department of State or, in the case of the U.N. community, with the U.S. Mission to the United Nations. Appropriate telephone numbers are provided in the table on the facing page.

If the suspect enjoys personal inviolability, he or she may not be handcuffed-except when the individual poses an immediate threat to safety-and may not be arrested or detained.

Once all pertinent information is obtained, the individual must be released.

The officer fully describes the details and circumstances of the incident in his or her report in accordance with normal procedure.

A copy of the incident report should be faxed to the Department of State or, in cases involving the U.N. community, to the U.S. Mission in New York at the appropriate fax number given on the facing page.



### **Traffic Enforcement**

Stopping a mission member or dependent and issuing a traffic citation for a moving violation does not constitute arrest or detention and is permitted.

However, the subject may not be compelled to sign the citation. If an individual invokes his/her privilege not to sign a citation, the officer writes the word, "refused," across the face of the citation.

In all cases, officers shall follow department guidelines and document the facts of the incident fully.

A copy of the citation and any other documentation regarding the incident should be forwarded to the State Department.

For "must appear" offenses, the State Department uses the citation and any report as the basis for requesting an "express waiver of immunity."

Individuals cited for prepayable offenses are given the option of paying the fine or obtaining a waiver in order to contest the charge.

In serious cases, such as DWI, DUI, personal injury, or accidents, officers are urged to provide telephone notification to the Department of State.

Officers shall follow Department guidelines with respect to the conduct of a field-sobriety test. If appropriate, field sobriety testing should be offered and the results documented. A field sobriety test may not be compelled.

If an officer judges an individual too impaired to drive safely, the officer does not permit the individual to continue to drive-even if the individual is a diplomatic agent. The officer may, with the individual's permission, take the individual to the Police Administration Building or to some other location where he or she may recover sufficiently to drive. The officer may summon, or allow the individual to summon, a friend or relative to drive, or the officer may call a taxi for the individual. If appropriate, the officer may choose to supply the individual with transportation.

The Department of State's Diplomatic Motor Vehicle Office maintains driver histories on all its licensees and assesses points for moving violations. Drivers who demonstrate a pattern of bad driving habits or who commit an egregious offense such as DWI are subject to having their licenses suspended or revoked. This policy can be enforced effectively only if all driving infractions are reported to the State Department.



The property of a person enjoying full criminal immunity, including his or her vehicle, may not be searched or seized.

Such vehicles may not be impounded or "booted" but may be towed the distance necessary to remove them from obstructing traffic or endangering public safety.

If a vehicle that is owned by a diplomat is suspected of being stolen or used in the commission of a crime, occupants of the vehicle may be required to present vehicle documentation to permit police verification of the vehicle's status through standard access to NLETS (access code US).

Should the vehicle prove to have been stolen or used by unauthorized persons in the commission of a crime, the inviolability to which the vehicle would normally be entitled must be considered temporarily suspended, and normal search of the vehicle and, if appropriate, detention are permitted.

Vehicles registered to consular officials and consulates are not inviolable and may be towed, impounded, or booted in accordance with department procedures. The Department of State should be notified whenever a consular vehicle is detained or impounded.

When an officer determines that a vehicle is being operated without insurance and/or verifies with the Department of State that a vehicle bearing Department of State license plates is not the vehicle for which those plates are intended, the Department of State may request the officer to impound the plates and return them to the Department of State.



## **Treatment of Foreign Nationals**

A foreign national is an individual who is not a U.S. citizen and who is in the United States, whether legally or not.

Foreign nationals who are in the United States illegally should be referred to the Immigration and Naturalization Service.

The information below refers to foreign nationals who are in the United States legally.<sup>4</sup>

### **Steps to Follow When a Foreign National Is Arrested or Detained**

1. Determine the foreign national's country.

In the absence of other information, assume the foreign national's country is the country which issued the foreign national's passport or other travel documents.

2. Determine if the foreign national's country is one which requires mandatory notification of its citizens' arrest or detention.

The chart on page 22 provides a list of those countries requiring notification.

3. *If the foreign national's country is one which requires mandatory notification:*

Notify the country's nearest consular officials without delay of the arrest or detention.

Report Writing Manual Insert T 20, *Detention of Foreign Nationals*, provides a comprehensive list of foreign embassies and consulates in the United States.

Inform the foreign national that you are making this notification.

*If the foreign national's country is one which does not require mandatory notification:*

Offer to notify the foreign national's consular officials of the arrest or detention.

If the foreign national asks that consular notification be given, notify the nearest consular officials of the foreign national's country without delay.

4. Keep a written record of the notification.

---

<sup>4</sup> Department policy regarding the crews of foreign-flag vessels is stated in Training Bulletin I-N, *Jurisdiction on the Oakland Estuary*.

**Death of a Foreign National**

If federal, state, or local government officials become aware of the death of a foreign national in the United States, they must ensure that the nearest consulate of that national's country is notified of the death.

This notification permits the foreign government to make an official record of the death for its own legal purposes and helps ensure that the foreign national's family and legal heirs, if any, are informed of the death.



### **Mandatory Notification Countries**

Antigua and Barbuda	Mauritius
Armenia	Moldova
Azerbaijan	Mongolia
Bahamas, The	Nigeria
Barbados	Philippines
Belarus	Poland (non-permanent residents only)
Belize	Romania
Brunei	Russia
Bulgaria	Saint Kitts and Nevis
China <sup>1</sup>	Saint Lucia
Costa Rica	Saint Vincent and the Grenadines
Cyprus	Seychelles
Czech Republic	Sierra Leone
Dominica	Singapore
Fiji	Slovakia
Gambia, The	Tajikistan
Georgia	Tanzania
Ghana	Tonga
Grenada	Trinidad and Tobago
Guyana	Turkmenistan
Hong Kong <sup>2</sup>	Tuvalu
Hungary	Ukraine
Jamaica	United Kingdom <sup>3</sup>
Kazakhstan	U.S.S.R. <sup>4</sup>
Kiribati	Uzbekistan
Kuwait	Zambia
Kyrgyzstan	Zimbabwe
Malaysia	
Malta	

---

<sup>1</sup> Notification is not mandatory in the case of persons who carry "Republic of China" passports issued by Taiwan. Such persons should be informed that the nearest office of the Taipei Economic and Cultural Representative Office can be notified at their request.

<sup>2</sup> Hong Kong reverted to Chinese sovereignty on July 1, 1997. U.S. officials are required to notify Chinese officials of the arrest or detention of the bearers of Hong Kong passports immediately, and in any event, within four days of the arrest or detention.

<sup>3</sup> British dependencies also covered by this agreement are Anguilla, British Virgin Islands, Bermuda, Montserrat, and the Turks and Caicos Islands. Their residents carry British passports.

<sup>4</sup> Although the U.S.S.R. no longer exists, some nationals of its successor states may still be traveling on its passports. Mandatory notification should be given to consular officers for all nationals of such states, including those traveling on old U.S.S.R. passports. The successor states are listed separately above.