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United States Department of State

CONSULAR NOTIFICATION AND ACCESS

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Instructions for Federal, State, and Local Law Enforcement and Other Officials Regarding Foreign Nationals in the United States and the Rights of Consular Officials to Assist Them

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ABOUT THIS MANUAL

This manual contains instructions and guidance relating to the obligations of federal, state, and local government officials to provide information to foreign consular officers and to permit foreign consular officers to assist their nationals in the United States. It focuses on the obligations of consular notification and access that pertain to the arrest and detention of foreign nationals; the appointment of guardians for minor and adult foreign nationals; deaths and serious injuries of foreign nationals; and wrecks or crashes of foreign ships or aircraft on U.S. territory. It also addresses related issues pertaining to the provision of consular services by foreign consular officers to their nationals in the United States. The instructions and guidance in this manual pertain to all foreign nationals in the United States, regardless of their legal status.

This manual is designed to help ensure that foreign governments can extend appropriate consular services to their nationals in the United States and that the United States complies with its legal obligations to such governments. These legal obligations arise primarily from treaties, which form part of the supreme law of the land under Article VI of the U.S. Constitution. The instructions and guidance contained in this manual must be followed by all federal, state, and local government officials, whether law enforcement, judicial, or other, insofar as they pertain to foreign nationals subject to the officials' authority or to matters within the officials' competence. Compliance with these instructions and guidance will also help ensure that the United States can insist upon rigorous compliance by foreign governments with respect to U.S. nationals abroad, and will help prevent both international and domestic litigation. The Department of State appreciates the assistance of all federal, state, and local government officials in helping to achieve these objectives.

If you have any questions not addressed in this manual, write or call:

Consular Notification & Access (CNA)
U.S. Department of State
CA/P
SA-17, 12th Floor
Washington, DC 20522-1712

Telephone: (202) 485-7703
Fax: (202) 485-6170
Email: consnot@state.gov
Website: *http://travel.state.gov/CNA*
Twitter: @ConsularNotify

For urgent telephone inquiries outside normal business hours, you may call the **Department of State Operations Center at (202) 647-1512**.

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The text of this manual, which the Department of State updates periodically, is also available at *http://travel.state.gov/CNA*, along with the most up-to-date contact information for foreign embassies and consulates within the United States and other reference materials. All Department of State reference materials on this subject matter are available free of charge to U.S. law enforcement and other government officials. The Department also offers free training seminars on consular notification and access throughout the United States. Please visit the website listed above for further information and to request training.

Additional requirements must be followed in cases pertaining to foreign diplomatic and consular officers and their families. For information on the treatment of such individuals, including in cases of arrests, call the Department of State's Office of Protocol at (202) 647-1985. After hours, you may call the Protective Liaison Division of the Department of State's Bureau of Diplomatic Security at (571) 345-3146 or (866) 217-2089, or send a fax to (202) 895-3613. Further information about diplomatic and consular immunity can be found at *www.state.gov/m/ds/immunities/c9118.htm.*

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PART ONE: BASIC INSTRUCTIONS

The following pages summarize the basic requirements regarding consular notification and access. They are designed to be distributed or posted as readily accessible instructions or notices to all federal, state, and local officials who may have contact with a foreign national in a situation triggering a requirement to notify the foreign national's consular officers.

These basic instructions and implementation tools, which may be freely photocopied and posted as notices, include:

- **Summary of Requirements Pertaining to Foreign Nationals**
- **Steps to Follow When a Foreign National Is Arrested or Detained**
- **"Mandatory Notification" ("List") Countries**
- **Flow Chart of Arrest or Detention Notification Procedures**

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SUMMARY OF REQUIREMENTS PERTAINING TO FOREIGN NATIONALS

- When foreign nationals from most countries are arrested or detained, they may, upon request, have their consular officers notified without delay of their arrest or detention, and may have their communications to their consular officers forwarded without delay. In addition, foreign nationals must be advised of this information without delay.
- For foreign nationals of some countries, consular officers must be notified of the arrest or detention of a foreign national even if the foreign national does not request or want notification.
- Consular officers are entitled to communicate with and to have access to their nationals in detention, and to provide consular assistance to them, including arranging for legal representation.
- When a law enforcement or other government official becomes aware of the death, serious injury, or serious illness of a foreign national, consular officers must be notified.
- When a guardianship or trusteeship is being considered with respect to a foreign national who is a minor or an incompetent adult, consular officers must be notified.
- When a foreign ship wrecks or a foreign aircraft crashes in U.S. territory, consular officers must be notified.

These are mutual obligations that also apply to foreign authorities when they arrest or detain U.S. citizens abroad. In general, you should treat a foreign national as you would want a U.S. citizen to be treated in a similar situation in a foreign country. This means prompt and courteous compliance with the above requirements.

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STEPS TO FOLLOW WHEN A FOREIGN NATIONAL IS ARRESTED OR DETAINED

1. DETERMINE THE FOREIGN NATIONAL'S COUNTRY OF NATIONALITY. IN THE ABSENCE OF OTHER INFORMATION, ASSUME THIS IS THE COUNTRY ON WHOSE PASSPORT OR OTHER TRAVEL DOCUMENT THE FOREIGN NATIONAL IS TRAVELING.

2. IF THE FOREIGN NATIONAL'S COUNTRY IS NOT ON THE LIST OF "MANDATORY NOTIFICATION" ("LIST") COUNTRIES AND JURISDICTIONS (SEE PAGE 4 FOR THE LIST):

   - Inform the foreign national, without delay, that he or she may have his or her consular officers notified of the arrest or detention and may communicate with them. For a suggested statement in several different languages, see Part Five on pages 73 through 94 of this manual.
   - If the foreign national requests that his or her consular officers be notified, notify the nearest embassy or consulate of the foreign national's country without delay. Foreign embassy and consulate phone numbers, fax numbers and email addresses can be found on the Department of State's web site at *http://travel.state.gov/CNA*. A suggested notification fax sheet appears on page 95.
   - Forward any communication from the foreign national to his or her consular officers without delay.

3. IF THE FOREIGN NATIONAL'S COUNTRY IS ON THE LIST OF "MANDATORY NOTIFICATION" ("LIST") COUNTRIES:

   - Notify that country's nearest embassy or consulate, without delay, of the arrest or detention. Phone numbers, fax numbers and email addresses can be found on the Department of State's web site at *http://travel.state.gov/CNA*. You may use the suggested fax sheet on page 96 for making the notification.
   - Tell the foreign national that you are making this notification and inform him or her, without delay, that he or she may communicate with his or her consular officers. A suggested statement to the foreign national in several different languages appears in Part Five on pages 73 through 94 of this manual.
   - Forward any communication from the foreign national to his or her consular officers without delay.

4. KEEP A WRITTEN RECORD OF:

   - What information you provided to the foreign national and when.
   - The foreign national's requests, if any.
   - Whether you notified consular officers and, if so, the date and time of notification and the means you used to notify them (e.g., fax, phone or email). If you used fax to notify the consular officers, you should keep the fax confirmation sheet in your records. If you used email to notify the consular officers, you should retain the sent email in your records.
   - Any other relevant actions taken.

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MANDATORY NOTIFICATION COUNTRIES ("LIST" COUNTRIES)

Albania
Algeria
Antigua and Barbuda
Armenia
Azerbaijan
Bahamas
Barbados
Belarus
Belize
Brunei
Bulgaria
China (including Macao and Hong Kong)[1]
Costa Rica
Cyprus
Czech Republic
Dominica
Fiji
Gambia
Georgia
Ghana
Grenada
Guyana
Hungary
Jamaica
Kazakhstan
Kiribati
Kuwait
Kyrgyzstan
Malaysia
Malta
Mauritius
Moldova
Mongolia
Nigeria
Philippines
Poland[2]
Romania
Russia
Saint Kitts and Nevis
Saint Lucia
Saint Vincent and the Grenadines
Seychelles
Sierra Leone
Singapore
Slovakia
Tajikistan
Tanzania
Tonga
Trinidad and Tobago
Tunisia
Turkmenistan
Tuvalu
Ukraine
United Kingdom[3]
Uzbekistan
Zambia
Zimbabwe

[1] Notification is not mandatory in the case of persons who carry "Republic of China" passports issued by Taiwan. Such persons should be informed without delay that the nearest office of the Taipei Economic and Cultural Representative Office ("TECRO"), the unofficial entity representing Taiwan's interests in the United States, can be notified at their request. See also footnote 129 on page 64.
[2] Mandatory only for foreign nationals who are not lawful permanent residents in the United States (i.e., "green card" holders). Otherwise, upon the national's request. See the question "But since 'green card' holders are living in the United States permanently, why can't I ignore consular notification requirements for them?" at page 12; see also footnote 18 on page 41.
[3] The bilateral consular convention between the United States and the United Kingdom applies to British nationals from Great Britain (England, Wales, and Scotland); Northern Ireland; the Crown Dependencies of Jersey, Guernsey, and the Isle of Man; and the British Overseas Territories, including Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Gibraltar, Montserrat, and the Turks and Caicos Islands, along with other island territories. Residents of the Overseas Territories may be traveling on a passport issued by the territory with no indication that the territory is British. Nevertheless, for them and all others from a British possession listed above, consular notification and access should be provided to the nearest U.K. consulate. For advice on how to ascertain whether an arrested or detained person is a British national, as well as a complete list of the Overseas Territories, see the question "What about British nationals" on page 23. For the U.S.–U.K. convention, see footnote 30 on page 45.

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ARRESTING A NON-U.S. CITIZEN

Consular Notification Process

Q. Are you a U.S. citizen?

A. "YES, I am a U.S. citizen."

(No further action required.)

STOP

"NO, I am not a U.S. citizen."

NEXT

Q. Are you a national of one of these countries?

Albania
Algeria
Antigua and Barbuda
Armenia
Azerbaijan
Bahamas
Barbados
Belarus
Belize
Brunei
Bulgaria
China[1]
Costa Rica
Cyprus
Czech Republic
Dominica
Fiji
Gambia
Georgia
Ghana
Grenada
Guyana
Hungary
Jamaica
Kazakhstan
Kiribati
Kuwait
Kyrgyzstan
Malaysia
Malta
Mauritius
Moldova
Mongolia
Nigeria
Philippines
Poland[2]
Romania
Russia
St. Kitts and Nevis
St. Lucia
St. Vincent and the Grenadines
Seychelles
Sierra Leone
Singapore
Slovakia
Tajikistan
Tanzania
Tonga
Trinidad and Tobago
Tunisia
Turkmenistan
Tuvalu
Ukraine
United Kingdom[3]
Uzbekistan
Zambia
Zimbabwe

1. *Includes Hong Kong and Macao. Does not include Republic of China (Taiwan).*
2. *Mandatory only for non-permanent residents in the United States (i.e., those not holding a "green card"); for green card holders, notification is upon request.*
3. *UK includes Anguilla, British Virgin Islands, Bermuda, Montserrat, and the Turks and Caicos islands. Residents' passports bear the name of their territory and may also bear the name "United Kingdom." Whether or not the passport bears the name "United Kingdom," consular services for these persons are provided by UK consulates.*

A. "YES."

Step 1. Inform detainee that he or she may communicate with consulate, and that you must notify consulate of arrest/detention.

Step 2. Notify nearest consulate **without delay**.

Step 3. Make record of notification in case file. Where fax or email sent, keep fax confirmation or sent email.

Step 4. Allow consular officers access to detainee if they subsequently request access.

(No further action required.)

STOP

"NO."

Inform detainee, **without delay**, that he or she may have consulate notified of arrest/detention.

NEXT

Q. Do you want your consulate notified of your arrest/detention?

A. "YES."

Step 1. Make note in case file.

Step 2. Notify nearest consulate **without delay**.

Step 3. Make record of notification in case file. Where fax or email sent, keep fax confirmation or sent email.

Step 4. Allow consular officers access to detainee if they subsequently request access.

(No further action required.)

STOP

"NO."

Step 1. Make note in case file.

Step 2. Do **NOT** inform the consulate.

(No further action required.)

STOP

IN ALL CASES:

- *Do not inform consulate about detainee's refugee or asylum status.*
- *Detainee may communicate with consular officer and may request consular access at any time (whether previously declined or not).*
- *Consular officers may have access to detainee regardless of whether detainee requests it. Even if detainee does not want to be visited, consular officers may still have one face-to-face visit.*

Consular Notification & Access (CNA)
U.S. Department of State
CA/P
SA-17, 12th Floor
Washington, DC 20522-1712

P: 202-485-7703
F: 202-485-6170
consnot@state.gov

For more information visit: ***http://travel.state.gov/CNA***

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PART TWO:

DETAILED INSTRUCTIONS ON THE TREATMENT OF FOREIGN NATIONALS

If you are a federal, state, or local law enforcement, judicial, or other government official, you should follow the instructions in this manual whenever you are taking official actions relating to a foreign national. These instructions pertain to: (1) the arrest and detention of foreign nationals; (2) the appointment of guardians for foreign nationals who are minors or incompetent adults; (3) deaths of or serious injuries to foreign nationals in the United States; and (4) crashes of foreign aircraft or wrecks of foreign ships in U.S. territory. These instructions also address issues pertaining to the provision of consular services by foreign consular officers to foreign nationals in the United States. They are intended to ensure that foreign governments can extend appropriate consular services to their nationals in the United States and that the United States complies with its legal obligations to such governments.

The instructions in this manual are based on international legal obligations designed to ensure that governments can assist their nationals who live and travel abroad. While these obligations are in part matters of customary international law, most of them are set forth in the 1963 Vienna Convention on Consular Relations (VCCR), a multilateral treaty to which the United States and more than 170 other countries are party. Other obligations are contained in bilateral agreements (sometimes called “conventions” or “treaties”). These are legally binding agreements between the United States and one other country. Treaties such as the VCCR and other consular conventions are binding on federal, state, and local government officials to the extent they pertain to matters within such officials’ competence as a matter of international law and the U.S. Constitution. See U.S. Const., art. VI, cl. 2 (“all Treaties made . . . shall be the supreme law of the land”).

These instructions focus primarily on providing consular notification and access with respect to foreign nationals arrested or detained in the United States, so that their governments can assist them. The obligations of consular notification and access apply to U.S. citizens in foreign countries just as they apply to foreign nationals in the United States. When U.S. citizens are arrested or detained abroad, the U.S. Department of State seeks to ensure that they are treated in a manner consistent with these instructions, and that U.S. consular officers can similarly assist them. It is therefore particularly important that federal, state, and local government officials in the United States comply with these obligations with respect to foreign nationals here.

These instructions also discuss obligations relating to the appointment of guardians for foreign nationals who are minors or incompetent adults; to deaths of, serious injuries to, and serious illnesses of foreign nationals; and to accidents involving foreign aircraft or ships. Like the obligations of consular notification and access for arrest and detention cases, these are mutual obligations that also apply abroad.

The Department of State appreciates the continued cooperation of federal, state, and local law enforcement agencies, corrections officials, prosecutors, members of the judiciary, and other government officials in helping to ensure that foreign nationals in the United States are treated in accordance with these instructions. Such treatment will permit the United States to comply with its legal obligations domestically and to continue to expect rigorous compliance by foreign governments with respect to U.S. citizens abroad.

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ARRESTS AND DETENTIONS OF FOREIGN NATIONALS

Whenever you arrest or detain a foreign national in the United States, you must inform the foreign national, without delay, that he or she may communicate with his or her consular officers. In most cases, the foreign national then has the option to decide whether to have consular representatives notified of the arrest or detention. If the foreign national requests notification, you must notify the foreign national's consular officers of the arrest or detention. In some cases, a bilateral agreement between the United States and the foreign national's country may require you to notify the foreign national's consular officers of an arrest or detention automatically, regardless of the foreign national's wishes. Thus, you must notify consular officers that a national of their country has been arrested or detained if: (1) the foreign national requests notification after being informed of his or her option to make such a request; or (2) a bilateral agreement between the United States and the foreign national's country requires notification regardless of the foreign national's request. A list of all foreign embassies and consulates in the United States, with telephone and fax numbers, appears in Part Seven of this manual to facilitate notification in cases where notification is required.

NOTIFICATION REQUIRED AT THE FOREIGN NATIONAL'S REQUEST: THE GENERAL RULE

In all cases except those involving nationals from "mandatory notification" ("list") countries (see next section), you must inform the foreign national without delay that he or she may have his or her consular officers notified of the arrest or detention, and that he or she may communicate with the consular officers. Once informed of the option to request consular notification, the foreign national then decides whether he or she wants notification to occur. Some foreign nationals will request that their consular representatives be notified of their arrest or detention, while others will not. If the foreign national requests notification, you must ensure that the nearest consulate or embassy of the foreign national's country is notified of the arrest or detention without delay. This rule is set forth in Article 36(1)(b) of the VCCR, which applies to most countries.

Thus, the decision whether consular officers should be notified is for the foreign national to make unless the foreign national is from a "mandatory notification" ("list") country.

MANDATORY NOTIFICATION: THE SPECIAL RULE

In cases involving foreign nationals of certain countries, you must notify consular officers if one of their nationals is arrested or detained, regardless of whether the national requests or wants consular notification. The 57 "mandatory notification" countries are listed on page 4 of this manual. They may be referred to in this manual and other Department of State guidance as "mandatory notification" countries, "list" countries, or "special rule" countries.

Mandatory notification requirements arise from bilateral agreements between the United States and these 57 countries. The terms of the bilateral agreements are not identical to one another, however. Mandatory notification generally must be made to the nearest consulate or embassy "without delay," "immediately," or within a specific period of time established in the agreement.

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You should inform the foreign national that notification has been made and advise him or her of the option to communicate with his or her consular officers. The relevant provisions on mandatory notification in the United States' bilateral agreements are reproduced in Table A on pages 45 through 50.[4]

Privacy concerns or the possibility that a foreign national may have a legitimate fear of persecution or other mistreatment by his or her government may exist in some mandatory notification cases. The notification requirement should still be honored, but it is usually possible to take precautions regarding the disclosure of information. For example, it is not necessary to provide information about why a foreign national is in detention unless the agreement specifically requires that the reasons be given. A list of countries with bilateral agreements requiring you to give such reasons appears under the question "When I notify the consular officers, should I tell them the reasons for the detention?" on page 27. *Under no circumstances should any information indicating that a foreign national has or may have applied for asylum or withholding of removal in the United States or elsewhere be disclosed to that person's government.* If a consular officer insists on obtaining information about a detainee that the detainee does not want disclosed, the Department of State can provide more specific guidance.

RECORDKEEPING

Law enforcement agencies should keep written records sufficient to show compliance with the above notification requirements. At a minimum, these records should include:

- The date and time the foreign national was informed that he or she could communicate with consular officers and, if applicable, could request that consular officers be notified without delay of the arrest or detention. If information was provided in writing, retain a copy.
- Whether the foreign national requested notification, if applicable.
- Whether the consulate was notified and, if so, the date and time of notification, method of notification, and confirmation of receipt, if available. (If notification is sent via fax, the law enforcement agency should retain a copy of the notification receipt printed by the fax machine. If notification is sent via email, the law enforcement agency should retain a copy of the sent email.)
- Other relevant actions taken.

From time to time, the Department of State receives inquiries and complaints from foreign governments concerning foreign nationals in detention. In such cases, the Department may ask the relevant law enforcement officials whether and when the foreign national was provided with information about consular notification and access; whether he or she requested that his or her consular officers be notified of the arrest or detention; and whether and when this notification was in fact given to the consular officers. *The Department of State does not, however, maintain an inventory or tally of all foreign nationals jailed or imprisoned across the country, and cannot provide such information to foreign consular officers or foreign governments.* Foreign consular officers may raise concerns about consular notification directly with the responsible federal, state,

[4] The United States has bilateral agreements on consular matters with many countries, only some of which contain "mandatory notification" provisions. Others contain a notification requirement similar to that of the VCCR—that is, that consular officers be notified upon the request of a detained foreign national. While the relevant portions of most of these agreements are essentially the same as those of the VCCR, in rare cases they differ in a significant way. For example, some bilateral agreements, in contrast to the VCCR, require the competent authorities (such as the local police who arrested the foreign national) to give consular officers information on why the foreign national has been detained (for the list, see the question "When I notify the consular officers, should I tell them the reasons for the detention?" on page 27). Other bilateral agreements require that consular officers be permitted to converse privately with their nationals (for the list, see the question "Is a consular officer entitled to meet or converse privately with a detained foreign national?" on page 33). Still others differ in the types of detentions that trigger the notification requirement (for the relevant language, see Table B on pages 51-52). Where doubts arise as to whether the VCCR or a bilateral agreement applies in a given case, contact the Department of State.

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and local officials. Good recordkeeping will facilitate responding to these inquiries and to any consular notification issues that may be raised in litigation.

CONSULAR ACCESS TO DETAINED FOREIGN NATIONALS

The VCCR and the relevant bilateral agreements allow detained foreign nationals to communicate with their consular officers. Specifically, under the VCCR you must forward any communication by a foreign national to his or her consular representative without delay. Foreign nationals have no right to be released from detention to visit their consular officers, however, and no right to require that a consular officer visit them in detention or otherwise communicate with them or assist them.

It is for the consular officer to decide whether, when, and how to respond to a notification that one of his or her nationals has been detained. Even where a foreign national has not requested a consular visit, the consular officers must be given access to the national and permitted to communicate with him or her. Such officers have the right to visit the national, to converse and correspond with him or her, and to arrange for legal representation. They must refrain from acting on behalf of the foreign national, however, if the national opposes their involvement. If the foreign national does not want consular assistance, the consular officer should be allowed an opportunity to confirm this fact directly (e.g., through a one-time, face-to-face visit). Consular officers may not act as attorneys for their nationals.

While visiting foreign consular officers cannot be restricted in the questions they pose to the detained foreign national, consular access and communication generally must be exercised subject to local laws and regulations. For example, consular officers may be required to visit during established visiting hours, and may, in accordance with local laws and regulations and applicable prison rules, be prevented from taking in prohibited items. They may also be prohibited from taking in recording devices, taking a statement from the foreign national under oath, having the national sign a statement, or otherwise engaging in formal law enforcement activities. Nevertheless, federal, state, and local rules of this nature must not be so restrictive as to defeat the purpose of consular access and communication.

The above requirements are set out in Article 36 of the VCCR. Additional requirements may apply to particular countries because of bilateral agreements. For example, some agreements explicitly require that consular officers be permitted to converse privately with their nationals. (For the full list, see the question “Is a consular officer entitled to meet or converse privately with a detained foreign national?” on page 33.)

While some foreign governments make blanket requests for information on all foreign nationals incarcerated in the United States, the Department of State does not keep a prisoner inventory or tally for any country’s nationals. The Bureau of Prisons or state corrections bureaus may have such information and be willing to provide it, and representatives of the foreign government are free to contact these entities. *Neither the Department nor these entities, however, has an obligation to provide blanket information.*

DEATHS, SERIOUS INJURIES, AND SERIOUS ILLNESSES OF FOREIGN NATIONALS

If you become aware of the death of a foreign national in the United States, you must ensure that the nearest consulate of that national’s country is notified of the death without delay. This will permit the foreign government to make an official record of the death for its own legal purposes. For example, such notice will help ensure that passports and other legal documentation issued by that country are canceled and not reissued to fraudulent claimants. In addition, it may help ensure that the foreign national’s family and legal heirs, if any, in the foreign country are aware of the death and that the death is known for estate purposes in the foreign national’s country. Once notified of a death, consular officers may

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in some circumstances act to conserve the decedent's estate, in accordance with the laws and regulations applicable in the jurisdiction.

The requirement to notify a consular officer in cases of deaths is set out in Article 37(a) of the VCCR, and Article 5 recognizes the functions of consular officers relating to deaths and estates. Additional requirements may apply to particular countries because of bilateral agreements.

Although serious injuries and illnesses are not specifically covered in the VCCR, the Department of State encourages U.S. officials to consider notifying consular officers as a matter of courtesy if a foreign national is in such a critical condition that contacting the consular officers would be in that person's best interests (e.g., if the foreign national is in a coma or is sent to the hospital with a life-threatening injury). Such notification may be particularly helpful if the foreign national's relatives are in the home country.

APPOINTMENTS OF GUARDIANS OR TRUSTEES FOR FOREIGN NATIONALS

Whenever a probate court or other legally competent authority considers appointing a guardian or trustee for a foreign national who is a minor or an adult lacking full capacity, a court official or other appropriate official involved in the guardianship process must inform the nearest consular officers for that national's country without delay. Notification would normally be required in the following situations:

- A foreign national is taken into protective custody, either by an individual or a government agency
- A petition to appoint a guardian for a foreign national is filed with a court
- Legal proceedings are initiated in which a foreign national minor is named as a party and the individual's parent or guardian cannot be located

The legal procedures for appointment of a guardian or trustee can go forward, but a consular officer should—if possible without prejudice to the appointment process—be permitted to express any interest his or her government might have in the issue. In some cases, consular officers may wish to assist in finding family members in the home country who could assist in caring for the minor or incompetent adult. The requirement to notify consular officers in cases of guardianship is set out in Article 37(b) of the VCCR, and Article 5 recognizes the functions of consular officers relating to minors and incompetent adults. Additional requirements may apply to particular countries because of bilateral agreements. If a minor child or incompetent adult is arrested or detained, the requirements that pertain to cases of arrests and detentions of foreign nationals must also be followed. If the minor child or incompetent adult is from a "mandatory notification" country, you can make a single notification of the arrest or detention and of any possible need for a guardian. If the minor child or incompetent adult is not from a mandatory notification country but consular notification is required because a guardian may be needed, the requirement to notify consular officers that a guardian is needed should take precedence over the usual requirement to notify only if requested to do so by the foreign national. Again, you can make a single notification of the arrest or detention and of any possible need for a guardian.

ACCIDENTS INVOLVING FOREIGN SHIPS OR AIRCRAFT

If a ship or airplane registered in a foreign country wrecks or crashes in the United States, the nearest consular officers of that country must be notified without delay. This requirement is set out in Article 37(c) of the VCCR. Once notification has been made, consular officers may undertake to coordinate contacts with the victims' families or to provide other emergency assistance on behalf of the foreign government concerned. Some of the other functions consular officers may undertake in cases involving shipwrecks or air crashes are enumerated in Article 5 of the VCCR. Additional requirements may apply to particular countries because of bilateral agreements.

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PART THREE:

FREQUENTLY ASKED QUESTIONS

QUESTIONS ABOUT CONSULAR OFFICERS

Q. What is a "consular officer"?
A. For the purposes of this manual, a consular officer is an official of a foreign government accredited by the U.S. Department of State and authorized to provide assistance on behalf of that government to that government's citizens in another country, regardless of whether a consular officer is assigned to a consular section of an embassy in Washington, D.C., or to a consular office maintained by the foreign government at a location in the United States outside of Washington, D.C. For other purposes, the officer assigned to an embassy is a "diplomatic officer."

Q. What is a "consul"? What is a "consular official"?
A. The terms "consular officer," "consular official," and "consul" mean the same thing, for purposes of the issues discussed in this manual.

Q. How is a consular officer different from legal "counsel"?
A. The term "consul" should not be confused with "counsel," which means an attorney-at-law authorized to provide legal counsel and advice. A foreign consular officer is not authorized to practice law in the United States.

Q. What is an "honorary consul"?
A. An honorary consul is a U.S. citizen or an alien who is a lawful permanent resident of the United States who has been authorized by a foreign government to perform consular functions on its behalf in the United States. An honorary consul should be treated as a consular officer for purposes of the issues discussed in this manual insofar as he or she is acting as an honorary consul. (Some honorary consuls serve only on a part-time basis, and may also engage in work unrelated to their work as honorary consuls.)

Q. How are diplomatic officers different from consular officers?
A. A diplomatic officer or "diplomat" is an officer of a foreign government assigned to an embassy to represent that government to the host country. Many diplomatic officers are also authorized by their governments to perform consular functions, and thus to act as consular officers. As noted above, for the purposes of this manual, the term "consular officer" includes a diplomatic officer assigned to an embassy in Washington, D.C., who performs consular functions.

Q. Should I treat a diplomatic officer the same as a consular officer?
A. For the purposes of the issues discussed in this manual, you should treat a diplomatic officer and a consular officer similarly. Consular notification can be given to a diplomatic officer at an embassy if no consular officer is closer. A diplomatic officer should be permitted to conduct visits to detained foreign nationals and to perform the other kinds of consular functions discussed in this manual.

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Q. How can I be sure that someone who claims to be a consular officer, a consul, an honorary consul, or a diplomatic officer is in fact one?
A. Diplomatic and consular officers (including consuls and honorary consuls) have identification cards issued by the Department of State. Sample cards are shown in Part Five of this manual, on pages 98 through 99. If you have any doubt about the authenticity of a State Department identification card, you can call the Department's Office of Protocol at (202) 647-1985 to have the identity and status of the official verified during business hours (8:15 a.m. to 5:00 p.m. Eastern). Outside of those hours, you may call the Diplomatic Security Command Center at the Department of State at (571) 345-3146 or (866) 217-2089. You may also consult *www.state.gov/m/ds/immunities/c9118.htm.*

QUESTIONS ABOUT FOREIGN NATIONALS

Q. Who is a "foreign national"?
A. For the purposes of consular notification and the instructions in this manual, a "foreign national" is any person who is not a U.S. citizen. (There are rare situations in which a person is neither a U.S. citizen nor a foreign national—i.e., is "stateless." In such a case, consular notification requirements do not apply.)

Q. Is a foreign national the same as an "alien"?
A. Yes, for the purposes of this manual.

Q. Are "citizenship" and "nationality" the same thing?
A. Yes, for the purposes of consular notification and access.

Q. Is a person with a "green card" (a "lawful permanent resident") considered a foreign national?
A. Yes. Lawful permanent resident aliens ("LPRs"), who have a resident alien registration card (Department of Homeland Security Form I-551), more commonly known as a "green card," are not U.S. citizens. They retain their foreign nationality and must be considered "foreign nationals" for the purposes of consular notification. (As described immediately below, special rules apply to Polish nationals holding green cards.)

Q. But since "green card" holders are living in the United States permanently, why can't I ignore consular notification requirements for them? Are the rules different for Polish nationals?
A. You must comply with consular notification and access requirements even if the foreign national you are dealing with is a lawful permanent resident alien ("LPR" or "green card" holder). The rules apply no matter how long the foreign national has lived in the United States. There generally is no reason, for purposes of consular notification, to inquire into whether a foreign national is in the United States on a green card or in some other status.

In the case of Poland, however, Polish green card holders are subject to different rules. Under the bilateral convention between Poland and the United States, Poland is a "mandatory notification" country, but only with respect to "non-permanent residents." That is, only Polish nationals who are not permanent residents are subject to "mandatory notification" requirements, and must accordingly be treated as nationals of a "mandatory notification" ("list") country. Polish permanent residents, or green card holders, are to be treated like non-list nationals—that is, they are exempt from the mandatory notification requirement. Polish green card holders must instead be informed that they can have their consular officers notified of their arrest or detention, with notification to consular officers being made only if the Polish green card holder requests it.[5]

Q. Do I have to ask everyone I arrest or detain whether he or she is a foreign national?
A. Routinely asking every person arrested or detained whether he or she is a U.S. citizen

[5] See footnote 18 on page 43.

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is highly recommended and is done by many law enforcement entities. Asking this question is the most effective way to ensure that you are complying with consular notification requirements. Moreover, asking everyone this question will reduce concerns about discrimination based on national origin or ethnicity. If a detainee claims to be a U.S. citizen in response to such a question, you generally can rely on that assertion and assume that consular notification requirements are not relevant. If you have reason to doubt that the person you are arresting or detaining is a U.S. citizen, however, you should inquire further about nationality so as to determine whether any consular notification obligations apply. You should keep a written record of whether the individual claimed to be a U.S. citizen and of any additional steps you took to determine the individual's nationality.

Q. Short of asking all detainees about their nationality, how might I know that someone is a foreign national?

A. If you do not routinely ask each person you arrest whether he or she is a U.S. citizen, you will need to develop other procedures for determining whether you have arrested or detained a foreign national and for complying with consular notification requirements. A driver's license issued in the United States will not normally provide information sufficient to indicate whether the license holder is a U.S. citizen. Nor does the fact that a person has a social security number indicate that the person is necessarily a U.S. citizen. A foreign national may present as identification a foreign passport or consular identity card issued by his government or an alien registration document issued by the U.S. Government. If the person presents a document that indicates birth outside the United States, or claims to have been born outside the United States, he or she may be a foreign national. (Most, but not all, persons born in the United States are U.S. citizens; most, but not all, persons born outside the United States are not U.S. citizens, but a person born outside the United States whose mother or father is a U.S. citizen may be a U.S. citizen, as will a person born outside the United States who has become naturalized as a U.S. citizen.) Unfamiliarity with English may also indicate foreign nationality, though some U.S. citizens do not speak English. Such indicators could be a basis for asking the person whether he or she is a foreign national. You should keep copies of any identification presented and note in the file the basis on which you concluded the person was or was not a foreign national.

Q. Are foreign nationals required to carry identity documents that indicate their nationality? Do consular notification procedures have to be followed if I can't verify a detainee's nationality through documentation?

A. Federal law requires that most foreign nationals carry immigration documents with them at all times while in the United States. See 8 U.S.C. § 1304(e). However, arresting officers will frequently come across aliens without documentation identifying their country of nationality. It is the arresting officer's responsibility to inquire about a person's nationality if there is any reason to believe that he or she is not a U.S. citizen.

In all cases where an arrestee claims to be a non-U.S. citizen, arresting officers should follow the appropriate consular notification procedures, even if the arrestee's claim cannot be verified by documentation.

Q. Should I ask persons I arrest whether they are in the United States legally? Should I treat undocumented and "illegal" aliens differently than aliens lawfully present in the United States?

A. Consular notification and access requirements apply regardless of immigration status. There is no reason, for purposes of consular notification, to inquire into a person's legal status in the United States. For purposes

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of consular notification, you should make no distinctions based on whether the foreign national is in the United States "legally" or "illegally."

Q. What about dual nationals?
A. If a person has more than one nationality, the appropriate consular notification procedures will depend first on whether one of the person's countries of nationality is the United States.

A person who is a U.S. citizen and a national of another country may be treated exclusively as a U.S. citizen when in the United States. In other words, consular notification is not required if the detainee has U.S. citizenship, regardless of whether he or she has another country's citizenship or nationality as well. This is true even if the detainee's other country of citizenship is a mandatory notification ("list") country.

As a matter of discretion, however, the Department of State suggests that, when possible, you permit a visit from the consular officers of the detainee's other country of nationality, as long as the detainee requests a visit and wishes to be visited by those consular officers.

On occasion, moreover, the Department may ask you to allow a consular visit in cases where the other country permits U.S. consular officers to assist persons detained in that country who are both U.S. citizens and nationals of that country. Furthermore, allowing consular assistance will be particularly important in cases involving children, including those with two nationalities, who have no relatives in the United States. (For more information on minors, see the question "Should I notify the consulate any time I detain a foreign national who is a minor?" on page 17.)

A person who is not a U.S. citizen, but who is a citizen or national of two or more other countries, should be treated in accordance with the rules applicable to each of those countries. Therefore, the consular officers of both countries will need to be notified if the foreign national so requests. If either country is a mandatory notification country, its consular officers will need to be notified whether or not the foreign national so requests. If both countries are mandatory notification countries, the consular officers of both will need to be notified regardless of whether or not the foreign national so requests

QUESTIONS ABOUT WHICH OFFICIALS ARE RESPONSIBLE FOR PROVIDING CONSULAR NOTIFICATION TO FOREIGN CONSULAR OFFICERS

Q. Who is actually responsible for making the necessary notifications to the individual or the consular officer?
A. The responsibility for consular notification, whether in the case of an arrest or detention, a guardianship, or a death lies with what are generally called "competent authorities" in the relevant international agreements. For the United States, this term is understood to mean those officials, whether federal, state, or local, who are responsible for legal action affecting the foreign national and who are competent, within their legal authorities, to give the notification required. This interpretation makes sense as a practical matter: compliance with the notification requirements works best when it is assumed by those government officials closest to the foreign national's situation and with direct responsibility for it.

Q. Who is responsible for notifying the consular officers of arrests and detentions?
A. The law enforcement officers who actually make the arrest or who assume responsibility for the foreign national's detention normally should provide the foreign national with the required consular notification information, and make any required notification to the foreign national's consular officers, unless a relevant implementing statute, regulation, or instruction provides for a different procedure (or if the

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person's foreign nationality is not known and cannot be determined at the time of arrest). For example, a jurisdiction might provide for the arresting officer to give the detainee consular information and for a different officer to notify the consulate. If the person's foreign nationality is not known at the time of arrest, but becomes known later, it will be necessary to complete consular notification procedures at that time; this may mean that the responsibility for the procedures would have to be assumed by someone other than the arresting officer (e.g. a corrections officer, judicial official, etc.).

In cases involving arrests by officers of the U.S. Department of Justice, the responsibility for implementing consular notification procedures is governed by regulations at 28 C.F.R. § 50.5. As of the date of this manual's publication, that regulation provided that the arresting officer (generally an official of the FBI or the U.S. Marshals Service) has responsibility for informing the foreign national of the relevant consular notification rights and requirements, and for conveying the foreign national's wishes to the U.S. Attorney. The U.S. Attorney is responsible for providing notification to the appropriate consular official when required. (For cases involving detentions by Department of Homeland Security authorities, see the question "Are foreign nationals in immigration detention covered by the consular notification requirement?" on page 18).

In some jurisdictions, magistrate or other judges are being asked to verify or ensure at the time of arraignment that consular notification procedures have been or are followed. If the person's foreign nationality becomes known prior to arraignment, however, consular notification procedures should be followed at that time, to ensure full compliance with applicable requirements.

Q. What is the responsibility of prosecutors for notifying consular officers of arrests and detentions?

A. Because they do not arrest or detain foreign nationals, prosecutors are not normally responsible for providing foreign nationals with consular notification information or for notifying consular officers. They may be given responsibility for some or all of these functions by an implementing statute, regulation, or other instruction, however, and they may assist in ensuring that consular notification requirements are complied with even without such statute, regulation, or instruction. In addition, there may be circumstances in which foreign nationality becomes known only long after arrest and initial detention, e.g., as the result of a presentence report or in connection with a transfer to a prison. In such cases, it may be necessary for a prosecutor or prison official to assume responsibility for compliance.

Federal prosecutors are required to notify consular officers in cases involving arrests by officers of the U.S. Department of Justice, pursuant to regulations at 28 C.F.R. § 50.5. The arresting officer is responsible for informing the detainee that he or she may communicate with consular officers and have the consulate notified of his or her arrest or detention upon request.

Prosecutors are strongly encouraged in all cases involving foreign nationals to inquire whether consular notification procedures have been followed. Such inquiries will help promote compliance with consular notification requirements, facilitate the provision of consular assistance by foreign governments to their nationals, and ensure that consular notification compliance does not become an issue in litigation.

Q. What is the responsibility of judicial officials for notification of arrests and detentions?

A. The Department of State requests that judicial officials who preside over arraignments or other initial court appearances of foreign nationals inquire at that time whether consular notification procedures have been followed as required by the VCCR and any applicable bilateral agreement providing for mandatory notification. Some states have taken steps to have their magistrate judges address consular notification requirements at arraignment. Such inquiries will help promote compliance with consular notification procedures, facilitate the

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provision of consular assistance by foreign governments to their nationals, and ensure that consular notification compliance does not become an issue in litigation.

Q. Who is responsible for notifying consular officers of deaths?
A. Notification to consular officers of a death of a foreign national should be made by the appropriate U.S. state or local authority, be it a coroner, medical examiner, or law enforcement official investigating the death.

Q. Who is responsible for notifying consular officers of a serious injury or illness?
A. Notification of serious injuries and illnesses is not specifically required by the VCCR. Nevertheless, the Department of State encourages U.S. state and local officials to consider making consular notification if a foreign national is in such a critical condition that contacting the consular officers would be in that person's best interests (e.g., if the foreign national is in a coma or is sent to the hospital with a life-threatening injury). Such notification may be particularly helpful if the foreign national's relatives are in the home country.

In cases of serious injuries and illnesses, the competent authority will vary, but the Department of State encourages government officials in such situations to ensure that consular notification is made when appropriate. The Department of State should be contacted if there is any question about whether or not notification should be made in a particular case.

Q. Who is responsible for notifying consular officers of appointments of guardians?
A. Notification should be made by probate or family court officials or by any other appropriate official involved in the guardianship process. In cases involving abuse, neglect, or abandonment of children, this may be the agency or entity acting to protect the child.

Q. Who is responsible for notifying consular officers of shipwrecks and aircraft crashes?
A. In the case of an accident or major disaster (such as an airplane crash or shipwreck), the competent authority may vary, but any federal, state, or local government officials responsible for investigating or providing aid or relief during such a situation should ensure notification of consular officers of the country in which the ship or airplane is registered. In addition, if the shipwreck or air crash results in the death of a foreign national, consular officers of the national's home country must be notified of the death.

Q. Why are state and local government officials expected to provide such notification?
A. State and local governments must comply with consular notification and access obligations because these obligations are embodied in treaties that are the law of the land under the Supremacy Clause in Article VI of the U.S. Constitution.

In addition, as a practical matter it is much more efficient for consular notification to occur at the local level. The VCCR and other consular conventions and agreements expressly provide for consular officers to interact directly with local government officials; consular officers are therefore not required to use their embassies in Washington, D.C., or the Department of State to communicate with local officials on consular matters. The federal government, however, would be responsible for addressing an international dispute with a foreign government concerning performance by state and local officials of obligations under the relevant treaties.

QUESTIONS ABOUT THE CIRCUMSTANCES IN WHICH CONSULAR NOTIFICATION REQUIREMENTS APPLY

Q. What kinds of detentions create consular notification obligations?
A. Under Article 36, the VCCR's requirements apply when a foreign national is "arrested or committed to prison or to custody pending trial

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or is detained in any other manner." Most of the bilateral agreements use similarly broad language, and cover any form of detention. The term "detained in any other manner" is not defined in the VCCR, but the Department of State believes that it generally should be understood to cover any situation in which a foreign national's ability to communicate with or visit consular officers is impeded as a result of actions by government officials limiting the foreign national's freedom. The Department of State would not consider a "detention" to include a brief traffic stop or similar event in which a foreign national is questioned and then allowed to resume his or her activities.

Immigration, civil, and criminal detentions are all covered. The placement of a foreign national in government-ordered quarantine for more than a short period of time, or committing him or her involuntarily to a mental health institution, would also be covered. (For more on this issue, see the question "If I have a foreign national who is hospitalized or quarantined, do I have to provide consular notification?" on page 18.)

While there are no specific exceptions for short detentions, potentially lasting less than 24 hours, compliance with consular notification requirements may not be practicable. For example:

- A foreign national is arrested on misdemeanor charges and is released several hours later after the booking process is completed.
- A foreign national is arrested while intoxicated, is unable to understand consular notification information, and is held overnight and then released.
- A foreign national is detained for several hours of questioning and then released. As a practical matter, consular officers will be more concerned about arrests for serious crimes and with detentions that last long enough to prevent the foreign national from communicating with his or her consular officers in essentially the same manner as he or she could if not detained. If a consular officer asks not to be notified about certain kinds of cases, you should ask that the request be confirmed in writing and consult with the Department of State.

Q. Do I have to inform and notify even when the detention is only while a traffic citation is written, or for a similar brief time?

A. No. The VCCR's requirements apply whenever a foreign national is arrested or detained in any manner, without distinguishing arrests that do not result in a significant detention. The primary purpose of the requirement is to ensure that a government does not place a foreign national in a situation in which the foreign national cannot communicate with or receive assistance from his or her own government. When a foreign national is stopped and released within a short period of time, this consideration is not relevant because the foreign national is free to contact consular officers independently. The Department of State therefore does not consider brief routine detentions, such as for traffic violations or accident investigations, to be the type of situations in which consular notification procedures must be followed.

Q. Should I notify the consulate any time I detain a foreign national who is a minor? What if the minor is unaccompanied and I am unable to locate the parent or guardian?

A. You must notify the nearest consulate, without delay, if the minor is a national of a "mandatory notification" ("list") country. If the minor is not a national of a list country, you should attempt to locate the minor's parent or guardian and ask whether he or she wants you to notify the consulate of the minor's detention. If you are unable to locate the legal guardian within 24 to 72 hours, or you believe the minor to be a victim of abuse or trafficking and that contacting the parent or guardian would place the minor in danger, you should notify the consulate unless, under the circumstances, there is reason to believe notification could

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be detrimental to the minor (e.g., if the minor is seeking asylum in the United States). In such cases, you should ask a court or other competent authority to determine whether notification would be in the best interests of the minor. Consular notification is required in any case if the court or other appropriate authority initiates proceedings to appoint a guardian or trustee for the detained minor.

Q. If I have a foreign national who is hospitalized or quarantined, do I have to provide consular notification?

A. Usually. If the foreign national is hospitalized or quarantined pursuant to governmental authority (law enforcement, judicial, or administrative) and is not free to leave, under the VCCR and most bilateral agreements he or she must be treated like a foreign national in detention, and appropriate notification must be provided. Consular officers must be notified of the detention (regardless of the foreign national's wishes) if the detention occurs in circumstances indicating that the appointment of a guardian for the foreign national is required (e.g., if the detention is the result of an involuntary commitment due to mental illness).

Q. What about consular notification for adults who are mentally incompetent or lacking full capacity?

A. In cases where a detained adult foreign national is believed to lack full capacity, you must notify the national's consular officers if he or she is a national of a list country. If the individual is not a national of a list country, you should first determine whether his or her incapacity is likely to be temporary or to last for a significant period of time. If the foreign national is expected to recover his or her full capacity within 24 to 48 hours, you should wait until the individual has recovered and then ask whether he or she wants you to notify consular officers of the detention. If the foreign national requests notification, a responsible official must ensure that notification is given to consular officers without delay. If the individual is not expected to recover his or her full capacity within 24 to 48 hours, pretrial services officers should bring the issue of consular notification to the attention of the court or other appropriate authorities, which should determine whether notification would be in the best interests of the detained individual. Notification to consular officers is required in all cases where the court or other appropriate authority initiates proceedings to appoint a guardian or trustee for an incapacitated adult.

Q. Are civil commitments of foreign nationals covered by consular notification requirements?

A. Usually. Under the VCCR and most bilateral agreements, a civil commitment is considered a detention. Even prior to the commitment, consular notification may be required by Article 37 of the VCCR, which requires that consular officers be notified whenever it appears that a guardian is needed for a foreign national, e.g., because he or she appears to be mentally ill or legally incompetent.

Q. Are foreign nationals in immigration detention covered by the consular notification requirement?

A. Yes. Consistent with this requirement, the Department of Homeland Security has addressed consular notification in its immigration regulations relating to the detention of aliens prior to removal (8 C.F.R. § 236.1(e)). In addition, if an alien is not admitted at a port of entry, but is taken to a detention facility and held there, consular notification requirements apply. The Department of State does not, however, ordinarily consider foreign nationals who are found inadmissible at a port of entry and required to remain at the port of entry until they can depart the United States to be detained within the meaning of the VCCR and the relevant bilateral agreements. Immigration officials nevertheless are encouraged to permit such foreign nationals to communicate with consular officers as a matter of discretion, particularly if the detention becomes prolonged because onward transportation is significantly delayed. Permitting consular communications

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by foreign nationals held at ports of entry can in some cases help resolve obstacles to the foreign national's admission. For example, a consular officer may be able to confirm whether or not a travel document suspected of being fraudulent is fraudulent or genuine.

Q. If I am a prison official taking custody of a foreign national long after his or her initial arrest or detention, do I have to inform the foreign national that he or she may have his or her consular officers notified, and to notify such officials where requested or where the national is from a list country?

A. The Department of State strongly recommends that consular notification procedures be followed routinely whenever a foreign national is transferred to a prison. There are a number of reasons for doing so. First, sometimes the fact that the person is a foreign national only becomes known when the person is transferred to a prison; in this case, prison officials themselves are responsible for completing consular notification procedures. Second, the transfer may also entail a transfer of the foreign national from one consular district to another, so that a new consular post will have jurisdiction over the foreign national. Third, a detained foreign national may decline consular notification or consular assistance in the early stages of a criminal proceeding but change his or her mind when faced with serving a sentence. Finally, following notification procedures when a foreign national comes into the prison system is a safeguard in case the procedures should have been followed earlier but were not.

Q. If I am a prison official taking custody of a foreign national who is being transferred to my prison from a different prison, do I have to go through consular notification procedures?

A. The Department of State strongly encourages that consular notification procedures be followed routinely whenever a foreign national is transferred from one prison to another, for the reasons discussed in the immediately preceding answer.

Q. Do I have to go through consular notification procedures if an already detained foreign national is charged with a new offense?

A. No, but notification is encouraged. Provided you went through consular notification procedures when the foreign national was detained on the original charges, you do not have to go through such procedures again if charges against the individual are added. Nevertheless, the Department of State encourages you to do so, in order to permit the consulate to provide whatever additional consular services to the individual it may feel are warranted. The Department strongly encourages repeating the consular notification process if the new charges are significantly more serious than the original charges, and especially if they expose the foreign national to the possibility of the death penalty.

Q. Do I have to go through consular notification procedures upon the release or parole of an incarcerated foreign national?

A. Possibly. A foreign national detainee who has been released to parole or to some other type of "aftercare" (e.g., to a halfway house) is generally able to establish contact with a consular official at his or her own discretion. Assuming that the competent authorities undertook consular notification procedures at the time of a foreign national's initial detention (i.e., informed the national that he or she may have his consular officers notified, and notified such officials upon his or her request, or in any event where he or she is a national of a "mandatory notification" ("list") country), there is no obligation to go through the procedures a second time when the national is released to parole or aftercare. At the same time, detaining authorities should keep in mind the purpose of consular notification requirements: to ensure that foreign nationals are not placed in situations in which they cannot receive assistance from their own governments. If it appears in particular circumstances that a detainee's parole or release to aftercare could have the practical effect of impeding the detainee's access to consular assistance, going through the procedures when there

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has been a change in the detainee's status or location could be useful and could help prevent unnecessary complications.

Q. Do I have to go through consular notification procedures if I am taking a foreign national into custody for a parole violation (e.g., on a parole retake warrant) and he or she was given consular information when originally arrested or detained?
A. Yes. If the foreign national is taken back into detention after a period at liberty, consular notification procedures must be followed again. The relevant international agreements make no exception for such re-arrests. In addition, the need or desire for consular assistance may exist each time the person is returned to custody.

Q. Do I have to inform a foreign national that he or she may have his or her consular officers notified even if I give him or her the *Miranda* warning?
A. Yes. You must follow consular notification procedures with respect to detained foreign nationals in addition to providing *Miranda* or other warnings when required. Consular notification should not be confused with the *Miranda* warning. Neither can substitute for the other.

The *Miranda* warning is given regardless of nationality to protect the individual's constitutional rights against self-incrimination and to the assistance of legal counsel. The *Miranda* warning must be given prior to a custodial interrogation, regardless of when the interrogation occurs in relationship to the arrest or commencement of detention.

In contrast, the obligation to inform a foreign national that he or she may have consular officers notified stems from international legal requirements intended to permit foreign governments to provide their nationals with appropriate consular assistance. If the VCCR is the governing agreement, an arrested or detained foreign national must be informed "without delay" that he or she may have consular officers notified, regardless of when the *Miranda* warnings are given.

For guidance on the timing of consular information and *Miranda* warnings, see the next section, "Questions About How Quickly You Must Give Consular Information to the Foreign National."

Q. If law enforcement officials of the foreign national's government are helping with our investigation, should I still go through the process of notifying consular officers?
A. Yes. It is important to distinguish between a government's consular officers and other officials, such as law enforcement officers, who have different functions and responsibilities. Even if law enforcement officials of the foreign national's country are aware of the detention and are helping to investigate the crime in which the foreign national allegedly was involved, it is still important to ensure that consular officers are made aware of the arrest or detention when required.

Q. Are there any circumstances in which I may comply with consular notification requirements by notifying someone other than the consular officer with responsibility for my geographic area?
A. The VCCR provides for notification to the "consular post." Consular officers are assigned to consular posts that have responsibility for consular districts, which are geographic areas. Consular officers have responsibilities and authority to act within their district. Thus, the original concept was that the consular officer with responsibility for the relevant geographic area would be notified. In practice, local authorities may not know the exact geographic areas served by each of the consulates in the United States. In cases of doubt, you should notify the nearest consulate or the consular section of the country's embassy in Washington, D.C., which will have supervisory authority over all of that country's consular officers in the United States.

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The Department of State considers that the objectives of consular notification are met when consular officers of the country have notice of the detention because, if they are not the consular officers who would actually provide consular assistance, they will be in a position to ensure that the proper consular officers are notified. In such cases, you should keep a written record of who was notified, and the individual's location and title.

QUESTIONS ABOUT HOW QUICKLY YOU MUST GIVE CONSULAR INFORMATION TO THE FOREIGN NATIONAL

Q. How quickly do I need to inform the foreign national of the option to have his or her consular officers notified of the arrest or detention?
A. The VCCR requires that a foreign national be informed "without delay" of the option to have a consular officer notified of the arrest or detention. There should be no deliberate delay, and notification must occur as soon as reasonably possible under the circumstances.

The obligation to provide such consular information is triggered by knowledge that the person is a foreign national. Once foreign nationality is known, advising the national that he or she may have consular officers notified must follow promptly. If it appears that the person is probably a foreign national, you should provide consular information and treat the person like a foreign national until and unless you confirm that he or she is instead a U.S. citizen.

Ordinarily, you must inform a foreign national of the possibility of consular notification by or at the time the foreign national is booked for detention, which is a time when identity and foreign nationality can be confirmed in a safe and orderly way. If the identity and foreign nationality of a person are confirmed during a custodial interrogation that precedes booking, consular information should be provided at that time. (Note, however, that there is no requirement to stop the interrogation if the foreign national requests that consular officers be notified of the detention, but nevertheless agrees to provide a statement voluntarily.) The Department of State encourages judicial authorities to confirm during court appearances of foreign nationals that consular notification procedures have occurred as required. If foreign nationality only becomes known during arraignment, consular notification procedures should be followed at that time.

If the fact that the person is a foreign national only becomes known after arrest, booking, or arraignment, the required procedures must be followed at that time. In some cases, this may be only after the person has been convicted and transferred to a prison, transferred from one prison to another, or when a presentence report is prepared. Thus prosecutors, judicial officials, corrections officials, and others should be alert to the possible need to comply with consular notification procedures well after an arrest or initial detention.

Q. Do I have to inform a foreign national of the option to have his or her consular officers notified of the arrest or detention at the same time that I give the *Miranda* warnings?
A. There is no requirement that consular information and *Miranda* warnings be given at the same time. On the other hand, some jurisdictions have found it convenient to combine these procedures, such as by including consular information on a card, script, or other written statement alongside the *Miranda* warnings. Such measures may help ensure compliance with consular notification requirements. Unlike when a detainee requests a lawyer after *Miranda* warnings, however, there is no requirement to delay an interview or interrogation while a consular officer is notified of a detention or travels to visit the detainee, if the detainee is willing to proceed.

For a sample of consular information language that may be included on a card or script alongside the *Miranda* warnings, see page 73.

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Q. If I inform a foreign national of the option to have his or her consular officers notified of the arrest or detention at the same time I give the *Miranda* warnings, can I be sure of complying with notification requirements?
A. In many cases providing consular information and *Miranda* warnings at the same time will result in compliance with consular notification requirements, but this may not always be the case. Consular information must be provided "without delay," which generally means when you know that the person you have arrested or detained is a foreign national. This might or might not coincide with when *Miranda* warnings must be given. For example, there may be circumstances in which providing consular information only when *Miranda* warnings are given may result in consular information being provided later than it should be (e.g., if foreign nationality is known at the time of booking but any custodial interrogation, and hence the giving of *Miranda* warnings, occurs only later).

The Department of State recommends giving consular information when a detainee is booked because that is a time when identity is formally recorded and foreign nationality is likely to become known. If not at booking, the Department encourages jurisdictions to otherwise identify the point in their arrest or detention procedures at which foreign nationality is most likely to be established, and to make that point the focus of their consular notification procedures. Consular notification procedures will ideally include double-checking for compliance at other times, one of which might be when *Miranda* warnings are given.

QUESTIONS ABOUT THE MANNER IN WHICH YOU MUST GIVE CONSULAR INFORMATION TO THE FOREIGN NATIONAL

Q. Does the foreign national have to be informed in writing about the option to have his or her consular officers notified of the arrest or detention?
A. You may inform the detainee orally or in writing, but the Department of State strongly recommends providing the information in writing, particularly when the foreign national does not clearly understand English. In addition, the Department of State strongly recommends that you maintain a written record of the fact the foreign national was provided with consular information and of whether or not the foreign national requested that his or her consular officers be notified. You may want to ask the foreign national to sign a statement confirming that he or she was advised about consular notification and that he or she either did, or did not, want consular officers to be notified. A sample statement for these purposes (in English and several other languages) can be found in Part Five, on pages 73 through 94 of this manual.

Q. Does the foreign national have to be informed in his or her own language?
A. There is no requirement to inform a foreign national in his or her own language, but this is clearly preferable. Regardless of what language you use, you should seek to ensure that the foreign national understands what you are saying. Sample statements with translations appear in Part Five, on pages 73 through 94 of this manual, to facilitate providing information to foreign nationals notwithstanding language barriers.

Q. How do I figure out what country the foreign national is from, so that I know which consulate to notify? What if the national's passport is from a country that no longer exists?
A. The best way is to check the foreign national's passport or other identification documents, although many forms of identification (e.g., driver's licenses and social security cards) do not indicate nationality. In the absence of credible documents indicating nationality, ask the foreign national what his or her nationality is.

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Some foreign nationals may be carrying a passport or other travel document bearing the name of a country that no longer exists, or exists with a different name. In rare cases, for example, you may encounter a national of a country that used to be part of the Soviet Union still in possession of an expired Soviet passport, or a national of the Czech Republic or Slovakia in possession of an expired passport issued by Czechoslovakia. More commonly, nationals of countries that made up the former Yugoslavia, especially the countries of Serbia, Montenegro, and Kosovo, may be carrying passports bearing the names of their individual countries or of the country they formerly composed: the "Federal Republic of Yugoslavia." Kosovo nationals, moreover, may be using a travel document issued by the United Nations Mission in Kosovo or a passport bearing the name "Republic of Serbia." In all such cases, you should attempt to ascertain from the foreign national his or her current country of nationality and, if he or she is unwilling to give such information, the country with which he or she wishes to establish consular communications. If requested to do so, and even if not so requested where the country in question is a "mandatory notification" ("list") country, you must then contact that country's consulate.

Residents of certain autonomous entities and territories, administrative regions, and other possessions may be carrying a passport that bears the name of their territory or entity along with the name of the country that has jurisdiction over it and provides its residents with consular services. Examples include certain overseas possessions of the United Kingdom (see the question "What about British nationals" immediately below); the Danish autonomous territories of Greenland and the Faroe Islands; and the Chinese special administrative regions of Hong Kong and Macao.

Barring evidence to the contrary, you should consider these persons nationals of the country with jurisdiction over the person's territory of residence. For advice on figuring out whether the arrestee or detainee is a foreign national in the first place, see the question "Short of asking all detainees about their nationality, how might I know that someone is a foreign national?" on page 13.

Q. What about British nationals?

A. British nationality can be difficult to ascertain, as the United Kingdom has many current and former overseas territories whose residents may or may not be British nationals. Under the laws of the United Kingdom, certain residents of its former territories may have retained their British nationality upon independence. These persons will usually be dual nationals of the United Kingdom and the other country. As described above (see the question "What about dual nationals?"on page 14), a person who is not a U.S. citizen, but who is a citizen or national of two or more other countries, should be treated in accordance with the rules applicable to each of those countries. The United Kingdom and many of its former territories are "mandatory notification" ("list") countries and must be notified in the event one of their nationals is arrested or detained, regardless of the individual's wishes.[6] The following former British territories are those that most frequently have residents who retained their British nationality upon independence, though this list is not exhaustive:

Antigua and Barbuda; Bahamas; Barbados; Dominica; Fiji; Grenada; Kiribati; Saint Kitts and Nevis; Saint Lucia; Saint Vincent and the Grenadines; Seychelles; Tonga; Trinidad and Tobago; Tuvalu

These persons may or may not be carrying a passport issued by the United Kingdom or other documentation indicating their British nationality. The best or only method of ascertaining whether an individual from one of the above countries is also a British national, and that the British consulate must therefore be notified, may be simply to ask the person to identify his or her nationalities.

Certain other territories currently belong to the United Kingdom. These are called "British

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Overseas Territories," and their residents generally have British nationality. The British Overseas Territories do not have consulates of their own in the United States, even though they often do issue their own passports. Their residents rely on the consular services of the United Kingdom, so you will need to contact the nearest British consulate if you arrest or detain one of these persons. The British Overseas Territories are:

Anguilla; Bermuda; British Antarctic Territory; British Indian Ocean Territory; British Virgin Islands; Cayman Islands; Falkland Islands, Gibraltar; Montserrat; South Georgia and the Sandwich Islands; Sovereign Base Areas of Akrotiri and Dhekelia; St Helena, Ascension, and Tristan Da Cunha; Pitcairn Islands; Turks and Caicos Islands

While these persons may be carrying a passport issued by the United Kingdom that contains the words "British" or "United Kingdom" on the cover or data page, they may be carrying a passport issued by their home territory (for example, Bermuda) with no indication of British nationality. Whatever the case, such persons are British nationals, and you must contact the nearest British consulate to inform it of the arrest or detention. Again, when in doubt, you may need to ask the individual to identify his or her nationalities.

Q. What if I can't communicate with the foreign national? Can I notify consular officers regardless of what the foreign national's wishes may be?

A. Yes, but such a course of action is not recommended unless the foreign national cannot understand what you are saying. If the case is covered by the VCCR (which in most cases requires that a consular official be notified only if the foreign national requests notification), but you cannot communicate with the foreign national, you may notify the relevant consular post of the arrest or detention without ascertaining the foreign national's wishes. You may also want to request the consular official's assistance with interpretation.

The VCCR and the bilateral agreements do not create any right belonging to the foreign national that would be violated by informing his or her consular officers of the arrest or detention without his or her consent.[7] However, except in certain cases involving minors and incompetent adults, the Department of State encourages respecting a foreign national's desire not to have his or her consular officers notified when such a desire is known or ascertainable. (See the question "Why doesn't the Department of State encourage consular notification in all cases, regardless of the foreign national's wishes?" on page 26.) Some cases in which communication is not possible may involve minors or incompetent adults, where the VCCR provides for notification of the need for a guardian regardless of the foreign national's wishes.

If the case is covered by a bilateral agreement that requires notification of the consular officer regardless of the foreign national's wishes, then you should simply notify the consular officer as required. You may wish to advise the consular officer of the communication problem and to request assistance with interpretation. In all cases, you should be cautious about releasing information that a foreign national would not want released to his or her government. *You should never indicate to the foreign national's government that the foreign national has requested asylum or withholding of removal.*

QUESTIONS ABOUT HOW QUICKLY YOU MUST NOTIFY THE CONSULAR OFFICERS OF THEIR NATIONAL'S ARREST OR DETENTION

Q. In a VCCR ("non-list country") arrest or detention case, if the foreign national requests that consular officers be notified, how quickly do I have to do so?

A. Without delay. Under the VCCR, you must notify the consular officer of an arrest or detention "without delay" after the foreign national has been informed about consular notification and access and has requested that notification be made.[8]

[6] See footnote 19 on page 42, and footnote 30 on page 45.

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Notification of arrests and detentions outside of a consulate's regular working hours is not required; notification can be provided in the ordinary course of business. In fact, in some countries notification is given by mail and takes considerably longer to be received. Nevertheless, while the VCCR might not be breached if notification takes several business days, the Department of State recommends that notification be given within 24 to 72 hours of the arrest or detention. This is the standard the Department uses for seeking notification of U.S. citizens arrested abroad. In cases of emergencies (e.g., detentions of persons with serious health problems, deaths, or serious accidents), however, the Department of State urges that efforts be made to contact consular officers outside of normal hours. Some consulates maintain 24-hour coverage. In other cases it is possible and convenient to leave a voice mail at the consulate or to send a fax even though the consulate is closed. (If you leave a voice mail, the Department of State recommends a follow-up call during normal business hours to ensure that it was received; if you send a fax, keep a copy of the confirmation printout.)

Q. In a "mandatory notification" ("list") country arrest or detention case, how quickly must the notification be provided to consular officers?

A. The bilateral agreements that provide for mandatory notification generally use such formulations as "without delay" and "immediately." One provides for notification "without delay" and expressly states that this contemplates within three days or, if this deadline cannot be met because of communication or other difficulties, "as soon as possible thereafter." A few provide that notification should occur "immediately" and not later than within two, three, or four days of the arrest or detention. These latter agreements are intended to be more protective than the VCCR, by providing an outside limit or goal for informing a consular officer of a detention.

Table A: Provisions from Bilateral Agreements Requiring Mandatory Notification, on pages 45 through 50, reproduces the language from the mandatory notification bilateral agreements describing how quickly notification must be provided to consular officers. You should consult that language to determine whether notification must be provided within a certain number of days, "immediately," or "without delay." Following the same guidance as set forth in the immediately preceding answer will in many cases ensure compliance with the bilateral agreements; in other words, there should be no deliberate delay, and notification must occur as soon as reasonably possible under the circumstances.

QUESTIONS ABOUT THE MANNER IN WHICH YOU MUST NOTIFY THE CONSULAR OFFICERS OF THEIR NATIONAL'S ARREST OR DETENTION

Q. Can I agree to specific requests by particular consular officers to notify them of arrests or detentions that I am not required to tell them about?

A. A jurisdiction may agree to notify consular officers of all arrests or detentions of their nationals if it can do so consistent with any applicable federal, state, or local privacy laws. It is not unusual for a consular officer to request notification in all or certain kinds of cases. Such a request might be made because of a policy to offer assistance to all of the foreign government's nationals in detention or as a safeguard against arresting or detaining officials forgetting to inform the foreign national that he or she may request consular notification. U.S. consular officers

[7] However, one bilateral consular convention—the convention between the United States and Ireland—does require you to refrain from contacting Irish consular officers if the detained Irish national, upon being informed about consular notification, requests that you not do so. For a citation to the convention, see footnote 55 on page 51.

[8] Table B on pages 51-52 lists 19 "non-list countries" that have a bilateral agreement with the United States providing for consular notification upon request in terms similar to the VCCR. Most of these agreements require you to inform the consular officer "immediately." Most of these are also parties to the VCCR. Following the same guidance set forth above in the main text—that is, there should be no deliberate delay, and notification to the consular officer must occur as soon as reasonably possible under the circumstances—will in many cases ensure compliance with the bilateral agreements.

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often ask local authorities to notify them of all arrests of U.S. citizens, even when no treaty requires such automatic notification. As noted on page 25, the VCCR does not create any right belonging to the foreign national that would be violated by informing his or her consular officers of the arrest or detention without his or her consent.[9]

Q. Can I simplify the process by notifying consular officers of all arrests or detentions, regardless of the foreign national's wishes, instead of worrying about which countries are "mandatory" ("list") and which are not mandatory?

A. While the VCCR does not create any right belonging to the foreign national that would be violated by informing his or her consular officers of the arrest or detention without his or her consent,[10] the Department of State does not encourage jurisdictions to adopt a blanket policy of notifying consular officers in every case regardless of whether notification is automatically required by a bilateral agreement (i.e., regardless of whether the foreign national's country is a "mandatory notification" ("list") country). As previously noted, however, there may be situations in which it is appropriate to honor specific requests to notify particular consular officers of arrests and detentions even when notification is not strictly required, if this can be done consistent with applicable privacy and other laws.

Q. Are there any particular countries that we know want to be notified of arrests and detentions even in cases where I am not required to give notification?

A. Yes. The Government of Mexico has informed the Department of State of its desire to be notified of the detention of any minor, pregnant woman, or person "at risk" (meaning a person with an extremely serious mental or physical problem or a person who is charged with a crime that could result in capital punishment). Federal, state, and local officials may agree to notify Mexican consular officers of arrests and detentions in such cases, even if the individual does not request notification, if this can be done consistent with any applicable federal, state, or local privacy or other laws.

Q. Why doesn't the Department of State encourage me to notify the consular officers of the arrest or detention in all cases, regardless of whether the foreign national wants me to notify them? Wouldn't that be simpler?

A. The Department of State does not encourage a policy of automatically notifying consular officers whenever one of their foreign nationals is arrested or detained, for a number of reasons. There is no uniformly applicable treaty or other federal-level requirement that consular officers be notified of all arrests and detentions of foreign nationals. Without such a governing federal requirement, privacy laws in some states may not permit notification unless the foreign national consents.

In addition, foreign nationals may not want the fact of their arrest or detention disclosed unnecessarily.[11] In some cases, a foreign national may be afraid of his or her government and may wish to apply for refugee status or asylum in the United States. Finally, some foreign consular offices may not have the capacity to deal with notifications in all cases. Learning only of cases in which the foreign national requests notification allows them to use their limited resources more efficiently.

Q. Isn't it wrong to follow "mandatory notification" procedures for list countries if the foreign national doesn't want his or her consular officers notified? What about the foreign national's privacy interests? What if the foreign national is afraid of his or her own government?

A. If the foreign national is from a "mandatory notification" ("list") country, the consular officers must be notified of the arrest or detention even if the foreign national objects or

[9] Under a bilateral agreement, the rules are different for detained Irish nationals. See note 7 on page 25.

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claims to be afraid. If the foreign national is an asylum seeker, arrangements can be made to protect the foreign national while ensuring that the United States fulfils its obligation to notify his or her consular officers. *You should never reveal to the foreign national's government that the foreign national has or may have applied for asylum or withholding of removal.* The Department of State requests that you contact it for specific guidance when faced with such a case.

Q. If the foreign national is from a "mandatory notification" ("list") country and I notify the consular officers as required, should I tell the foreign national?
A. Yes. The foreign national should always be told that his or her consular officers have been notified and that he or she may communicate with them. While the mandatory notification bilateral agreements generally do not expressly require that the national be informed of such notification, informing the national about consular notification and access is provided for in the VCCR. Most countries with which the United States has a bilateral agreement also belong to the VCCR, and even in cases in which countries are not party to VCCR, the Department of State expects the same procedures to be followed as a matter of customary international law. If questions arise concerning which instrument governs a particular question—the VCCR or the bilateral agreement—contact the Department of State.

Q. Can I comply with consular notification requirements by simply letting the detained foreign national have access to a telephone?
A. No. It is the obligation of the government officials responsible for the arrest or detention to ensure that consular notification procedures are followed. When the foreign national requests that his or her consular officers be notified, or when notification is mandatory because the foreign national is from a "mandatory notification" ("list") country, the government officials responsible for the detention must personally notify the consular officers or ensure (and be able to confirm) that it is provided.

Providing access to a phone and relevant phone numbers is only sufficient to satisfy the obligation to permit consular communication (also in Article 36(1)(b) of the VCCR), and only then if you can confirm that the communication in fact occurred.

Q. My detention facility only allows inmates to make collect calls when calling outside of the local area. What should I do if a consulate refuses to accept a collect call from a foreign national inmate? Do I have to allow the foreign national to call the consulate directly?
A. VCCR Article 36(1)(a) states that "consular officers shall be free to communicate with nationals of the sending State and to have access to them," and that "[n]ationals of the sending State shall have the same freedom with respect to communication with and access to consular officers of the sending State..." This obligation is satisfied by permitting the detainee to communicate by letter. The Department of State nevertheless encourages permitting telephone communications, including direct calls to consulates that do not accept collect calls, as long as the privilege is not abused.

Q. When I notify the consular officers, should I tell them the reasons for the detention?
A. A handful of bilateral consular agreements require you to give the foreign consular officer the reasons why the foreign national was detained:

Algeria: Only one bilateral agreement, the agreement with Algeria, requires you to inform the foreign consular officer of the reasons—in the words of the agreement, the "motivating circumstances"—behind the detention, whether or not the consular officer expressly asks you for the reasons.

[10] Under a bilateral agreement, the rules are different for detained Irish nationals. See footnote 7 on page 25.
[11] Moreover, one bilateral consular convention—the convention between the United States and Ireland—*requires* that you refrain from contacting Irish consular officers if the detained Irish national, upon being informed about consular notification, requests that you not do so. See footnote 7 on page 25, footnote 55 on page 51, and footnote 136 on page 66.

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Bulgaria, China (including Hong Kong and Macao), Czech Republic, Mongolia, Poland, and Slovakia: Bilateral agreements with these other six countries require you to inform the foreign consular officer of the reasons behind the detention only if the consular officer asks for the reasons.[12]

For all other countries, you do not have to inform the consular officer of the reasons why the foreign national was detained, as no such obligation exists under the VCCR or relevant bilateral agreements with other countries. Nevertheless, the Department of State recommends that, if the consular officers ask you the reasons, you provide them as a courtesy, if possible. Mexico, for example, has informed the Department that it would like to be advised of the reasons for the arrest of its nationals so that it can focus its consular resources on death penalty and other serious cases. The Department asks that, where possible, you comply with this request.

Generally you may use your discretion in deciding how much information to provide, consistent with privacy considerations and the applicable international agreements, in the initial notification of an arrest or detention. In doing so, you may wish to balance the privacy interests of the detainee with the interests of the foreign government in allocating its resources to respond first to the most serious cases. If a consular official insists that he or she is entitled to information about a foreign national that the foreign national does not want disclosed, the Department of State can provide guidance.

In some cases, federal or state law may prohibit you from providing detailed information concerning the reasons for the detention. For example, certain laws may prohibit you from giving information to third parties concerning the medical condition of persons confined to a medical institution. Where you have detained a foreign national for medical reasons and the foreign consular officer asks to know the reasons for the detention—especially where the detainee's nationality is Algerian, Bulgarian, Chinese, Czech, Mongolian, Slovakian, or Tunisian—contact the Department of State for guidance.

Q. Is there a guiding principle I can follow in applying the consular notification requirements?

A. Yes: reciprocity. Always keep in mind that these are mutual obligations. In general, you should treat the foreign national as you would want an American citizen to be treated in a similar situation in a foreign country. This means you should inform the foreign national promptly and courteously: (1) that he or she may communicate with consular officers and request consular notification; or (2) that you must notify the consulate because the detainee is from a "mandatory notification" ("list") country. When required, you should promptly and courteously notify the foreign national's nearest consular officers so that they can provide whatever consular services they deem appropriate.

QUESTIONS ABOUT WHAT HAPPENS IF YOU FAILED TO NOTIFY

Q. If I failed to go through consular notification procedures when I should have and the foreign national is still in detention, what should I do?

A. Consular notification is always "better late than never." If the appropriate consular notification procedures were not followed at the time of the initial arrest or detention, you should follow the instructions in this manual as soon as you become aware that a foreign national is in your custody, so that the relevant foreign government is given the opportunity to provide consular assistance. You should go through consular notification procedures even if a different government entity (e.g., the police, where you are the prosecutor or a prison official) failed to provide consular notification in the first place.

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Q. If I failed to go through consular notification procedures but the foreign national is now receiving consular assistance, should I still notify the foreign consular officers of the arrest or detention?

A. If the foreign national has already established contact with his or her consular officers, it is useful but not essential to remedy a failure to provide consular notification by going through the procedures described in this manual. The consular notification procedures are a mechanism to ensure that a foreign government can provide consular assistance to its nationals who are detained. Once the foreign government's consular officers are aware of the detention it is not necessary, for the mere sake of formality, to follow consular notification procedures. Following consular notification procedures in such a case could be useful, however, to ensure that the foreign national understands his or her options and that there is an official record of compliance with the requirements, which may be helpful if compliance becomes an issue in litigation. In addition, if the foreign government officials involved are not consular officers (e.g., if they are foreign law enforcement officials), then consular notification procedures should still be followed.

Q. If I failed to go through consular notification procedures and the foreign national has already been released from detention, should I still go through the process of notification?

A. The appropriate action in such a situation will vary. If the foreign national is still subject to criminal proceedings arising from his or her arrest, it may be appropriate to advise the prosecutor that consular notification procedures were not followed or to take other steps to ensure that the foreign national or his or her attorney is aware of the option to communicate with consular officers. It may make sense to notify consular officers directly of the ongoing proceedings, particularly if the foreign national is from a "mandatory notification" ("list") country. Such steps will ensure that the foreign government is given the opportunity to provide consular assistance for the remaining period of the proceedings. If proceedings against the foreign national have ended and he or she is no longer detained, so that consular assistance is unlikely to have any continuing relevance, there is little or no reason to follow notification procedures. In cases involving brief detentions (e.g., less than 24 hours), the Department of State does not believe any need exists to notify the consular officers where the detainee has already been released, even if consular officers were not notified during the detention.

Q. What remedy might the foreign national or his or her country have if I failed to go through consular notification procedures?

A. The judicial remedies available to a foreign national alleging a violation of consular notification requirements vary by jurisdiction. Foreign nationals have sought money damages for alleged violations, though such suits are rarely successful. Some foreign nationals have also sought review of their convictions or sentences, claiming trial counsel provided ineffective assistance by not raising the consular notification violation at trial. The most significant consequence, however, is that the United States will be seen as a country that does not take its international legal obligations seriously.

In all cases where applicable consular notification procedures were not followed, you should determine the reason behind the failure and take steps to prevent similar mistakes in the future. If the country's consular officers complain about the failure to follow proper procedures, it may be appropriate to apologize and to assure them that corrective actions have been or will be taken to prevent recurrences.

If the Department of State receives a complaint that consular notification was not provided as required, it will take whatever actions it deems appropriate, both at the international and

[12] Similarly, if the foreign national is ultimately charged with a crime and his or her consular officers ask to know the charges, bilateral agreements with Bulgaria, China (including Hong Kong and Macao), the Czech Republic, Mongolia, Poland, and Slovakia require you to tell them the charges. The agreement with Tunisia also requires you to tell the consular officers the charges, unless the detained Tunisian national expressly asks you not to do so.

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domestic levels. The Department will likely request the relevant facts from the detaining federal, state, or local authority, and may intervene to ensure that consular access is permitted where the foreign national is still in detention. The Department will also work with the involved federal, state, or local detaining officials to improve future compliance.

QUESTIONS ABOUT HOW CONSULAR OFFICERS WILL PROVIDE ACCESS AND ASSISTANCE

Q. What can I expect a consular officer to do once notification of an arrest or detention has been made?

A. A consular officer may do a variety of things to assist a detained foreign national. The consular officer may ask to speak with the foreign national over the phone, may write to him or her, or may arrange one or more consular visits to meet with the detainee to discuss his or her situation and needs. A consular officer may assist in arranging legal representation, monitor the progress of the case, and seek to ensure that the foreign national receives a fair trial (e.g., by working with the foreign national's lawyer, communicating with prosecutors, or observing the trial). The consular officer may speak with prison authorities about the foreign national's conditions of confinement, and may bring the detainee reading material, food, medicine, or other necessities, if permitted by prison regulations. A consular officer will often get in touch with the foreign national's family members, particularly if they are in the country of origin, to advise them of his or her situation, morale, and other relevant information.

The consular officer may also deliver correspondence addressed to the foreign national, subject to applicable regulations of the prison facility. These may include letters from the national's family members or government, including correspondence from courts of the home country or the national's lawyer in the home country on legal matters concerning the national. It is also within the scope of the consular officer's duties to assist the foreign national in transmitting correspondence to these outside entities, as long as any assistance provided is in accordance with applicable rules and regulations of the prison facility.

As the purpose of the consular visit is to allow the consular officer the opportunity to provide consular services to the foreign national with a view to safeguarding the national's own personal interests, the consular officer may not engage in law enforcement activities, such as taking or recording a statement from the national for use in a lawsuit or prosecution in the home country.

The actual services provided by a consular officer will vary in light of numerous factors, including the foreign country's level of representation in the United States and available resources. For example, some countries only have an embassy in Washington, D.C., and will rarely be able to visit their nationals imprisoned in locations elsewhere in the United States. Other countries have consulates located in many major U.S. cities and may regularly perform prison visits throughout the United States. Each country has discretion in deciding what level of consular services it will actually provide.

Q. Are consular officers obligated to provide assistance to their nationals?

A. The VCCR and bilateral consular agreements do not require consular officers to provide assistance to their detained nationals. Some countries may have internal policies or laws obligating their consular officers to provide certain services, but most consular assistance is provided at the discretion of the consulate based on resources, workload, location of consulates in the United States, and other factors.

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Q. Can I rely on the consular officer to arrange for legal counsel?
A. No. If the foreign national has a right to counsel and requests that he or she be given a court-appointed lawyer, you should follow ordinary procedures for arranging counsel. While a consular officer is permitted to assist in arranging counsel, whether or not to assist is fully within the consular officer's discretion.

Q. Is a consular officer entitled to act as legal counsel for a detained foreign national?
A. No. Consular officers are not permitted to practice law in the United States. They may, however, participate in litigation as "friends of the court," and they may assist a foreign national and his or her legal counsel in preparation of the foreign national's defense, if the foreign national agrees.

Q. Are a consular officer's communications with a detained foreign national privileged in the same way communications with lawyers are privileged? Can the consular officer take actions contrary to the foreign national's interests?
A. A consular officer is entitled to testimonial immunity concerning matters connected with the exercise of his functions, unless his government waives that immunity. In other words, the officer cannot be compelled to give testimony about what he or she has learned or done in the course of performing consular functions, unless his or her government waives such immunity. Even so, the Department of State expects consular officers to provide appropriate assistance to prosecutors and other U.S. authorities, e.g., by confirming the identity of their nationals, and helping the Department of Homeland Security to remove their nationals from the United States when an order of removal is final, regardless of whether the national wants to be removed.

A consular officer may take actions contrary to the foreign national's interests, and is not required to preserve the confidences of the foreign national unless so required under the laws of his or her own country. For example, a consular officer may share information obtained in an interview with the detainee with law enforcement authorities of his or her home country. A consular officer may also assist arresting or detaining authorities by doing things such as reviewing identity documents to determine if they are authentic, assisting with interpretation, or helping to contact witnesses or other interested persons.

Q. Do I have to permit a consular officer to have access to a detainee?
A. Yes—and you must allow one consular visit even if the foreign national doesn't want a visit. Consular officers are entitled to visit and to communicate with their detained nationals. This is true even if the foreign national has not requested a visit, or specifically tells you that he or she does not want to be visited or contacted by consular officers. In situations where you have told the foreign national that he or she may have his or her consular officers notified, and the foreign national declines notification, the consulate may become aware of the arrest or detention anyway, through independent means. The consulate may also become aware because you notified them, as required where the foreign national's country is a "mandatory notification" ("list") country. In either case, where consular officers have become aware of the arrest or detention and request consular access, you must allow it.

If the foreign national does not want consular assistance, the consular officer should be allowed an opportunity to confirm that directly—for example, through a one-time, face-to-face meeting. In the event that an in-person, face-to-face meeting is not practicable (e.g., in a quarantine situation or an involuntary commitment where the foreign national poses a danger to himself and others), you should develop a mutually acceptable alternative. The Department of State can assist in these efforts.

However, you should never reveal to the foreign national's government that the foreign

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national has or may have applied for asylum or withholding of removal. If a consular officer insists on obtaining information about a foreign national that the national does not want disclosed, the Department of State can provide more specific guidance.

Q. Do I have to allow access by employees of the consulate who are not consular officers?
A. Not usually, but you may if you wish (see the exception for Iranian nationals described immediately below). As noted above, "consular officers" are officials of a foreign government accredited by the Department of State and authorized to provide assistance on behalf of the foreign government to that government's citizens in another country. The VCCR contains no prohibition on visits by consular employees who are not consular officers, but who are approved by the consulate to conduct visits to detained foreign nationals. If the government authority responsible for the arrest or detention has no objection to allowing such persons to conduct visits, they may do so. The government authority should keep a record of the visit and verify that the person is indeed authorized by the consulate to conduct the visit. If the government authority does not wish to allow non-consular officers to conduct visits, it need not do so, as it has no obligation to allow consular access by such persons.

Q. Do special rules apply if I detain an Iranian national?
A. Yes. As an exception to the rule described immediately above, if you arrest or detain a national of Iran you must allow consular access by "properly notified" employees of the Iranian Interests Section of the Embassy of Pakistan in Washington, D.C. These individuals do not possess consular identification cards. When faced with a request from the Iranian Interests Section for consular access, you should contact the Department of State to verify that the employees proposed to conduct the visit have been properly notified to the Department in accordance with the protecting power arrangements between Department and the Embassy of Pakistan, and are thus authorized to conduct such visits. Pakistani consular officers may also conduct consular visits to Iranian nationals. If you detain a dual U.S.-Iranian national, see the question "What about dual nationals?" on page 14 of this manual.

Q. Are consular officers entitled to visit whenever they want to?
A. No. Law enforcement and corrections authorities may make reasonable regulations about the time, place, and manner of consular visits to detained foreign national, and consular officers may be required to visit during established visiting hours. In accordance with Article 36(2) of the VCCR, however, those regulations cannot be so restrictive that the purpose of consular assistance is defeated.

The Department urges law enforcement authorities to grant foreign consular officers liberal access to detained persons, and to provide the consular officer every courtesy and facility consistent with local laws and regulations. Liberal visiting privileges are particularly important when consular officers have to travel long distances to visit their nationals.

Q. Do consular officers have to comply with prison security regulations?
A. Yes. For example, consular officers may be prohibited from taking in prohibited items, such as recording devices; or from taking statements from the foreign national under oath, having the national sign a statement, or otherwise engaging in formal law enforcement activities. If the consular officer questions having to follow a particular security rule, you should tell him or her to address the question directly to the Department of State. Such questions may arise occasionally because, while not exempt from security regulations, under rules relating to the privileges and immunities of diplomatic and consular officers, consular officers conducting prison visits are entitled to be treated with respect.

Q. Is a consular officer entitled to meet or converse privately with a detained foreign national?
A. The United States has bilateral agreements with the following countries requiring you to

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allow the foreign consular officers to converse with their national in private:

Antigua and Barbuda; Bahamas; Barbados; Belize; Brunei; Costa Rica; Cyprus; Dominica; Fiji; Gambia; Ghana; Grenada; Guyana; Ireland; Jamaica; Japan; Kiribati; Kuwait; Malaysia; Malta; Mauritius; Nigeria; Saint Kitts and Nevis; Saint Lucia; Saint Vincent and the Grenadines; Seychelles; Sierra Leone; Singapore; Tanzania; Tonga; Trinidad and Tobago; Tuvalu; United Kingdom; Zambia; and Zimbabwe.

In cases of nationals of other countries, privacy is encouraged but not required. The VCCR and other bilateral agreements entitle consular officers to converse with their nationals, but they do not explicitly state that such conversations must be in private. The Department of State would normally expect the privacy of communications between consular officers and their nationals to be respected. The aim of consular access is for the consular officer to safeguard the interests of the foreign national by, for example, checking on the person's welfare, helping arrange legal representation, and conversing with the person about the conditions of detention. This aim is best accomplished when the consular officer and foreign national are free to meet in private and converse in an unrestricted manner. The monitoring of consular conversations may have a chilling effect on the foreign national's ability to communicate freely with the consular officer about issues that go to the core of consular assistance.

Nevertheless, the Department of State recognizes that in rare cases safety or security procedures at a detention facility may require that all communications with detainees be monitored, or the circumstances of a particular detainee may require that communications with him or her be monitored (e.g., the detainee is especially dangerous and may attack the consular officer). In general, you should be prepared to articulate specific safety or security concerns in cases where you believe you cannot provide a private meeting area to the consular officer and the detainee, or where you otherwise believe that monitoring the visit is essential. Where safety or security concerns are invoked, the measures taken to monitor the visit must be tailored to address the articulated concerns, in order to enable full effect to be given to the purposes of consular visits to the greatest extent possible. In most cases where safety or security concerns are invoked, the presence of a security guard will be sufficient to allay the concerns. Where a decision is made to monitor the visit, whether in person or remotely, you should disclose to the detainee and to the consular officer that they will be monitored.

If a consular officer insists upon a private meeting but the detained national objects to meeting privately, you should seek guidance from the Department of State.

Q. What is the role of a consular officer in a case involving the death of a foreign national?

A. The VCCR authorizes consular officers to safeguard the interests of nationals of their country who have died in the United States, in accordance with applicable federal, state, and local laws and regulations. In addition, many bilateral agreements authorize consular officers to undertake specific activities related to the personal estates of deceased foreign nations, such as:

- Acting as provisional or temporary conservator of the property of the deceased citizen until an administrator is appointed.
- Acting as administrator of an estate of one of its nationals or of an estate in which one of its nationals may have an interest if no person having a superior right under the applicable local law is competent or willing to act.
- Representing the interests of its nationals in estate proceedings within the consular officer's jurisdiction.

Consular officers may also help identify the body of a deceased foreign national, notify

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next of kin, and help obtain and authenticate relevant documents. Notification of a death is particularly important because it allows foreign governments to cancel passports and other travel documents so that they are not fraudulently reissued, or fraudulently appropriated and used by a third party.

Q. Do I have to notify consular officers if a foreign national is seriously injured or ill?
A. Although serious injuries and illnesses are not specifically covered in the VCCR, the Department of State encourages U.S. officials to consider notifying consular officers if a foreign national is in such a critical condition that contacting the consular officers would be in that person's best interest (e.g., if the foreign national is in a coma or is sent to the hospital with a life-threatening injury). If the foreign national is put into quarantine or involuntary medical confinement, under the VCCR the appropriate consular notification procedures must be followed. For more on this issue, see the question "If I have a foreign national who is hospitalized or quarantined, do I have to provide consular notification?" on page 18.

Q. What is the role of a consular officer in a case involving the appointment of a guardian?
A. Consular officers are in a unique position to assist courts and other competent authorities in determining what is in the best interests of a foreign national minor or incapacitated adult. Consular officers may be able to:

- Help locate family in the United States or in the foreign national's country of origin that may be authorized to act as the individual's guardian or be willing to take on that role.
- Facilitate communications between the foreign national and his or her family.
- Help point out cultural differences that may be relevant in determining the foreign national's best interests.
- Obtain and authenticate relevant documents, such as medical or school records, in the foreign national's country of origin.
- Arrange for legal representation for the foreign national.

Article 5(h) of the VCCR authorizes a consular officer to safeguard "within the limits imposed by the laws and regulations of the receiving State, the interests of minors and other persons lacking full capacity who are nationals of the sending State, particularly where any guardianship or trusteeship is required with respect to such persons." Yet Article 37(b) expressly recognizes that consular notification of guardianship procedures is not intended to interfere with such procedures; rather, notification is "without prejudice to the operation of the laws and regulations" concerning such appointments. Thus, the laws and regulations of the jurisdiction will determine whether, and in what manner, a consular officer may undertake particular activities on behalf of a foreign national in guardianship proceedings. In general, however, consular officers should be permitted to participate in guardianship proceedings if they so choose and should be permitted to present their views, either orally in writing, to the court or other competent authorities.

The actual services provided by a consular officer will vary in light of numerous factors, including the number of consulates and consular officers the foreign country has in the United States and available resources. As a result, you should not delay legal proceedings unless consular officers have expressed an interest in the case and the court or other competent authority determines that delaying the proceedings to permit consular officers an opportunity express their government's views or to provide assistance is in the best interests of the foreign national.

Q. Are consular officers entitled to receive copies of a foreign national's medical records in cases involving the death of a foreign national or the possible appointment of a guardian for a minor or incapacitated foreign national?

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A. Be aware that federal or state privacy laws may impact whether you can provide consular officers with a deceased, minor, or incapacitated foreign national's medical information. Should questions arise in this respect, contact the Department of State for guidance.

Q. Is there a guiding principle I can follow with respect to consular access and dealing with consular officers?
A. Yes: reciprocity. Always keep in mind that these are mutual obligations. In general, you should permit a consular officer to perform consular functions in the same way that you would want an American consular officer to do so in a similar situation in a foreign country.

QUESTIONS ABOUT CONTACTING THE DEPARTMENT OF STATE

Q. Do I need to notify the Department of State whenever I arrest or detain a foreign national?
A. No. Your obligations are to notify the detainee's consular officers if the foreign national so requests or if the national is from a "mandatory notification" ("list") country. You do not need to inform the Department of State about the detention. In fact, the Department generally prefers that you not inform it (e.g., through courtesy copies or faxed notifications), since informing the Department often causes confusion about whether the foreign consulate has been informed properly and in a timely manner. On the other hand, it may be appropriate to inform the Department of unusual cases or anomalous situations not addressed in this manual, provided that you also simultaneously notify the detained individual and the appropriate foreign consulate when required to do so. If you have questions about any of the consular notification and access obligations or related matters addressed in this manual, the Department stands ready to provide information and advice.
Q. How can I get answers to other questions?
A. Additional inquiries may be directed to:

Consular Notification & Access (CNA)
U.S. Department of State
CA/P
SA-17, 12th Floor
Washington, DC 20522-1712

Telephone: (202) 485-7703
Fax: (202) 485-6170
Email: consnot@state.gov

Urgent telephone inquiries after regular business hours (8 a.m. to 5 p.m. Eastern) may be directed to the Department's Operations Center at (202) 647-1512.

Further information on this topic, including updates and training resources, can be found on the Consular Notification and Access website at *http://travel.state.gov/CNA.*

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PART FOUR: LEGAL MATERIAL

The materials in this section include:

- **Legal Overview**
- **Vienna Convention on Consular Relations**
- **Bilateral Agreements**
- **Components of Tables A through D**
- **Customary International Law**
- **Basis for Implementation**
- **Table A: Provisions from Bilateral Agreements Requiring Mandatory Notification**
- **Table B: Provisions from Bilateral Agreements Requiring Notification upon Request**
- **Table C: Consular Convention and Agreement Status of All Countries**
- **Table D: Countries with Bilateral Agreements Containing Provisions on Consular Notification and Access**

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LEGAL OVERVIEW

The following pages summarize and provide the basic legal authorities that pertain to consular notification and access. They include the key provisions of the VCCR and bilateral agreements providing for "mandatory notification," as well as bilateral agreements providing for consular notification upon the detained foreign national's request, and information concerning other treaties relevant to the provision of consular services.

A function of governments has long been to provide services to their nationals abroad. These "consular" services include certain legal services, such as notarizing documents or assisting with the estate of a national who dies abroad. They also include looking for missing nationals, determining whether nationals are safe, assisting in evacuating nationals from countries where their lives are in danger, and other similar "welfare and whereabouts" services. Another important consular service is the provision of assistance to nationals who are detained by a foreign government. Protecting such nationals may include attempting to ensure that they receive a fair and speedy trial with the benefit of counsel; visiting them in prison to ensure that they are receiving humane treatment; and facilitating communications with their families.

The performance of consular functions was originally a subject of customary international law but not uniformly addressed in any treaty. Eventually, efforts were made to codify in international treaties the rights of governments to provide consular services to their nationals. Such treaties might be called "treaties," "conventions," or "agreements," but all generally enjoy the status of a treaty in international law, in that they legally bind the countries that become parties to them.

When the United States first began to conclude international agreements on consular relations with other countries, the usual vehicle was a type of bilateral treaty known as a treaty of "friendship, commerce, and navigation." Later, bilateral conventions dealing exclusively with consular matters—typically referred to as "consular conventions"—became more common. The United States concluded bilateral consular conventions with many countries throughout the twentieth century, though with less frequency after it became a party to the Vienna Convention on Consular Relations (VCCR).[13] As a result of decolonization and the breakup of several countries following the end of the Cold War, a number of new countries succeeded to the bilateral treaty obligations already in force between the relevant predecessor country and the United States. These are discussed below in the section entitled "Bilateral Agreements."

VIENNA CONVENTION ON CONSULAR RELATIONS

On April 24, 1963, the multilateral VCCR was concluded and countries throughout the world began ratifying it.[14] The VCCR entered into force on March 19, 1967, and the United States ratified it on December 24, 1969. Today, most countries are parties to the VCCR, which to a large extent codified customary international law and thus represents the most basic principles pertaining to the performance of consular functions. The United States relies on the VCCR as the principal basis for the conduct of its consular activities, although most of the bilateral consular conventions and other agreements with consular provisions that the United States has concluded with other countries remain in force alongside the VCCR.

Because of its comprehensive nature and near-universal applicability, the VCCR now

[13] Vienna Convention on Consular Relations, Apr. 24, 1963, 21 U.S.T. 77, 596 U.N.T.S. 261 (entered into force Mar. 19, 1967) (entered into force for the United States Dec. 24, 1969).

[14] Another multilateral consular convention is the Havana Convention Relating to the Duties, Rights, Prerogatives and Immunities of Consular Agents, Feb. 20, 1928, 2 Bevans 714, 155 L.N.T.S. 291, reprinted in 26 Am. J. Int'l L. Supp. 378 (1932) (entered into force Sept. 3, 1929) (entered into force for the United States Feb. 8, 1932). Unlike the VCCR, this convention deals only with the privileges and immunities of consular officers. As of 2009, the parties to it were: Brazil, Colombia, Cuba, Dominican Republic, Ecuador, El Salvador, Haiti, Mexico, Nicaragua, Panama, Peru, the United States, and Uruguay.

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establishes the baseline for most obligations with respect to the treatment of foreign nationals in the United States, and for foreign governments' treatment of U.S. nationals abroad. More than 170 countries are now party to the VCCR, which leaves approximately 20 still outside the VCCR regime; as explained below, a smaller subset of these 20 also lacks a bilateral agreement with the United States dealing with consular matters.[15] The VCCR provides rules for the operation of consulates and for the duties of consular officers of the "sending" country (that is, the country that has sent the consular officer abroad) in the "receiving" country (that is, the country to which the consular officer has been sent). Much of the VCCR addresses "privileges and immunities" of consular officers; for example, consular officers may not be sued for official acts.

The VCCR also addresses the services consular officers may provide to nationals in the receiving country. Article 5, reproduced below, enumerates several of these. Two additional articles—Articles 36 and 37—address consular assistance to nationals, further underscoring the special importance the international community places on giving such assistance. Article 36(1)(a) states the fundamental rule that consular officers and their nationals may communicate with and have access to each other. To ensure the ability of a foreign national to communicate with his or her consular officers when he or she is in custody or some other form of detention, Article 36(1)(b) provides that the "competent authorities" of the receiving country (e.g., the police, prosecutor, or prison authorities) must inform the foreign national "without delay" that he or she may have his or her "consular post" notified of the arrest or detention without delay, and have any communications forwarded to the consular post without delay. If the foreign national "so requests," these authorities must notify the consular post and forward communications. Article 36(1)(c), in turn, gives consular officers the right to visit their nationals in detention in the receiving country, to converse and correspond with them, and to arrange for their legal representation. This article expressly bars consular officers from taking action on behalf of a foreign national that the foreign national opposes. Article 36(2) stipulates that foreign nationals and consular officers must carry out the activities outlined in Article 36(1) in conformity with the "laws and regulations" of the receiving country, but that those laws "must enable full effect to be given to the purposes for which the rights … are intended."

Article 37 addresses consular functions in cases of death, major air and sea accidents, and where guardians are appointed for minors and others lacking legal competence. In each scenario, the "competent authorities" of the receiving country must notify the consular post of the affected foreign national or nationals. Article 37(b) expressly recognizes, however, that consular notification of guardianship procedures is not intended to interfere with such procedures. Rather, notification is "without prejudice to the operation of the laws and regulations" concerning such appointments.

The following is the full text of Articles 5, 36, and 37 of the VCCR:

Article 5: Consular Functions

Consular functions consist in:

(a) protecting in the receiving State the interests of the sending State and of its nationals, both individuals and bodies corporate, within the limits permitted by international law;

(b) furthering the development of commercial, economic, cultural and scientific relations between the sending State and the receiving State and otherwise promoting friendly relations between them in accordance with the provisions of the present Convention;

(c) ascertaining by all lawful means conditions and developments in the commercial, economic, cultural and scientific life of the receiving State, reporting thereon to the Government of the sending State and giving

[15] See footnote 24 on page 44.

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information to persons interested;

(d) issuing passports and travel documents to nationals of the sending State, and visas or appropriate documents to persons wishing to travel to the sending State;

(e) helping and assisting nationals, both individuals and bodies corporate, of the sending State;

(f) acting as notary and civil registrar and in capacities of a similar kind, and performing certain functions of an administrative nature, provided that there is nothing contrary thereto in the laws and regulations of the receiving State;

(g) safeguarding the interests of nationals, both individuals and bodies corporate, of the sending State in cases of succession mortis causa in the territory of the receiving State, in accordance with the laws and regulations of the receiving State;

(h) safeguarding, within the limits imposed by the laws and regulations of the receiving State, the interests of minors and other persons lacking full capacity who are nationals of the sending State, particularly where any guardianship or trusteeship is required with respect to such persons;

(i) subject to the practices and procedures obtaining in the receiving State, representing or arranging appropriate representation for nationals of the sending State before the tribunals and other authorities of the receiving State, for the purpose of obtaining, in accordance with the laws and regulations of the receiving State, provisional measures for the preservation of the rights and interests of these nationals, where, because of absence or any other reason, such nationals are unable at the proper time to assume the defense of their rights and interests;

(j) transmitting judicial and extra-judicial documents or executing letters rogatory or commissions to take evidence for the courts of the sending State in accordance with international agreements in force or, in the absence of such international agreements, in any other manner compatible with the laws and regulations of the receiving State;

(k) exercising rights of supervision and inspection provided for in the laws and regulations of the sending State in respect of vessels having the nationality of the sending State, and of aircraft registered in that State, and in respect of their crews;

(l) extending assistance to vessels and aircraft mentioned in sub-paragraph (k) of this Article and to their crews, taking statements regarding the voyage of a vessel, examining and stamping the ship's papers, and, without prejudice to the powers of the authorities of the receiving State, conducting investigations into any incidents which occurred during the voyage, and settling disputes of any kind between the master, the officers and the seamen in so far as this may be authorized by the laws and regulations of the sending State;

(m) performing any other functions entrusted to a consular post by the sending State which are not prohibited by the laws and regulations of the receiving State or to which no objection is taken by the receiving State or which are referred to in the international agreements in force between the sending State and the receiving State.

Article 36: Communication and Contact with Nationals of the Sending State

1. With a view to facilitating the exercise of consular functions relating to nationals of the sending State:

(a) consular officers shall be free to communicate with nationals of the sending State and to have access to them. Nationals of the sending State shall have the same freedom with respect to communication with and access to consular officers of the sending State;

(b) if he so requests, the competent authorities

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of the receiving State shall, without delay, inform the consular post of the sending State if, within its consular district, a national of that State is arrested or committed to prison or to custody pending trial or is detained in any other manner. Any communication addressed to the consular post by the person arrested, in prison, custody or detention shall also be forwarded by the said authorities without delay. The said authorities shall inform the person concerned without delay of his rights under this sub-paragraph;

(c) consular officers shall have the right to visit a national of the sending State who is in prison, custody or detention, to converse and correspond with him and to arrange for his legal representation. They shall also have the right to visit any national of the sending State who is in prison, custody or detention in their district in pursuance of a judgment. Nevertheless, consular officers shall refrain from taking action on behalf of a national who is in prison, custody or detention if he expressly opposes such action.

2. The rights referred to in paragraph 1 of this Article shall be exercised in conformity with the laws and regulations of the receiving State, subject to the proviso, however, that the said laws and regulations must enable full effect to be given to the purposes for which the rights accorded under this Article are intended.

Article 37: Information in Cases of Deaths, Guardianship or Trusteeship, Wrecks, and Air Accidents

If the relevant information is available to the competent authorities of the receiving State, such authorities shall have the duty:

(a) in the case of the death of a national of the sending State, to inform without delay the consular post in whose district the death occurred;

(b) to inform the competent consular post without delay of any case where the appointment of a guardian or trustee appears to be in the interests of a minor or other person lacking full capacity who is a national of the sending State. The giving of this information shall, however, be without prejudice to the operation of the laws and regulations of the receiving State concerning such appointments;

(c) if a vessel, having the nationality of the sending State, is wrecked or runs aground in the territorial sea or internal waters of the receiving State, or if an aircraft registered in the sending State suffers an accident on the territory of the receiving State, to inform without delay the consular post nearest to the scene of the occurrence.

BILATERAL AGREEMENTS

Prior to its 1969 ratification of the VCCR, the United States entered into many bilateral treaties on the conduct of consular relations. Since that time, the United States has concluded a small number of additional bilateral consular agreements and memoranda of understanding on consular matters. Despite this occasional practice, the United States today adheres to a general policy of not entering into new bilateral agreements on consular matters, and instead urges universal ratification and application of the VCCR.

Today, bilateral consular conventions—as well as bilateral agreements on a variety of different subjects including consular relations—remain in force between the United States and more than 120 countries. A comprehensive list of these agreements appears in Table C, beginning on page 55. Most of these countries, in turn, are also parties to the VCCR, as indicated in that table. For many countries, the United States has more than one bilateral agreement with consular provisions.

It is useful to divide the bilateral agreements into three categories. First, many of them—especially those from the nineteenth and early twentieth centuries—are silent on consular

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notification and access when a foreign national is arrested or detained, but nevertheless contain other important provisions relevant to the provision of consular assistance. These agreements should be consulted if particular questions arise as to the treatment of a foreign national of a particular country (e.g., with respect to the handling of deaths and estates of foreign nationals in the United States).[16]

Second, several bilateral agreements contain a provision requiring that consular officers be notified when one of their nationals is arrested or detained, but only upon the national's request, in terms similar to those of the VCCR.[17] The relevant text of these "upon request" provisions appears in Table B, on pages 51 through 52.[18]

Third, bilateral agreements between the United States and 57 other countries require that consular officers be notified of the arrest or detention of one of their nationals automatically, regardless of whether the national wants such notification to occur. While these are commonly called "mandatory notification agreements" and the countries that are party to them are called "mandatory notification," "list," or "special rule" countries, a better term would have been "automatic notification" countries, because if requested by the foreign national after being informed, notification to the consular officers is also mandatory under the VCCR and the "upon request" bilateral agreements described in the previous paragraph. A complete list of the "mandatory notification" countries, and the relevant text of their mandatory notification provisions, appears in Table A.

While the mandatory notification requirement pertains to 57 countries, it flows from just 14 bilateral agreements. This is because, in international practice relating to successor states, a treaty that applied to a country when it was part of or under the jurisdiction of another country may in some circumstances continue to apply to that country when it becomes independent.

Thus, the 1973 bilateral agreement with Czechoslovakia today applies to two countries, the Czech Republic and Slovakia; the 1951 bilateral agreement with the United Kingdom now applies to the United Kingdom itself along with 31 former British colonies;[19] and the 1964 bilateral agreement with the Soviet Union now applies to 12 former Soviet republics.[20]

COMPONENTS OF TABLES A THROUGH D

Table A lists the "mandatory notification" countries. **Table B** lists the countries with which the United States has a bilateral agreement requiring notification only "upon request." As noted above, the VCCR's duty to notify is triggered only when the national is "arrested or committed to prison or to custody pending trial or detained in any other matter," and only if the national requests notification. By contrast, some of the bilateral agreements use different language to describe the event—arrest, detention, etc.—that triggers the duty to notify. Tables A and B reproduce the language from the bilateral agreements describing this

[16] For example, bilateral agreements with Austria, Estonia, Finland, Germany, Greece, Honduras, Latvia, Norway, Sweden, and Thailand require, in certain circumstances, that consular officers be notified when one of their nationals dies in the United States. See footnotes 64, 71, 91, 92, 95, 96, 99, 106, 116, and 125 below. This is also an express requirement in most of the bilateral consular conventions listed in the third column of Table C.

[17] These are Belgium, Denmark, Eritrea, Ethiopia, France, Germany, Iran, Ireland, Israel, Japan, Netherlands, Luxembourg, Oman, Pakistan, Poland, South Korea, Suriname, Thailand, and Togo.

[18] The bilateral agreement with Poland uniquely establishes different rules for Polish lawful permanent residents in the United States, on one hand, and all other Polish nationals, on the other. Polish "green card" holders—that is, lawful permanent resident aliens—must be informed of their right to request consular notification, and Polish consular officers must be notified only if the green card holder requests it. The arrest or detention of any other Polish national must be reported to Polish consular officers automatically, regardless of whether the Polish national requests it. For the citation to the bilateral agreement, see footnote 42 on page 48. The bilateral agreements with Denmark and Israel require that the foreign national actually be accused of a crime to trigger consular notification requirements, though Denmark is a party to the VCCR and, regardless of whether the foreign national is charged with a specific crime, both countries are required by customary international law to give the foreign national consular information, notify the consulate upon request, and allow a consular visit. See page 43-44 for a discussion of customary international law and footnotes 50 and 56 on pages 51 and 52 for a citation to the Danish and Israeli agreements.

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"triggering event."

Moreover, several of the "mandatory notification" agreements in Table A set an absolute time limit for mandatory notification, but also express a preference for notification within a shorter time such as "without delay" or "immediately." For these agreements, the column in Table A labeled "Preferred Time Limit" lists the preferred time for providing notification, and the column labeled "Absolute Time Limit" lists the time within which notification must be provided. Most of the agreements in Table A, and all of the agreements in Table B, have only one time limit—that is, the "absolute" time limit.

The full citation to each of these bilateral agreements, with dates of signature and entry into force, appears in the footnotes accompanying Tables A and B. Citations to "Bevans" are to the *Treaties and Other International Agreements of the United States of America, 1776–1949*, compiled under the direction of Charles I. Bevans. Citations to "U.S.T." are to *United States Treaties and Other International Obligations*, which were calendar-year volumes published from 1950 to 1984. Citations to "T.I.A.S." are to the *Treaties and Other International Acts Series*, issued by the Department of State; pre-1984 T.I.A.S. prints of treaties were also subsequently compiled in U.S.T. Citations to "S. Treaty Doc. No." are to pamphlets printed by the U.S. Government Printing Office and issued by the United States Senate. Citations to "L.N.T.S." are to the *League of Nations Treaty Series*; citations to "U.N.T.S." are to the *United Nations Treaty Series*.

The large number of bilateral agreements and the many variations in their provisions makes it impossible to reproduce their text in this manual, beyond the provisions on consular notification that appear in Tables A and B. If issues arise as to provisions in the bilateral agreements that are not reproduced in this manual, the Department of State can assist in finding those provisions.

Table C indicates the consular agreement status of all countries in the world, along with certain other jurisdictions. The **second column** indicates the year the VCCR entered into force between a given country and the United States. For those countries that ratified or acceded to the VCCR prior to 1969, "1969" appears in the first column, as that was the year the United States ratified the VCCR. For those countries not yet party to the VCCR, no year appears in the first column. The **third column** of Table C lists the bilateral consular convention or conventions between the country and the United States—if any—as well as other bilateral agreements dealing wholly or almost wholly with consular matters, and agreements amending such conventions or agreements. Where such an agreement exists for a given country, the column shows the year it entered into force between that country and the United States. Citations in the footnotes show the year of signature and other relevant information. The **fourth column** of Table C indicates, where applicable, the year of entry into force of other, more general agreements that include consular provisions of current relevance, such as treaties of "friendship, commerce, and

[19] The former colonies are Antigua and Barbuda, the Bahamas, Barbados, Belize, Brunei, Cyprus, Dominica, Fiji, Gambia, Ghana, Grenada, Guyana, Jamaica, Kiribati, Kuwait, Malaysia, Malta, Mauritius, Nigeria, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Seychelles, Sierra Leone, Singapore, Tanzania, Tonga, Trinidad and Tobago, Tuvalu, Zambia, and Zimbabwe. Current British dependencies also covered by the bilateral consular convention between the United States and the United Kingdom are Anguilla, the British Virgin Islands, Bermuda, Montserrat, and the Turks and Caicos Islands. Residents of the Overseas Territories may be traveling on a passport issued by the territory with no indication that the territory is British. Moreover, certain residents of the former territories may have retained their British nationality upon independence alongside the nationality of the new country. For advice on how to ascertain whether an arrested or detained person is a British national, and therefore whether a British consulate must be notified of the arrest or detention, see the question "What about British nationals?" on page 23. For a citation to the U.S.-U.K. bilateral consular convention, see footnote 30 on page 45.

[20] These are Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan. Beyond the U.K., Czechoslovakia, and Soviet Union successors, 11 other countries are "mandatory notification" countries: Albania, Algeria, Bulgaria, China (including Hong Kong and Macao), Costa Rica, Hungary, Mongolia, Philippines, Poland (except with respect to detained Polish nationals who are lawful permanent resident aliens of the United States—i.e., "green card" holders), Romania, and Tunisia.

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navigation" with some provisions setting forth consular functions. The second, third, and fourth columns of Table C are not a definitive record, however, and do not list all agreements relevant to the work of consular officers. Most common among the agreements not listed are those relating principally to passport and visa matters; customs and entry privileges for consular officers; social security totalization; and international legal assistance.

The **fifth column** of Table C indicates, where applicable, the year a multilateral or bilateral prisoner transfer agreement entered into force between a given country and the United States. "COE" before the year indicates that the country is a party to the multilateral 1983 Council of Europe (Strasbourg) Convention on the Transfer of Sentenced Prisoners.[21] "OAS" indicates that the country is a party to the multilateral 1993 Organization of American States Inter-American Convention on Serving Criminal Sentences Abroad.[22] "B" indicates that a bilateral prisoner transfer agreement exists between the United States and that country. The **sixth column** of Table C indicates, where applicable, the year the 1980 Hague Convention on the Civil Aspects of International Child Abduction entered into force between a given country and the United States.[23]

Finally, **Table D** synthesizes certain information contained in Tables A, B, and C for quick reference. Additional information on the status of these and other treaties can be found in the State Department publication *Treaties in Force*, accessible from the website of the Office of the Assistant Legal Adviser for Treaty Affairs at the Department of State, *http://www.state.gov/s/l/treaty.*

CUSTOMARY INTERNATIONAL LAW

While consular relations are now largely governed by the treaties discussed above, the United States still looks to customary international law as a basis for insisting upon adherence to consular notification and access requirements by a small number of countries not party to the VCCR or any bilateral agreement with a provision on consular notification and access.[24] The Department of State takes the view that consular notification and access upon request as set forth in the VCCR is a universally accepted, basic practice that should be followed even for nationals of countries not party to the VCCR or other applicable bilateral agreements. Following this procedure also is consistent with the practice of U.S. consular officers, who seek similar treatment for U.S. citizens abroad. Thus, in all cases not covered by a mandatory notification agreement, the minimum requirements are to inform an arrested or detained foreign national that his or her consular officers may be notified upon request; to notify these consular officers if the national requests; and to permit the

[21] Convention on the Transfer of Sentenced Prisoners, Mar. 21, 1983, 35 U.S.T. 2867, 1496 U.N.T.S. 92 (entered into force July 1, 1985). The United States was a party to this convention when it entered into force.

[22] Inter-American Convention on Serving Criminal Sentences Abroad, June 9, 1993, S. Treaty Doc. No. 104-35 (entered into force Apr. 12, 1996) (entered into force for the United States June 24, 2001). For all countries that ratified this convention before 2001, the year listed in Table C is 2001—the year of the United States' ratification.

[23] Convention on the Civil Aspects of International Child Abduction, Oct. 25, 1980, T.I.A.S. No. 11,670, 1343 U.N.T.S. 89 (entered into force Dec. 1, 1983) (entered into force for the United States July 1, 1988). Articles 37 and 38 set forth the rules for determining whether the Hague Convention is in force as between a given country and another country. For updated data on which countries have accepted the accessions of other countries, see *http://www.minbuza.nl/en/Key_Topics/Treaties/Search_the_Treaty_Database?isn=000692#aanvaardingen*. An updated list specific to United States is at *http://travel.state.gov/family/abduction/hague_issues/hague_issues_1487.html*. As a result of this procedure, several countries have acceded to the Hague Convention, but because the United States has not accepted their accession, the Convention is not yet in force between the country and the United States. Table C accordingly does not list a year of entry into force with the United States for the following Hague Convention parties: Albania, Armenia, Belarus, Fiji, Georgia, Moldova, Nicaragua, Seychelles, Thailand, Trinidad and Tobago, Turkmenistan, and Uzbekistan.

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consular officers to provide consular assistance if they wish to do so.

Even these customary international law requirements will not apply to the arrest of a foreign national if the United States and the foreign national's government have not made arrangements for the conduct of consular relations or, in the absence of such relations, for the performance of consular functions through other mechanisms, such as "protecting powers"—that is, third countries that have agreed to perform consular functions on behalf of the United States and the country with which it does not have consular relations. It could nevertheless be appropriate in such situations to inform the foreign national's government of an arrest or detention as a matter of courtesy. Should such a case arise, you should contact the Department of State for guidance.

BASIS FOR IMPLEMENTATION

Although the obligations of consular notification and access are not codified in any federal statute, they are binding on states and local governments as well as the federal government, by virtue of international law and the Supremacy Clause in Article VI of the United States Constitution, which provides that "all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding." *See also, e.g., Kolovrat v. Oregon*, 366 U.S. 187, 190 (1961). Therefore, implementing legislation is not necessary, and the VCCR and bilateral agreements can be implemented by executive, law enforcement, and judicial authorities through their existing powers. It is nevertheless open to government entities to adopt laws or regulations for the purpose of implementing these obligations. For example, California and Oregon have adopted implementing legislation,[25] and both the U.S. Department of Justice (28 C.F.R. § 50.5) and the U.S. Department of Homeland Security (8 C.F.R. § 236.1(e)) have adopted implementing regulations.

In addition, implementation can be undertaken directly on the basis of the relevant treaties and written guidance such as this manual, and through issuance of internal directives, orders, or similar instructions by appropriate federal, state, and local officials to their subordinates. For example, many police departments incorporate instructions on consular notification into their local manuals. The Wisconsin Department of Justice also has issued guidelines.[26]

The Department of State encourages local law enforcement entities to develop practical guidance based on the instructions in this manual or to adapt the "basic instructions" at the front of this manual for general distribution to law enforcement officers in the field. The Department of State has created a model standard operating procedure (SOP) for law enforcement agencies to use as a template. This SOP appears on pages 102 through 105.

[24] These are Afghanistan, Burundi, Central African Republic, Chad, Comoros, Congo (Brazzaville), Côte d'Ivoire, Guinea-Bissau, Nauru, Palau, San Marino, Swaziland, Taiwan, and Uganda. On this question as concerns Israel, see footnote 18 on page 41.

[25] See Cal. Penal Code § 834c (1999); Or. Rev. Stat. §§ 181.642(2), 426.228(9)(a) (2007).

[26] See WISCONSIN DEP'T OF JUSTICE, GUIDE FOR LAW ENFORCEMENT CONTACTS WITH FOREIGN NATIONALS, (Jan. 2008), at 4–6, available at http://cdm16119.contentdm.oclc.org/cdm/singleitem/collection/p267601coll4/id/1117/rec/8.

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TABLE A: PROVISIONS FROM BILATERAL AGREEMENTS REQUIRING MANDATORY NOTIFICATION			
COUNTRY/JURISDICTION	**TRIGGERING EVENT**	**PREFERRED TIME LIMIT**	**ABSOLUTE TIME LIMIT**
Albania[27]	Arrested or detained in any manner	--	72 hours[28]
Algeria[29]	Any measure taken to deprive person of liberty	--	Without delay
Antigua and Barbuda[30]	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately
Armenia[31]	Arrest or other form of detention	Immediately	Within one to three days from time of arrest or detention, depending on conditions of communication
Azerbaijan[31]	Arrest or other form of detention	Immediately	Within one to three days from time of arrest or detention, depending on conditions of communication
Bahamas[30]	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately
Barbados[30,32]	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately
Belarus[31]	Arrest or other form of detention	Immediately	Within one to three days from time of arrest or detention, depending on conditions of communication

[27] Memorandum of Understanding Between the Government of the United States of America and the Government of the People's Socialist Republic of Albania Concerning the Re-Establishment of Diplomatic Relations, Mar. 15, 1991, art. 1(5), T.I.A.S. No. 12428 (effective Mar. 15, 1991).
[28] According to the bilateral agreement, the competent authorities shall notify the consular officers within 72 hours and permit access by a consular officer to the person within 24 hours of such notification.
[29] Consular Convention Between the Government of the United States of America and the Government of the Democratic and Popular Republic of Algeria, Jan. 12, 1989, art. 33(1), S. Treaty Doc. No. 101-13 (entered into force July 30, 1997).
[30] Convention, with Protocol of Signature, Between the United States of America and the United Kingdom of Great Britain and Northern Ireland, June 6, 1951, art. 16(1), 3 U.S.T. 3426, 165 U.N.T.S. 121 (entered into force Sept. 7, 1952).
[31] Consular Convention Between the United States of America and the Union of Soviet Socialist Republics, June 1, 1964, art. 12(2) & Protocol ¶ 1, 19 U.S.T. 5018, 655 U.N.T.S. 213 (entered into force July 13, 1968).
[32] Agreement Continuing in Force Between the United States and Barbados the Consular Convention of June 6, 1951 Between the United States and the United Kingdom, Sept. 14, 1972 & May 10, 1973, 24 U.S.T. 1803 (effective May 10, 1973).

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TABLE A: PROVISIONS FROM BILATERAL AGREEMENTS REQUIRING MANDATORY NOTIFICATION			
COUNTRY/JURISDICTION	**TRIGGERING EVENT**	**PREFERRED TIME LIMIT**	**ABSOLUTE TIME LIMIT**
Belize[30]	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately
Brunei[30]	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately
Bulgaria[33]	Any form of deprivation or limitation of personal freedom	Immediately	Three calendar days
China (including Hong Kong and Macao)[34]	Arrested or placed under any form of detention	Immediately	Four days[35]
Costa Rica[36]	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately
Cyprus[30]	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately
Czech Republic[37]	Any form of deprivation or limitation of personal freedom	Without delay	Three calendar days
Dominica[30]	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately

[33] Consular Convention, with Agreed Memorandum and Exchange of Letters, Between the United States of America and the People's Republic of Bulgaria, Apr. 15, 1974, art. 38(2), 26 U.S.T. 687 (entered into force May 29, 1975).
[34] Consular Convention, with Exchange of Notes, Between the United States of America and the People's Republic of China, Sept. 17, 1980, and Modifying Agreement Effected by Exchange of Notes, Jan. 17, 1981, art. 35(2), 33 U.S.T. 2973, 3048 (entered into force Feb. 19, 1982); Agreement Between the Government of the United States of America and the Government of the People's Republic of China Regarding the Maintenance of the U.S. Consulate General in the Hong Kong Special Administrative Region, Mar. 25, 1997, art. 3(f)(2), T.I.A.S. No. 12,845 (effective July 1, 1997) (same consular notification and access language applies to Hong Kong and Macao). Mandatory notification procedures are not applicable to persons carrying "Republic of China" passports issued by Taiwan; see footnote 128 on page 66.
[35] According to the bilateral consular convention, if notification within four days is impossible due to communications difficulties, the competent authorities should provide notification as soon as possible.
[36] Consular Convention Between the United States of America and the Republic of Costa Rica, Jan. 12, 1948, art. 7(2)(b), 1 U.S.T. 247, 70 U.N.T.S. 27 (entered into force Mar. 19, 1950).
[37] Consular Convention Between the United States of America and the Czechoslovak Socialist Republic, July 9, 1973, art. 36(1), T.I.A.S. No. 11,083 (entered into force Nov. 6, 1987).

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TABLE A: PROVISIONS FROM BILATERAL AGREEMENTS REQUIRING MANDATORY NOTIFICATION			
COUNTRY/JURISDICTION	**TRIGGERING EVENT**	**PREFERRED TIME LIMIT**	**ABSOLUTE TIME LIMIT**
Fiji[30,38]	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately
Gambia[30]	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately
Georgia[31]	Arrest or other form of detention	Immediately	Within one to three days from time of arrest or detention, depending on conditions of communication
Ghana[30]	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately
Grenada[30]	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately
Guyana[30]	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately
Hungary[39]	Detention pending trial or any other deprivation of personal liberty	Without delay	Three days
Jamaica[30]	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately
Kazakhstan[31]	Arrest or other form of detention	Immediately	Within one to three days from time of arrest or detention, depending on conditions of communication
Kiribati[30]	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately
Kuwait[30]	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately

[38] Agreement on Continued Application of the United States–United Kingdom Convention of June 6, 1951, Oct. 16 & Dec. 12, 1972, 23 U.S.T. 3770 (effective Dec. 12, 1972).
[39] Consular Convention Between the United States of America and the Hungarian People's Republic, July 7, 1972, art. 41(1), 24 U.S.T. 1141 (entered into force July 6, 1973).

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TABLE A: PROVISIONS FROM BILATERAL AGREEMENTS REQUIRING MANDATORY NOTIFICATION			
COUNTRY/JURISDICTION	TRIGGERING EVENT	PREFERRED TIME LIMIT	ABSOLUTE TIME LIMIT
Kyrgyzstan[31]	Arrest or other form of detention	Immediately	Within one to three days from time of arrest or detention, depending on conditions of communication
Malaysia[30]	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately
Malta[30]	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately
Mauritius[30]	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately
Moldova[31]	Arrest or other form of detention	Immediately	Within one to three days from time of arrest or detention, depending on conditions of communication
Mongolia[40]	Any form of limitation of personal freedom	Without delay	72 hours
Nigeria[30]	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately
Philippines[41]	Detained, arrested, in prison, or awaiting trial	--	Immediately
Poland[42]	Polish non-permanent resident in United States detained or arrested[43]	--	Immediately

[40] Consular Convention with the Mongolian People's Republic, Aug. 2, 1990, art. 37(1), S. Treaty Doc. 102-14 (entered into force Apr. 5, 2007).
[41] Consular Convention Between the United States of America and the Republic of the Philippines, Mar. 14, 1947, art. 7(2), T.I.A.S. No. 1741, 11 Bevans 74, 45 U.N.T.S. 23 (entered into force Nov. 18, 1948).
[42] Consular Convention Between the Government of the United States of America and the Government of the Polish People's Republic, May 31, 1972, art. 29(2), 24 U.S.T. 1231 (entered into force July 6, 1973).
[43] The bilateral consular convention provides a different rule for Polish lawful permanent residents (i.e., holders of "green cards"): consular notification need only be provided if the person requests it. For more on the special rules applicable to detained Polish nationals, see footnote 18 on page 41.

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TABLE A: PROVISIONS FROM BILATERAL AGREEMENTS REQUIRING MANDATORY NOTIFICATION			
COUNTRY/JURISDICTION	**TRIGGERING EVENT**	**PREFERRED TIME LIMIT**	**ABSOLUTE TIME LIMIT**
Romania[44]	Any form of deprivation or limitation of personal freedom	Without delay	Two days
Russia[31]	Arrest or other form of detention	Immediately	Within one to three days from time of arrest or detention, depending on conditions of communication
St. Kitts and Nevis[30]	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately
St. Lucia[30]	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately
St. Vincent and the Grenadines[30]	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately
Seychelles[30]	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately
Sierra Leone[30]	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately
Singapore[30]	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately
Slovakia[37]	Any form of deprivation or limitation of personal freedom	Without delay	Three calendar days
Tajikistan[31]	Arrest or other form of detention	Immediately	Within one to three days from time of arrest or detention, depending on conditions of communication
Tanzania[30]	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately

[44] Consular Convention Between the United States of America and the Socialist Republic of Romania, with Protocol, July 5, 1972, art. 22(1), 24 U.S.T. 1317 (entered into force July 6, 1973).

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TABLE A: PROVISIONS FROM BILATERAL AGREEMENTS REQUIRING MANDATORY NOTIFICATION			
COUNTRY/JURISDICTION	**TRIGGERING EVENT**	**PREFERRED TIME LIMIT**	**ABSOLUTE TIME LIMIT**
Tonga[30]	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately
Trinidad and Tobago[30]	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately
Tunisia[45]	Arrest or any form of restriction on personal freedom	--	Three days[46]
Turkmenistan[31]	Arrest or other form of detention	Immediately	Within one to three days from time of arrest or detention, depending on conditions of communication
Tuvalu[30,47]	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately
Ukraine[31]	Arrest or other form of detention	Immediately	Within one to three days from time of arrest or detention, depending on conditions of communication
United Kingdom[30]	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately
Uzbekistan[31]	Arrest or other form of detention	Immediately	Within one to three days from time of arrest or detention, depending on conditions of communication
Zambia[30]	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately
Zimbabwe[30]	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately

[45] Consular Convention Between the United States of America and the Republic of Tunisia, May 12, 1988, art. 39(1), S. Treaty Doc. No. 101-12 (entered into force Jan. 15, 1994).
[46] According to the bilateral consular convention, if notification within three days is impossible due to communications or other difficulties, notification shall be made as soon as possible thereafter.
[47] Agreement on Continued Application to Tuvalu of Certain Treaties Concluded Between the United States and the United Kingdom, 32 U.S.T. 1310, 1222 U.N.T.S. 293 (effective Apr. 25, 1980).

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TABLE B: PROVISIONS FROM BILATERAL AGREEMENTS REQUIRING NOTIFICATION UPON REQUEST		
COUNTRY/JURISDICTION	**TRIGGERING EVENT**	**TIME LIMIT**
Belgium[48,49]	Taken into custody	Immediately
Denmark[50]	Accused of a crime and taken into custody	Immediately
Eritrea[51]	In custody	Immediately
Ethiopia[51]	In custody	Immediately
France[52]	Arrest and detention	Immediately
Germany[53]	Taken into custody	Immediately
Iran[54]	In custody	Without unnecessary delay
Ireland[55]	Confined in prison, awaiting trial, or otherwise detained in custody	Immediately

[48] Consular Convention, with Exchange of Notes, Between the United States of America and Belgium, Sept. 2, 1969, art. 25(2), 25 U.S.T. 41 (entered into force Jan. 5, 1974).
[49] Treaty of Friendship, Establishment and Navigation Between the United States of America and the Kingdom of Belgium, Feb. 21, 1961, art. 1(4), 14 U.S.T. 1284, 480 U.N.T.S. 149 (entered into force Oct. 3, 1963).
[50] Treaty of Friendship, Commerce and Navigation Between the United States of America and the Kingdom of Denmark, Oct. 1, 1951, art. 3(2), 12 U.S.T. 908, 421 U.N.T.S. 105 (entered into force July 30, 1961).
[51] Treaty of Amity and Economic Relations Between the United States of America and Ethiopia, Sept. 7, 1951, art. 6(2), 4 U.S.T. 2134, 206 U.N.T.S. 41 (entered into force Oct. 8, 1953).
[52] Consular Convention Between the United States of America and France, July 18, 1966, art. 34(1), 18 U.S.T. 2939, 700 U.N.T.S. 257 (entered into force Jan. 7, 1968). See also Convention of Establishment Between the United States of America and France, Nov. 25, 1959, Protocol ¶1(a), 11 U.S.T. 2398, 401 U.N.T.S. 75 (entered into force Dec. 21, 1960) (similarly providing for consular notification upon request).
[53] Treaty of Friendship, Commerce and Navigation Between the United States of America and the Federal Republic of Germany, Oct. 29, 1954, art. 3(2), 7 U.S.T. 1839, 273 U.N.T.S. 3 (entered into force July 14, 1956).
[54] Treaty of Amity, Economic Relations, and Consular Rights Between the United States of America and Iran, Aug. 15, 1955, art. 2(4), 8 U.S.T. 899, 284 U.N.T.S. 93 (entered into force June 16, 1957).
[55] Consular Convention Between the United States of America and Ireland, May 1, 1950, art. 16(1), 5 U.S.T. 949, 222 U.N.T.S. 107 (entered into June 12, 1954), as amended by Protocol Supplementary to the Consular Convention Between the United States of America and Ireland, Mar. 3, 1952, 5 U.S.T. 949, 222 U.N.T.S. 107 (entered into force June 12, 1954). Special consular notification and access requirements apply to detained Irish nationals under this convention; see footnote 7 on page 25. An earlier bilateral agreement that remains in force with Ireland similarly provides for consular notification upon demand of a foreign national accused of a crime taken into custody; see footnote 100 on page 59.

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TABLE B: PROVISIONS FROM BILATERAL AGREEMENTS REQUIRING NOTIFICATION UPON REQUEST		
COUNTRY/JURISDICTION	**TRIGGERING EVENT**	**TIME LIMIT**
Israel[56]	Accused of a crime and taken into custody	Immediately
Japan[57]	Confined in prison awaiting trial or otherwise detained	Immediately
Korea, South[58]	Under arrest or otherwise detained in custody	Immediately
Luxembourg[59]	Taken into custody	Immediately
Netherlands[60]	Taken into custody	Immediately
Oman[61]	In custody	As soon as possible
Pakistan[62]	Taken into custody	Immediately
Poland[42]	Polish lawful permanent resident (i.e., "green card" holder) in U.S. detained or arrested[63]	Immediately
Suriname[60]	Taken into custody	Immediately
Thailand[64]	In custody	Immediately
Togo[65]	In custody	Immediately

[56] Treaty of Friendship, Commerce and Navigation Between the United States of America and Israel, with Protocol, Aug. 23, 1951, art 3(2), 5 U.S.T. 550, 219 U.N.T.S. 237 (entered into force Apr. 3, 1954).
[57] Consular Convention Between the United States of America and Japan, with Protocol, Mar. 22, 1963, art. 16(1), 15 U.S.T. 768, 518 U.N.T.S. 179 (entered into force Aug. 1, 1964).
[58] Consular Convention Between the United States of America and the Republic of Korea, Jan. 8, 1963, art. 5(2), 14 U.S.T. 1637, 493 U.N.T.S. 105 (entered into force Dec. 19, 1963). An earlier bilateral agreement that remains in force with South Korea also provides for consular notification upon demand of a foreign national taken into custody. See footnote 104 on page 61.
[59] Treaty of Friendship, Establishment and Navigation Between the United States of America and the Grand Duchy of Luxembourg, with Protocol, Feb. 23, 1962, art. 3(4), 14 U.S.T. 251, 474 U.N.T.S. 3 (entered into force Mar. 28, 1963).
[60] Treaty of Friendship, Commerce and Navigation Between the United States of America and the Kingdom of the Netherlands, with Protocol, Mar. 27, 1956, art. 3(2), 8 U.S.T. 2043, 285 U.N.T.S. 231 (entered into force Dec. 5, 1957) (entered into force for former Dutch colony of Suriname Feb. 10, 1963).
[61] Treaty of Amity, Economic Relations and Consular Rights Between the President of the United States of America and the Sultan of Muscat and Oman and Dependencies, with Protocol, Dec. 20, 1958, art. 2(2), 11 U.S.T. 1835, 380 U.N.T.S. 181 (entered into force June 11, 1960).
[62] Treaty of Friendship and Commerce Between the United States of America and Pakistan, Nov. 12, 1959, art. 3(2), 12 U.S.T. 110, 404 U.N.T.S. 259 (entered into force Feb. 12, 1961).
[63] The bilateral agreement provides a different rule for Polish nationals who are not lawful permanent residents: consular notification must be provided regardless of whether the national requests it. For more on the special rules applicable to detained Polish nationals, see footnote 18 on page 41.
[64] Treaty of Amity and Economic Relations Between the United States of America and the Kingdom of Thailand, May 29, 1966, art. 1(2), 19 U.S.T. 5843, 652 U.N.T.S. 253 (entered into force June 8, 1968).
[65] Treaty of Amity and Economic Relations Between the United States of America and the Togolese Republic, Feb. 8, 1966, art. 2(1), 18 U.S.T. 1, 680 U.N.T.S. 159 (entered into force Feb. 5, 1967).

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TABLE C: CONSULAR CONVENTION AND AGREEMENT STATUS OF ALL COUNTRIES					
Country/Jurisdiction	**If party to VCCR, year in force with U.S.**	**If party to bilateral consular convention, year in force with U.S.**	**If party to other bilateral agreement addressing consular issues, year in force with U.S.**	**If party to prisoner transfer agreement, agreement type and year in force with U.S.[66]**	**If party to Hague Child Abduction Convention in relation to U.S., year in force with U.S.**
Afghanistan	--	--	1936[67]	--	--
Albania	1991	--	1991[27]	COE 2000	--
Algeria	1969	1997[29]	--	--	--
Andorra	1996	--	--	COE 2000	--
Angola	1990	--	--	--	--
Antigua and Barbuda	1988	1952[30]	--	--	--
Argentina	1969	--	1854[68]	--	1991
Armenia	1993	1968[31]	1933[69]	COE 2001	--
Australia	1973	--	1815[70]	COE 2003	1988
Austria	1969	--	1931[71]	COE 1987	1988
Azerbaijan	1992	1968[31]	1933[69]	COE 2001	--
Bahamas	1977	1952[30]	--	COE 1992	1994

[66] As previously noted, "COE" before the year in this column indicates that the country is a party to the multilateral 1983 Council of Europe (Strasbourg) Convention on the Transfer of Sentenced Prisoners. "OAS" indicates that the country is a party to the multilateral 1993 Organization of American States Inter American Convention on Serving Criminal Sentences Abroad.

[67] Friendship and Diplomatic and Consular Representation: Provisional Agreement Between the United States of America and the Kingdom of Afghanistan, Mar. 26, 1936, 5 Bevans 1, 168 L.N.T.S. 143 (effective Mar. 26, 1936).

[68] Treaty of Friendship, Commerce and Navigation, Between the United States and the Argentine Confederation, July 27, 1853, 5 Bevans 61 (entered into force Dec. 20, 1854).

[69] Arrangements Between the United States of America and the Union of Soviet Socialist Republics Relating to the Establishment of Diplomatic Relations, Nonintervention, Freedom of Conscience and Religious Liberty, Legal Protection and Claims, Nov. 16, 1933, 11 Bevans 1248 (effective Nov. 16, 1933).

[70] Convention to Regulate the Commerce Between the Territories of the United States and of His Britannick Majesty, July 3, 1815, Art. 4, 12 Bevans 49 (entered into force July 3, 1815).

[71] Treaty of Friendship, Commerce and Consular Rights Between the United States of America and the Republic of Austria, June 19, 1928, 5 Bevans 341, 118 L.N.T.S. 241 (entered into force May 27, 1931).

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TABLE C: CONSULAR CONVENTION AND AGREEMENT STATUS OF ALL COUNTRIES					
Country/Jurisdiction	If party to VCCR, year in force with U.S.	If party to bilateral consular convention, year in force with U.S.	If party to other bilateral agreement addressing consular issues, year in force with U.S.	If party to prisoner transfer agreement, agreement type and year in force with U.S.[66]	If party to Hague Child Abduction Convention in relation to U.S., year in force with U.S.
Bahrain	1992	--	--	--	--
Bangladesh	1978	--	--	--	--
Barbados	1992	1952[30,32]	--	--	--
Belarus	1989	1968[31]	1933[69]	--	--
Belgium	1970	1974[48]	1963[49]	COE 1990	1999
Belize	2000	1952[30]	--	OAS 2005	1989
Benin	1979	--	--	--	--
Bhutan	1981	--	--	--	--
Bolivia	1970	--	1862[72]	COE 2004 B 1978[73]	--
Bosnia and Herzegovina	1993	1882[74]	1882[75]	COE 2005	1991
Botswana	2008	--	--	--	--
Brazil	1969	--	1829[76]	OAS 2001	2003
Brunei	--	1952[30]	1853[77]	--	--
Bulgaria	1989	1975[33]	--	COE 1994	2005
Burkina Faso	1969	--	--	--	1992
Burma (Myanmar)	1997	--	1815[70]	--	--

[72] Treaty of Peace, Friendship, Commerce, and Navigation Between the United States of America and the Republic of Bolivia, May 13, 1858, 5 Bevans 721 (entered into force Nov. 9, 1862).
[73] Treaty Between the United States of America and the Republic of Bolivia on the Execution of Penal Sentences, Feb. 10, 1978, 30 U.S.T. 796, 1150 U.N.T.S. 11 (entered into force Aug. 17, 1978).
[74] Convention Between the United States of America and His Highness the Prince of Serbia, Defining the Rights, Immunities and Privileges of Consular Officers, Oct. 2 & 14, 1881, 12 Bevans 1233 (entered into force Nov. 15, 1882).
[75] Treaty of Commerce Between the United States of America and Serbia, Oct. 2 & 14, 1881, 12 Bevans 1227 (entered into force Nov. 15, 1882).
[76] Treaty of Peace, Friendship, Commerce, and Navigation, Dec. 12, 1828, 5 Bevans 792 (entered into force Mar. 18, 1829).
[77] Treaty of Peace, Friendship, Commerce, and Navigation, June 23, 1850, 5 Bevans 1080 (entered into force July 11, 1853).

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TABLE C: CONSULAR CONVENTION AND AGREEMENT STATUS OF ALL COUNTRIES

Country/Jurisdiction	If party to VCCR, year in force with U.S.	If party to bilateral consular convention, year in force with U.S.	If party to other bilateral agreement addressing consular issues, year in force with U.S.	If party to prisoner transfer agreement, agreement type and year in force with U.S.[66]	If party to Hague Child Abduction Convention in relation to U.S., year in force with U.S.
Burundi	--	--	--	--	--
Cambodia	2006	--	--	--	--
Cameroon	1969	--	--	--	--
Canada	1974	1935[78]	1815[70]	COE 1985 OAS 2001 B 1978[79]	1988
Cape Verde	1979	--	--	--	--
Central African Republic	--	--	--	--	--
Chad	--	--	--	--	--
Chile	1969	1952[80]	1834[81]	COE 1998 OAS 2001	1994
China	1979	1979[82] 1982[34]	--	B 1999 (Hong Kong)[83]	1997 (Hong Kong) 1999 (Macao)[84]
Colombia	1972	1851[85]	1848[86]	--	1996

[78] Arrangement Relating to Visits of Consular Officers to Citizens of Their Own Country Serving Sentences in Penal Institutions, Sept. 19, 1935, 6 Bevans 65 (effective Sept. 19, 1935).
[79] Treaty Between the United States of America and Canada on the Execution of Penal Sentences, Mar. 2, 1977, 30 U.S.T. 6263 (entered into force July 19, 1978).
[80] Reciprocal Agreement Relating to Free Importation Privileges for Consular Officers, Mar. 12, Apr. 16, & May 12, 1952, 3 U.S.T. 4293 (effective May 12, 1952).
[81] General Convention of Peace, Amity, Commerce, and Navigation Between the United States of America and the Republic of Chile, May 16, 1832 & Sept. 1, 1833, 6 Bevans 518 (entered into force Apr. 29, 1934).
[82] Agreement Between the Government of the United States of America and the Government of the People's Republic of China on the Mutual Establishment of Consular Relations and the Opening of Consulates General, Jan. 31, 1979, 30 U.S.T. 17 (effective Jan. 31, 1979). For other U.S.–China agreements on the opening of consulates general and the enlargement of consular districts, consult the Department of State publication *Treaties in Force* at *http://www.state.gov/s/l/treaty/.*
[83] Agreement Between the Government of the United States of America and the Government of Hong Kong for the Transfer of Sentenced Persons, Apr. 15, 1997, S. Treaty Doc. No. 105-7 (entered into force Apr. 18, 1999).
[84] The Convention on the Civil Aspects of International Child Abduction, cited in footnote 23, is in force between the United States and Hong Kong, and between the United States and Macao, but not between the United States and the remainder of China.
[85] Consular Convention Between the Republic of New Granada and the United States of America, May 4, 1850, 6 Bevans 882 (entered into force Oct. 30, 1851).
[86] General Treaty of Peace, Amity, Navigation and Commerce Between the United States of America and the Republic of New Granada, Dec. 12, 1846, 6 Bevans 868 (entered into force June 10, 1848).

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TABLE C: CONSULAR CONVENTION AND AGREEMENT STATUS OF ALL COUNTRIES

Country/Jurisdiction	If party to VCCR, year in force with U.S.	If party to bilateral consular convention, year in force with U.S.	If party to other bilateral agreement addressing consular issues, year in force with U.S.	If party to prisoner transfer agreement, agreement type and year in force with U.S.[66]	If party to Hague Child Abduction Convention in relation to U.S., year in force with U.S.
Comoros	--	--	--	--	--
Congo (Brazzaville)	--	--	--	--	--
Congo, Democratic Republic of (Kinshasa)	1976	--	--	--	--
Costa Rica	1969	1950[36]	1852[87]	COE 1998 OAS 2001	2008
Côte d'Ivoire (Ivory Coast)	--	--	--	--	--
Croatia	1992	1882[74]	1882[75]	COE 1995	1991
Cuba	1969	1926[88]	--	--	--
Cyprus	1976	1952[30]	--	COE 1986	1995
Czech Republic	1993	1987[37]	--	COE 1993	1998
Denmark	1972	--	1826[89] 1961[50]	COE 1987	1991
Djibouti	1978	--	--	--	--
Dominica	1987	1952[30]	--	--	--
Dominican Republic	1969	--	--	--	2007
Ecuador	1969	--	1842[90]	COE 2005 OAS 2006	1992

[87] Treaty of Friendship, Commerce and Navigation Between the United States of America and the Republic of Costa Rica [sic], July 10, 1851, 6 Bevans 1013 (entered into force May 26, 1852).
[88] Consular Convention Between the United States of America and the Republic of Cuba, Apr. 22, 1926, 6 Bevans 1149, 60 L.N.T.S. 371 (entered into force Dec. 1, 1926).
[89] General Convention on Friendship, Commerce and Navigation, Between the United States of America and H. M. the King of Denmark, Apr. 26, 1826, 7 Bevans 1 (entered into force Aug. 10, 1826).
[90] Treaty of Peace, Friendship, Navigation and Commerce, Between the United States of America and the Republic of Ecuador, June 13, 1839, 7 Bevans 296 (entered into force Apr. 9, 1842).

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TABLE C: CONSULAR CONVENTION AND AGREEMENT STATUS OF ALL COUNTRIES

Country/Jurisdiction	If party to VCCR, year in force with U.S.	If party to bilateral consular convention, year in force with U.S.	If party to other bilateral agreement addressing consular issues, year in force with U.S.	If party to prisoner transfer agreement, agreement type and year in force with U.S.[66]	If party to Hague Child Abduction Convention in relation to U.S., year in force with U.S.
Egypt	1969	--	--	--	--
El Salvador	1973	--	--	OAS 2007	2007
Equatorial Guinea	1976	--	--	--	--
Eritrea	1997	--	1953[51]	--	--
Estonia	1991	--	1926[91]	COE 1997	2007
Ethiopia	--	--	1953[51]	--	--
Fiji	1972	1952[30,38]	--	--	--
Finland	1980	--	1934[92]	COE 1987	1994
France	1970	1968[52]	1823[93] 1960[52]	COE 1985 B 1985[94]	1988
Gabon	1969	--	--	--	--
Gambia	--	1952[30]	--	--	--
Georgia	1993	1968[31]	1933[69]	COE 1998	--

[91] Treaty of Friendship, Commerce and Consular Rights Between the United States of America and the Republic of Estonia, Dec. 23, 1925, 7 Bevans 620, 50 L.N.T.S. 13 (entered into force May 22, 1926).
[92] Treaty of Friendship, Commerce and Consular Rights Between the United States of America and the Republic of Finland, Feb. 13, 1934, 7 Bevans 718, 152 L.N.T.S. 45 (entered into force Aug. 10, 1934), as amended by Protocol Between the United States of America and Finland Modifying Treaty of February 13, 1934, Dec. 4, 1952, 4 U.S.T. 2047, 205 U.N.T.S. 149 (entered into force Sept. 24, 1953), as supplemented by Protocol Between the Government of the United States of America and the Government of the Republic of Finland to the Treaty of Friendship, Commerce and Consular Rights of February 13, 1934, July 1, 1991, S. Treaty Doc. No. 102-34 (entered into force Dec. 1, 1992).
[93] Convention on Navigation and Commerce Between the United States of America and His Majesty the King of France and Navarre, June 24, 1822, 7 Bevans 822 (entered into force February 12, 1823) (extended to Madagascar in 1896), as amended by Agreement Modifying the Provisions of Article VII of the Convention of Navigation and Commerce of June 24, 1822, July 17, 1919, 7 Bevans 899 (entered into force Jan. 10, 1921).
[94] Convention Between the United States of America and the Republic of France on the Transfer of Sentenced Persons, Jan. 25, 1983, 35 U.S.T. 2847 (entered into force Feb. 1, 1985).

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TABLE C: CONSULAR CONVENTION AND AGREEMENT STATUS OF ALL COUNTRIES

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Germany	1971	--	1925[95] 1956[53]	COE 1992	1990
Ghana	1969	1952[30]	--	--	--
Greece	1975	1903[96]	1954[97]	COE 1988	1993
Grenada	1992	1952[30]	--	--	--
Guatemala	1973	--	1852[98]	OAS 2005	2008
Guinea	1988	--	--	--	--
Guinea-Bissau	--	--	--	--	--
Guyana	1973	1952[30]	--	--	--
Haiti	1978	--	--	--	--
Holy See	1970	--	--	--	--
Honduras	1969	--	1928[99]	COE 2009	1994
Hungary	1987	1973[39]	--	COE 1993	1988
Iceland	1978	--	--	COE 1993	1996
India	1977	--	1815[70]	--	--
Indonesia	1982	--	--	--	--

[95] Treaty of Friendship, Commerce and Consular Rights Between the United States of America and Germany, Dec. 8, 1923, 8 Bevans 153, 52 L.N.T.S. 133 (entered into force Oct. 14, 1925), as amended by Agreement Concerning the Treaty Between the United States of America and Germany on Friendship, Commerce and Consular Rights of December 8, 1923, as Amended, June 3, 1953, 5 U.S.T. 1939, 253 U.N.T.S. 89 (entered into force Oct. 22, 1954).
[96] Convention Concerning the Rights and Privileges of Consuls, Dec. 2, 1902, 8 Bevans 313 (entered into force July 9, 1903).
[97] Treaty of Friendship, Commerce and Navigation Between the United States of America and the Kingdom of Greece, Aug. 3, 1951, 5 U.S.T. 1829, 224 U.N.T.S. 279 (entered into force Oct. 13, 1954).
[98] General Convention of Peace, Amity, Commerce and Navigation Between the United States of America and the Republic of Guatemala, Mar. 3, 1849, 8 Bevans 461 (entered into force May 13, 1852) (articles relating to commerce and navigation terminated Nov. 4, 1874).
[99] Treaty of Friendship, Commerce and Consular Rights, Dec. 7, 1927, 8 Bevans 905, 87 L.N.T.S. 421 (entered into force July 19, 1928).

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TABLE C: CONSULAR CONVENTION AND AGREEMENT STATUS OF ALL COUNTRIES

Country/Jurisdiction	If party to VCCR, year in force with U.S.	If party to bilateral consular convention, year in force with U.S.	If party to other bilateral agreement addressing consular issues, year in force with U.S.	If party to prisoner transfer agreement, agreement type and year in force with U.S.[66]	If party to Hague Child Abduction Convention in relation to U.S., year in force with U.S.
Iran	1975	--	1957[54]	--	--
Iraq	1970	--	--	--	--
Ireland	1969	1954[55]	1950[100]	COE 1995	1991
Israel	--	--	1954[56]	COE 1998	1991
Italy	1969	1878[101]	1949[102]	COE 1989	1995
Jamaica	1976	1952[30]	--	--	--
Japan	1983	1964[57]	1953[103]	COE 2003	--
Jordan	1973	--	--	--	--
Kazakhstan	1994	1968[31]	1933[69]	--	--
Kenya	1969	--	--	--	--
Kiribati	1982	1952[30]	--	--	--
Korea, North	1984	--	--	--	--
Korea, South	1977	1963[58]	1957[104]	COE 2005	--
Kosovo	2008[105]	1882[74]	1882[75]	--	--

[100] Treaty of Friendship, Commerce and Navigation Between the United States of America and Ireland, with Protocol, Jan. 21, 1950, 1 U.S.T. 785, 206 U.N.T.S. 269 (entered into force Sept. 14, 1950) (Article 2(2) requiring consular notification upon the request of a foreign national accused of a crime and taken into custody).
[101] Consular Convention Between the United States and Italy, May 8, 1878, 9 Bevans 91 (entered into force Sept. 18, 1878).
[102] Treaty of Friendship, Commerce and Navigation Between the United States of America and the Italian Republic, with Protocol, Feb. 2, 1948, 9 Bevans 261, 79 U.N.T.S. 171 (entered into force July 26, 1949).
[103] Treaty of Friendship, Commerce and Navigation Between the United States of America and Japan, Apr. 2, 1953, 4 U.S.T. 2063, 206 U.N.T.S. 143 (entered into force Oct. 30, 1953).
[104] Treaty of Friendship, Commerce and Navigation Between the United States of America and the Republic of Korea, with Protocol, Nov. 28, 1956, 8 U.S.T. 2217, 302 U.N.T.S. 281 (entered into force Nov. 7, 1957) (Article 3(2) requiring consular notification upon the request of a foreign national taken into custody).
[105] The VCCR is applicable as between the United States and Kosovo. On February 17, 2008, Kosovo issued its declaration of independence, in which it assumed the treaty and other international obligations of the former Socialist Federal Republic of Yugoslavia to which Kosovo is bound as a former constituent part, including the VCCR.

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TABLE C: CONSULAR CONVENTION AND AGREEMENT STATUS OF ALL COUNTRIES

Country/Jurisdiction	If party to VCCR, year in force with U.S.	If party to bilateral consular convention, year in force with U.S.	If party to other bilateral agreement addressing consular issues, year in force with U.S.	If party to prisoner transfer agreement, agreement type and year in force with U.S.[66]	If party to Hague Child Abduction Convention in relation to U.S., year in force with U.S.
Kuwait	1975	1952[30]	--	--	--
Kyrgyzstan	1994	1968[31]	1933[69]	--	--
Laos	1973	--	--	--	--
Latvia	1992	--	1928[106]	COE 1997	2007
Lebanon	1975	--	1924[107]	--	--
Lesotho	1972	--	--	--	--
Liberia	1984	1939[108]	--	--	--
Libya	1998	--	--	--	--
Liechtenstein	1969	--	--	COE 1998	--
Lithuania	1992	--	--	COE 1996	2007
Luxembourg	1972	--	1963[59]	COE 1988	1988
Macedonia	1993	1882[74]	1882[75]	COE 1999	1991
Madagascar	1969	--	1896[93]	--	--
Malawi	1980	--	--	--	--
Malaysia	1991	1952[30]	--	--	--
Maldives	1991	--	--	--	--
Mali	1969	--	--	--	--
Malta	1997	1952[30]	--	COE 1991	2003
Marshall Islands	1991	--	1986[109]	B 2004[110]	--

[106] Treaty of Friendship, Commerce and Consular Rights, Apr. 20, 1928, 9 Bevans 531, 80 L.N.T.S. 35 (entered into force July 25, 1928).
[107] Convention Between the United States of America and France Regarding the Mandate for Syria and Lebanon, Apr. 4, 1924, 7 Bevans 925 (entered into force July 13, 1924).
[108] Consular Convention Between the United States of America and Liberia, Oct. 7, 1938, 9 Bevans 607, 201 L.N.T.S. 183 (entered into force Dec. 21, 1939) (Article 6 giving consular officers a right of access to detained nationals).
[109] Agreement for the Implementation of the Compact of Free Association Between the Government of the United States of America and the Governments of the Marshall Islands and of the Federated States of Micronesia, Pub. L. 99-239, Title II, 99 Stat. 1770 (1986), as amended by Pub. L. 108-188, 117 Stat. 2720 (2003), 48 U.S.C. § 1921 et seq.

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TABLE C: CONSULAR CONVENTION AND AGREEMENT STATUS OF ALL COUNTRIES					
Country/Jurisdiction	If party to VCCR, year in force with U.S.	If party to bilateral consular convention, year in force with U.S.	If party to other bilateral agreement addressing consular issues, year in force with U.S.	If party to prisoner transfer agreement, agreement type and year in force with U.S.[66]	If party to Hague Child Abduction Convention in relation to U.S., year in force with U.S.
Mauritania	2000	--	--	--	--
Mauritius	1970	1952[30]	--	COE 2004	1993
Mexico	1969	1943[111]	--	COE 2007 OAS 2001 B 1977[112]	1991
Micronesia	1991	--	1986[109]	B 2004[113]	--
Moldova	1993	1968[31]	1933[69]	COE 1991	--
Monaco	2005	--	--	--	1993
Mongolia	1989	2007[40]	--	--	--
Montenegro	2006	1882[74]	1882[75]	COE 2006	1991
Morocco	1977	--	1837[114]	--	--
Mozambique	1983	--	--	--	--
Namibia	1992	--	--	--	--
Nauru	--	--	--	--	--
Nepal	1969	--	1947[115]	--	--

[110] Agreement Between the United States of America and the Marshall Islands on Extradition, Mutual Assistance in Law Enforcement Matters and Penal Sanctions, with Agreed Minute, Apr. 30, 2003, Title IV (entered into force May 1, 2004, with effect from Oct. 21, 1986).
[111] Consular Convention Between the United States of America and the United Mexican States, Aug. 12, 1942, 9 Bevans 1076, 125 U.N.T.S. 301 (entered into force July 1, 1943) (Article 6(2) giving consular officers a right of access to detained nationals).
[112] Treaty Between the United States of America and the United Mexican States on the Execution of Penal Sentences, Nov. 25, 1976, 28 U.S.T. 7399 (entered into force Nov. 30, 1977).
[113] Agreement Between the United States of America and the Federated States of Micronesia on Extradition, Mutual Assistance in Law Enforcement Matters and Penal Sanctions, with Agreed Minute, May 14, 2003, Title IV (entered into force June 25, 2004, with effect from Nov. 3, 1986).
[114] Treaty of Peace, Sept. 16, 1836, 9 Bevans 1286 (entered into force Jan. 28, 1837).
[115] Agreement Relating to Friendship and Commerce, Apr. 25, 1947, 10 Bevans 1, 16 U.N.T.S. 97 (effective Apr. 25, 1947).

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TABLE C: CONSULAR CONVENTION AND AGREEMENT STATUS OF ALL COUNTRIES

Country/Jurisdiction	If party to VCCR, year in force with U.S.	If party to bilateral consular convention, year in force with U.S.	If party to other bilateral agreement addressing consular issues, year in force with U.S.	If party to prisoner transfer agreement, agreement type and year in force with U.S.[66]	If party to Hague Child Abduction Convention in relation to U.S., year in force with U.S.
Netherlands	1985	--	1957[60]	COE 1988	1991
New Zealand	1974	--	1815[70]	--	1991
Nicaragua	1975	--	--	OAS 2001	--
Niger	1969	--	--	--	--
Nigeria	1969	1952[30]	--	--	--
Norway	1980	--	1932[116]	COE 1993	1989
Oman	1974	--	1960[61]	--	--
Pakistan	1969	--	1815[70] 1961[62]	--	--
Palau	--	--	1986[117]	--	--
Panama	1969	--	--	COE 1999 OAS 2001 B 1980[118]	1994
Papua New Guinea	1975	--	1815[70]	--	--
Paraguay	1969	--	1860[119]	OAS 2004	2008
Peru	1978	--	--	B 1980[120]	2007
Philippines	1969	1948[41]	1946[121]	--	--

[116] Treaty of Friendship, Commerce and Consular Rights, June 5, 1928, 10 Bevans 481, 134 L.N.T.S. 81 (entered into force Sept. 13, 1932).
[117] Agreement for the Implementation of the Compact of Free Association Between the Government of the United States of America and the Government of Palau, Pub. L. 99-658, 100 Stat. 3673 (1986), 48 U.S.C. § 1931 et seq.
[118] Treaty Between the United States of America and the Republic of Panama on the Execution of Penal Sentences, Jan. 11, 1979, 32 U.S.T. 1565, 1280 U.N.T.S. 363 (entered into force June 27, 1980).
[119] Treaty of Friendship, Commerce, and Navigation Between the Governments of the United States of America, and of the Republic of Paraguay, Feb. 4, 1859, 10 Bevans 888 (entered into force Mar. 7, 1860).
[120] Treaty Between the United States of America and the Republic of Peru on the Execution of Penal Sentences, July 6, 1979, 32 U.S.T. 1471, 1233 U.N.T.S. 139 (entered into force July 21, 1980).
[121] Treaty of General Relations Between the United States of America and the Republic of the Philippines, with Protocol, July 4, 1946, 11 Bevans 3 (entered into force Oct. 22, 1946). See also Provisional Agreement Between the United States of America and the Republic of the Philippines Concerning Friendly Relations and Diplomatic and Consular Representation, July 4, 1946 (effective July 4, 1946).

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TABLE C: CONSULAR CONVENTION AND AGREEMENT STATUS OF ALL COUNTRIES					
Country/Jurisdiction	**If party to VCCR, year in force with U.S.**	**If party to bilateral consular convention, year in force with U.S.**	**If party to other bilateral agreement addressing consular issues, year in force with U.S.**	**If party to prisoner transfer agreement, agreement type and year in force with U.S.[66]**	**If party to Hague Child Abduction Convention in relation to U.S., year in force with U.S.**
Poland	1981	1973[42]	--	COE 1995	1992
Portugal	1972	--	--	COE 1993	1998
Qatar	1988	--	--	--	--
Romania	1972	1973[44]	--	COE 1996	1993
Russia	1989	1968[31]	1933[69]	COE 2007	--
Rwanda	1974	--	--	--	--
Saint Kitts and Nevis	1983	1952[30]	--	--	1995
Saint Lucia	1986	1952[30]	--	--	--
Saint Vincent and the Grenadines	1999	1952[30]	--	--	--
Samoa	1987	--	--	--	--
San Marino	--	--	--	COE 2004	2008
Sao Tome and Principe	1983	--	--	--	--
Saudi Arabia	1988	--	1933[122]	--	--
Senegal	1969	--	--	--	--
Serbia	2001	1882[74]	1882[75]	COE 2002	1991
Seychelles	1979	1952[30]	--	--	--
Sierra Leone	--	1952[30]	--	--	--
Singapore	2005	1952[30]	--	--	--
Slovakia	1993	1987[37]	--	COE 1993	2001

[122] Provisional Agreement Between the United States of America and the Kingdom of Saudi Arabia in Regard to Diplomatic and Consular Representation, Juridical Protection, Commerce and Navigation, Nov. 7, 1933, 11 Bevans 456, 142 L.N.T.S. 329 (effective Nov. 7, 1933).

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TABLE C: CONSULAR CONVENTION AND AGREEMENT STATUS OF ALL COUNTRIES

Country/Jurisdiction	If party to VCCR, year in force with U.S.	If party to bilateral consular convention, year in force with U.S.	If party to other bilateral agreement addressing consular issues, year in force with U.S.	If party to prisoner transfer agreement, agreement type and year in force with U.S.[66]	If party to Hague Child Abduction Convention in relation to U.S., year in force with U.S.
Slovenia	1992	1882[74]	1882[75]	COE 1994	1995
Solomon Islands	1978	--	--	--	--
Somalia	1969	--	--	--	--
South Africa	1989	--	1815[70]	--	1997
Spain	1970	--	1903[123]	COE 1985	1988
Sri Lanka	2006	--	1815[70]	--	2008
Sudan	1995	--	--	--	--
South Sudan	2011[124]	--	--	--	--
Suriname	1980	1855[125]	1963[60]	--	--
Swaziland	--	--	--	--	--
Sweden	1974	1911[126]	--	COE 1985	1989
Switzerland	1969	--	1855[127]	COE 1988	1988
Syria	1978	--	1924[107] 1944[128]	--	--
Taiwan	--	--	1948[129]	--	--
Tajikistan	1996	1968[31]	1933[69]	--	--

[123] Treaty of Friendship and General Relations Between the United States of America and Spain, July 3, 1902, 11 Bevans 628 (entered into force Apr. 14, 1903).
[124] In an exchange of letters between the United States and South Sudan dated July 7 and September 7, 2011, South Sudan concurred with the United States that diplomatic relations between the two countries would be conducted in accordance with the VCCR. South Sudan also committed to fulfilling the then existing treaty obligations of the Republic of Sudan to the United States, which include obligations of the Republic of Sudan stemming from its status as as a party to the VCCR.
[125] Convention Regarding Consuls in the Colonies of the Netherlands, Jan. 22, 1855, 10 Bevans 28 (entered into force May 25, 1855).
[126] Convention on Rights, Privileges, and Immunities of Consular Officers, June 1, 1910, 11 Bevans 730 (entered into force Mar. 18, 1911).
[127] General Convention of Friendship, Reciprocal Establishments, Commerce, and for the Surrender of Fugitive Criminals, Nov. 25, 1850, 11 Bevans 894 (entered into force Nov. 8, 1855).
[128] Agreement Relating to the Recognition of the Independence of Syria and to the Rights of the United States and Its Nationals, Sept. 7 & 8, 1944, 11 Bevans 970, 124 U.N.T.S. 251 (effective Sept. 8, 1944).
[129] Treaty of Friendship, Commerce and Navigation Between the United States of America and the Republic of China, with Protocol, Nov. 4, 1946, 6 Bevans 761, 25 U.N.T.S. 69 (entered into force on Nov. 30, 1948). This agreement is administered on a nongovernmental basis by the American Institute in Taiwan and does not constitute recognition of the Taiwan authorities. See footnote 1 on page 4.

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TABLE C: CONSULAR CONVENTION AND AGREEMENT STATUS OF ALL COUNTRIES

Country/Jurisdiction	If party to VCCR, year in force with U.S.	If party to bilateral consular convention, year in force with U.S.	If party to other bilateral agreement addressing consular issues, year in force with U.S.	If party to prisoner transfer agreement, agreement type and year in force with U.S.[66]	If party to Hague Child Abduction Convention in relation to U.S., year in force with U.S.
Tanzania	1977	1952[30]	--	--	--
Thailand	1999	--	1968[64]	B 1982[130]	--
Timor-Leste (East Timor)	2004	--	--	--	--
Togo	1983	--	1967[65]	--	--
Tonga	1972	1952[30]	--	COE 2000	--
Trinidad and Tobago	1969	1952[30]	--	COE 1994	--
Tunisia	1969	1994[45]	1904[131]	--	--
Turkey	1976	--	1927[132]	COE 1988 B 1981[133]	2000
Turkmenistan	1996	1968[31]	1933[69]	--	--
Tuvalu	1982	1952[30, 47]	--	--	--
Uganda	--	--	--	--	--
Ukraine	1989	1968[31]	1933[69]	COE 1996	2007
United Arab Emirates	1977	--	--	--	--
United Kingdom	1972	1952[30]	1815[70]	COE 1985	1988
Uruguay	1970	--	--	--	2004
Uzbekistan	1992	1968[31]	1933[69]	--	--
Vanuatu	1987	--	--	--	--

[130] Treaty on Cooperation in the Execution of Penal Sentences Between the Government of the United States of America and the Government of the Kingdom of Thailand, Oct. 29, 1982, Senate Treaty Doc. No. 98-8 (entered into force Dec. 7, 1988).
[131] Agreement on Relations in Tunis, Mar. 15, 1904, 7 Bevans 862 (entered into force May 7, 1904).
[132] Agreement on Relations, Feb. 17, 1927, 11 Bevans 1109 (effective Feb. 17, 1927).
[133] Treaty on the Enforcement of Penal Judgments Between the United States of America and the Republic of Turkey, June 7, 1979, 32 U.S.T. 3187 (entered into force Jan. 1, 1981).

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TABLE C: CONSULAR CONVENTION AND AGREEMENT STATUS OF ALL COUNTRIES					
Country/Jurisdiction	**If party to VCCR, year in force with U.S.**	**If party to bilateral consular convention, year in force with U.S.**	**If party to other bilateral agreement addressing consular issues, year in force with U.S.**	**If party to prisoner transfer agreement, agreement type and year in force with U.S.[66]**	**If party to Hague Child Abduction Convention in relation to U.S., year in force with U.S.**
Venezuela	1969	--	1836[134]	OAS 2001 COE 2003	1997
Vietnam	1992	--[135]	--	--	--
Yemen	1986	--	1946[136]	--	--
Zambia	--	1952[30]	--	--	--
Zimbabwe	1991	1952[30]	--	--	1995

[134] Treaty of Peace, Friendship, Navigation and Commerce Between the United States of America and the Republic of Venezuela, Jan. 20, 1836, 12 Bevans 1038 (entered into force May 31, 1836).
[135] The United States and Vietnam concluded an agreed minute in 1994 in which each side made certain commitments with respect to consular relations. While paragraph 5 of this minute provides for automatic notification of the arrest or detention of passport holders of the sending country, its terms are nonbinding and the Department of State therefore does not consider Vietnam to be a “mandatory notification” (“list”) country. The agreed minute is on file with the Department of State Office of the Legal Adviser.
[136] Agreement Between the United States of America and the Kingdom of the Yemen Relating to Friendship and Commerce, May 4, 1946, 12 Bevans 1223, 4 U.N.T.S. 165 (effective May 4, 1946).

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TABLE D: COUNTRIES WITH BILATERAL AGREEMENTS CONTAINING PROVISIONS ON CONSULAR NOTIFICATION AND ACCESS

Country/Jurisdiction	If party to VCCR, year in force with U.S.	If party to bilateral convention addressing consular issues, year in force with U.S.	Article in bilateral convention concerning consular notification	Notification of consulate mandatory, or only upon foreign national's request?
Albania	1991	1991[27]	Art. 1(5)	Mandatory
Algeria	1969	1997[29]	Art. 33(1)	Mandatory
Antigua and Barbuda	1988	1952[30]	Art. 16(1)	Mandatory
Armenia	1993	1968[31]	Art. 12(2) Protocol ¶ 1	Mandatory
Azerbaijan	1992	1968[31]	Art. 12(2) Protocol ¶ 1	Mandatory
Bahamas	1977	1952[30]	Art. 16(1)	Mandatory
Barbados	1992	1952[30,32]	Art. 16(1)	Mandatory
Belarus	1989	1968[31]	Art. 12(2) Protocol ¶ 1	Mandatory
Belgium	1970	1974[48]	Art. 25(2)	Upon request
Belize	2000	1952[30]	Art. 16(1)	Mandatory
Brunei	--	1952[30]	Art. 16(1)	Mandatory
Bulgaria	1989	1975[33]	Art. 38(2)	Mandatory
China (including Hong Kong and Macao)	1979	1982[34]	Art. 35(2)	Mandatory
Costa Rica	1969	1950[36]	Art. 7(2)(b)	Mandatory
Cyprus	1976	1952[30]	Art. 16(1)	Mandatory
Czech Republic	1993	1987[37]	Art. 36(1)	Mandatory
Denmark	1972	1961[50]	Art. 3(2)	Upon Request
Dominica	1987	1952[30]	Art. 16(1)	Mandatory
Eritrea	1997	1953[51]	Art. 6(2)	Upon request

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TABLE D: COUNTRIES WITH BILATERAL AGREEMENTS CONTAINING PROVISIONS ON CONSULAR NOTIFICATION AND ACCESS				
Country/Jurisdiction	**If party to VCCR, year in force with U.S.**	**If party to bilateral convention addressing consular issues, year in force with U.S.**	**Article in bilateral convention concerning consular notification**	**Notification of consulate mandatory, or only upon foreign national's request?**
Ethiopia	--	1953[51]	Art. 6(2)	Upon request
Fiji	1972	1952[30,38]	Art. 16(1)	Mandatory
France	1970	1968[52]	Art. 34(1)	Upon request
Gambia	--	1952[30]	Art. 16(1)	Mandatory
Georgia	1993	1968[31]	Art. 12(2) Protocol ¶ 1	Mandatory
Germany	1971	1956[53]	Art. 3(2)	Upon request
Ghana	1969	1952[30]	Art. 16(1)	Mandatory
Grenada	1992	1952[30]	Art. 16(1)	Mandatory
Guyana	1973	1952[30]	Art. 16(1)	Mandatory
Hungary	1987	1973[39]	Art. 41(1)	Mandatory
Iran	1975	1957[54]	Art. 2(4)	Upon request
Ireland	1969	1954[55]	Art. 16(1)	Upon request[137]
Israel	--	1954[56]	Art. 3(2)	Upon request
Jamaica	1976	1952[30]	Art. 16(1)	Mandatory
Japan	1983	1964[57]	Art. 16(1)	Upon request
Kazakhstan	1994	1968[31]	Art. 12(2) Protocol ¶ 1	Mandatory
Kiribati	1982	1952[30]	Art. 16(1)	Mandatory
Korea, South	1977	1963[58]	Art. 5(2)	Upon request
Kuwait	1975	1952[30]	Art. 16(1)	Mandatory
Kyrgyzstan	1994	1968[31]	Art. 12(2) Protocol ¶ 1	Mandatory
Luxembourg	1972	1963[59]	Art. 3(4)	Upon request

[137] On the special consular notification and access requirements that apply to detained Irish nationals, see footnote 7 on page 25.

[137] On the special consular notification and access requirements that apply to detained Irish nationals, see footnote 7 on page 25.

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TABLE D: COUNTRIES WITH BILATERAL AGREEMENTS CONTAINING PROVISIONS ON CONSULAR NOTIFICATION AND ACCESS				
Country/Jurisdiction	**If party to VCCR, year in force with U.S.**	**If party to bilateral convention addressing consular issues, year in force with U.S.**	**Article in bilateral convention concerning consular notification**	**Notification of consulate mandatory, or only upon foreign national's request?**
Malaysia	1991	1952[30]	Art. 16(1)	Mandatory
Malta	1997	1952[30]	Art. 16(1)	Mandatory
Mauritius	1970	1952[30]	Art. 16(1)	Mandatory
Moldova	1993	1968[31]	Art. 12(2) Protocol ¶ 1	Mandatory
Mongolia	1989	2007[40]	Art. 37(1)	Mandatory
Netherlands	1985	1957[60]	Art. 3(2)	Upon Request
Nigeria	1969	1952[30]	Art. 16(1)	Mandatory
Oman	1974	1960[61]	Art. 2(2)	Upon request
Pakistan	1969	1961[62]	Art. 3(2)	Upon request
Philippines	1969	1948[41]	Art. 7(2)	Mandatory
Poland	1981	1973[42]	Art. 29(2)	Upon request if lawful permanent resident of U.S., mandatory otherwise[138]
Romania	1972	1973[44]	Art. 22(1)	Mandatory
Russia	1989	1968[31]	Art. 12(2) Protocol ¶ 1	Mandatory
Saint Kitts and Nevis	1983	1952[30]	Art. 16(1)	Mandatory
Saint Lucia	1986	1952[30]	Art. 16(1)	Mandatory
Saint Vincent and the Grenadines	1999	1952[30]	Art. 16(1)	Mandatory
Seychelles	1979	1952[30]	Art. 16(1)	Mandatory
Sierra Leone	--	1952[30]	Art. 16(1)	Mandatory
Singapore	2005	1952[30]	Art. 16(1)	Mandatory

[138] On the special consular notification and access requirements that apply to detained Polish nationals, see footnote 18 on page 41.

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Country/Jurisdiction	If party to VCCR, year in force with U.S.	If party to bilateral convention addressing consular issues, year in force with U.S.	Article in bilateral convention concerning consular notification	Notification of consulate mandatory, or only upon foreign national's request?
Slovakia	1993	1987[37]	Art. 36(1)	Mandatory
Suriname	1980	1963[60]	Art. 3(2)	Upon Request
Tajikistan	1996	1968[31]	Art. 12(2) Protocol ¶ 1	Mandatory
Tanzania	1977	1952[30]	Art. 16(1)	Mandatory
Thailand	1999	1968[64]	Art. 1(2)	Upon request
Togo	1983	1967[65]	Art. 2(1)	Upon request
Tonga	1972	1952[30]	Art. 16(1)	Mandatory
Trinidad and Tobago	1969	1952[30]	Art. 16(1)	Mandatory
Tunisia	1964	1994[45]	Art. 39(1)	Mandatory
Turkmenistan	1996	1968[31]	Art. 12(2) Protocol ¶ 1	Mandatory
Tuvalu	1982	1952[30,47]	Art. 16(1)	Mandatory
Ukraine	1989	1968[31]	Art. 12(2) Protocol ¶ 1	Mandatory
United Kingdom	1972	1952[30]	Art. 16(1)	Mandatory
Uzbekistan	1992	1968[31]	Art. 12(2) Protocol ¶ 1	Mandatory
Zambia	--	1952[30]	Art. 16(1)	Mandatory
Zimbabwe	1991	1952[30]	Art. 16(1)	Mandatory

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PART FIVE: SUGGESTED STATEMENTS TO DETAINED FOREIGN NATIONALS, NOTIFICATION FAX SHEETS, AND CONSULAR IDENTIFICATION CARDS

The following section includes suggested statements to give to foreign nationals arrested or detained in the United States. The statements are provided both in English and in translations from the most commonly used foreign languages in the United States.

- **Statement 1: For All Foreign Nationals Except Those from "Mandatory Notification" Countries**
- **Statement 2: For Foreign Nationals from "Mandatory Notification" Countries**
- **Fax Sheet for Notifying Consular Officers of Arrests or Detentions**
- **Fax Sheet for Notifying Consular Officers of the Possible Appointment of a Guardian or Trustee for a Foreign National**
- **Fax Sheet for Notifying Consular Officers of the Death, Serious Injury, or Illness of a Foreign National**
- **Diplomatic and Consular Officer Identification Cards**

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In order to comply with the VCCR and applicable bilateral agreements with provisions on consular notification and access, the Department of State recommends that the suggested statements listed below be given to foreign nationals arrested or detained in the United States. You should give **Statement 1** to those foreign nationals who are not from a "mandatory notification" ("list") country. The foreign national should answer "yes" or "no" to this question, and you should record his or her answer. The Department of State recommends that the foreign national be asked to sign and date the form to confirm his or her answer and the date he or she was informed. You should give **Statement 2** to those foreign nationals who are from a "mandatory notification" ("list") country. A foreign national from such a country does not need to answer any questions, but a record should be kept that you provided this information to the foreign national.

The English versions of Statement 1 and Statement 2 have been translated into the languages most commonly used by foreign nationals in the United States. In the translations of Statement 1, the words "yes" and "no" appear in both the foreign language and in English, to help minimize the possibility of any misunderstanding between you and the foreign national.

If at all possible, you should give the statement in the foreign national's own language, or in a language he or she understands. If no translation into the foreign national's own language is available, you should determine whether he or she can understand any of the other languages for which a translation is provided. If you have doubts about the foreign national's ability to read, you should also give the statement orally if possible. Please notify the Department of State of additional languages for which translations would be helpful, and the Department may post additional translations on its website in response to such requests.

Translations for the following languages appear below:

Arabic
Cambodian (Khmer)
Chinese (Simplified and Traditional)
Creole
Farsi (Persian)
French
German
Greek
Hindi
Italian
Japanese
Korean
Lao
Polish
Portuguese
Russian
Spanish
Tagalog (Filipino)
Thai
Vietnamese

The Department of State has designed a poster showing Statement 1 translated into these languages, to be used by law enforcement or corrections agencies in locations where foreign nationals who have been arrested or detained can see it. You may download an electronic copy of the poster from the Department's website at *http://travel.state.gov/CNA*.

In the pages following the suggested statements, three fax sheets appear. You may photocopy and use these fax sheets for notifying foreign consulates, or model your own fax sheets after them:

- Fax Sheet for Notifying Consular Officers of Arrests or Detentions
- Fax Sheet for Notifying Consular Officers of the Possible Appointment of a Guardian or Trustee for a Foreign National
- Fax Sheet for Notifying Consular Officers of the Death, Serious Injury, or Illness of a Foreign National

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ENGLISH

Statement 1:
For All Foreign Nationals Except Those from "Mandatory Notification" Countries

As a non-U.S. citizen who is being arrested or detained, you may request that we notify your country's consular officers here in the United States of your situation. You may also communicate with your consular officers. A consular officer may be able to help you obtain legal representation, and may contact your family and visit you in detention, among other things. If you want us to notify your consular officers, you can request this notification now, or at any time in the future. Do you want us to notify your consular officers at this time?

YES NO

Printed Name: _____ Witness: _____

Signature: _____ Date: _____

Statement 2:
For Foreign Nationals from "Mandatory Notification" Countries

Because of your nationality, we are required to notify your country's consular officers here in the United States that you have been arrested or detained. We will do this as soon as possible. In addition, you may communicate with your consular officers. You are not required to accept their assistance, but your consular officers may be able to help you obtain legal representation, and may contact your family and visit you in detention, among other things. Please sign to show that you have received this information.

Printed Name: _____ Witness: _____

Signature: _____ Date: _____

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ARABIC

Statement 1:
For All Foreign Nationals Except Those from "Mandatory Notification" Countries

إذا كنتم مواطنين غير أمريكيين يجري توقيفكم أو احتجازكم، يجوز لكم أن تطلبوا منا إخطار المسئولين العاملين في قنصلية بلادكم هنا في الولايات المتحدة بأنكم محتجزين أو أنكم تعرضتم للتوقيف، ويجوز لكم كذلك الاتصال بمسئولي قنصلية بلادكم، إذ قد يتمكن هؤلاء المسئولون من توفير محامين يتولون تمثيلكم، كما يجوز لهم الاتصال بأسرتكم أو زيارتكم في مكان احتجازكم، ضمن أشياء أخرى قد يقدمونها لكم. ويجوز لكم أن تطلبوا منا الآن أو في أي وقت في المستقبل أن نقوم بإخطار مسئولي قنصلية بلادكم، إذا أردتم منا القيام بذلك. هل تريدون منا إخطار مسئولي قنصلية بلادكم في هذا الوقت؟

نعم (YES) **لا (NO)**

الاسم مكتوب بخط واضح: . . . . . .
Printed Name

الشاهد: . . . . . .
Witness

التوقيع: . . . . . .
Signature

التاريخ: . . . . . .
Date

Statement 2:
For Foreign Nationals from "Mandatory Notification" Countries

إننا ملزمون بسبب جنسيتكم بإخطار المسئولين العاملين في قنصلية بلادكم في الولايات المتحدة بأنكم قد تعرضتم للتوقيف أو للاحتجاز، وسوف نقوم بذلك في أقرب فرصة ممكنة. ونحيطكم علماً، علاوة على ذلك، بأن يجوز لكم الاتصال بالمسئولين العاملين في قنصلية بلادكم، وأنكم غير ملزمين بقبول مساعدتهم لكم، ولكنهم مع ذلك قد يتمكنون من توفير محامين يتولون تمثيلكم، كما يجوز لمسئولي قنصلية بلادكم الاتصال بأسرتكم وزيارتكم في مكان احتجازكم، ضمن أشياء أخرى قد يقدمونها لكم. الرجاء التوقيع على هذا البيان لإثبات حصولكم على المعلومات التي يتضمنها.

الاسم مكتوب بخط واضح: . . . . . .
Printed Name

الشاهد: . . . . . .
Witness

التوقيع: . . . . . .
Signature

التاريخ: . . . . . .
Date

visited on 6/13/2016

CAMBODIAN (KHMER)

Statement 1:
For All Foreign Nationals Except Those from "Mandatory Notification" Countries

ក្នុងករណីត្រូវចាប់ខ្លួន ឬជាប់ឃុំ ក្នុងនាមជាជនបរទេស មិនមានសញ្ជាតិអាមេរិកាំង លោកអ្នកអាចស្នើសុំឲ្យយើងជូនដំណឹងដល់មន្ត្រីស្ថានកុងស៊ុលរបស់លោកអ្នកនៅសហរដ្ឋអាមេរិកអំពីស្ថានភាពរបស់លោកអ្នក ។ លោកអ្នកអាចទំនាក់ទំនងផ្ទាល់ជាមួយមន្ត្រីកុងស៊ុលរបស់លោកអ្នក ។ មន្ត្រីកុងស៊ុលអាចជួយលោកអ្នក ដូចជារកអ្នកតំណាងផ្លូវច្បាប់ ទាក់ទងជាមួយគ្រួសារលោកអ្នកនិងចូលសួរសុខទុក្ខលោកអ្នកក្នុងមន្ទីរឃុំឃាំង ព្រមទាំងធ្វើកិច្ចការផ្សេងៗ។

បើលោកអ្នកចង់ឲ្យយើងជូនដំណឹងដល់មន្ត្រីកុងស៊ុល លោកអ្នកអាចស្នើសេចក្តីជូនដំណឹងនេះឥឡូវនេះ ឬនៅពេលណាមួយ។

តើលោកអ្នកចង់ឲ្យយើងទាក់ទងមន្ត្រីកុងស៊ុលរបស់លោកអ្នកឬទេនៅពេលនេះ?

បាទ ☐ (YES) ទេ ☐ (NO)

សរសេរឈ្មោះអក្សរធំ:_____ Printed Name

សាក្សី:_____ Witness

ហត្ថលេខា: _____ Signature

ថ្ងៃខែ:_____ Date

Statement 2:
For Foreign Nationals from "Mandatory Notification" Countries

ដោយសារលោកអ្នកជាពលរដ្ឋបរទេស ជាចាំបាច់យើងត្រូវប្រាប់មន្ត្រីនៃស្ថានកុងស៊ុលប្រទេសរបស់លោកអ្នកប្រចាំសហរដ្ឋអាមេរិកថា លោកអ្នកបានត្រូវចាប់ខ្លួន ឬឃុំខ្លួន។

យើងនឹងជូនដំណឹងទៅស្ថានទូតរបស់លោកអ្នកយ៉ាងឆាប់រហ័សតាមលទ្ធភាព។ ក្រៅពីនេះ លោកអ្នកអាចទាក់ទងជាមួយមន្ត្រីកុងស៊ុលរបស់លោកអ្នក។

លោកអ្នកនឹងមិនតម្រូវជាចាំបាច់ឲ្យរកជំនួយជំនួយពីមន្ត្រីស្ថានកុងស៊ុលរបស់លោកអ្នកទេ ក៏ប៉ុន្តែមន្ត្រីស្ថានកុងស៊ុលអាចជួយលោកអ្នករកអ្នកតំណាងផ្លូវច្បាប់ ឬ អាចទាក់ទងជាមួយគ្រួសារលោកអ្នក ទៅសួរសុខទុក្ខលោកអ្នកក្នុងមន្ទីរឃុំឃាំង ព្រមទាំងធ្វើកិច្ចការផ្សេងៗ។

សូមចុះហត្ថលេខាខាងក្រោមនេះ ដើម្បីបង្ហាញថា លោកអ្នកបានទទួលព័ត៌មាននេះ។

ឈ្មោះអក្សរធំ: _____ Printed Name

សាក្សី:_____ Witness

ហត្ថលេខា:_____ Signature

ថ្ងៃខែ:_____ Date

visited on 6/13/2016

CHINESE

Statement 1:
For All Foreign Nationals Except Those from "Mandatory Notification" Countries

你作为非美国公民，在被拘留或者逮捕时可以要求我们将你的情况通知你们国家派驻美国的领事；你也可以和你们国家的领事通话。你们国家的领事有可能帮助你争取法律援助、联系家人、到拘留地点探访你，和做一些别的事情。

你如果要我们通知你们的领事，可以现在就提出，也可以在日后任何时候提出。

你需要我们现在就通知你们的领事吗？

要 (YES)　　不要 (NO)

用正体书写姓名：_____
Printed Name

证人：_____
Witness

签名：_____
Signature

日期：_____
Date

Statement 2:
For Foreign Nationals from "Mandatory Notification" Countries

鉴于你的国籍，我们必须将你被捕或者被拘留的情况通知你们国家派驻美国的领事。我们会尽快通知。另外，你有可以和你们的领事通话。你并非一定要接受他们的援助，但是你们的领事有可能帮助你获得法律援助、联系你的家人和到拘留地点探访你，和做一些别的事情。请在下面签名表示你已经被告知以上信息。

用正体书写姓名：_____
Printed Name

证人：_____
Witness

签名：_____
Signature

日期：_____
Date

visited on 6/13/2016

CHINESE (Traditional)

Statement 1:
For All Foreign Nationals Except Those from "Mandatory Notification" Countries

作爲非美國公民，你在被逮捕或拘留時可以要求我們將你的情形通知你們國家派駐美國的領你也可以和你們國家的領事通話。你們國家的領事有可能幫助你爭取法律援助，聯絡家人，留地點探訪你，還可以爲你做一些別的事情。你如果要我們通知你們的領事，可以現在就提求，也可以在今後任何時候提出。

你需要我們現在就通知你們國家的領事嗎？

要 (YES)　　不要 (NO)

用正楷書寫姓名：_____　　證人：_____
Printed Name　　Witness

簽名：_____　　日期：_____
Signature　　Date

Statement 2:
For Foreign Nationals from "Mandatory Notification" Countries

鑒於你的國籍，我們必須將你被捕或被拘留的事情通知你們國家派駐美國的領事。我們會盡知。另外，你也可以和你們國家的領事通話。你並非一定要接受他們的援助，但是你們國家事有可能幫助你獲得法律援助，聯絡家人，到拘留地點探訪你，還可以爲你做一些別的事情在下面簽名，表示你已經被告知以上資訊。

用正楷書寫姓名：_____　　證人：_____
Printed Name　　Witness

簽名：_____　　日期：_____
Signature　　Date

visited on 6/13/2016

CREOLE

Statement 1:
For All Foreign Nationals Except Those from "Mandatory Notification"Countries

Kòm yon moun ki pa sitwayen ameriken ke otorite yo ap arete oubyen ap mete nan prizon, ou gen dwa mande pou nou mete otorite nan konsula peyi ou ki isit o Zetazini okouran sitiyasyon an. Ou kapab tou pran kontak ak otorite ki nan konsila peyi ou. Yon ofisyèl nan konsila peyi ou kapab an mezi pou li ede w jwenn konkou avoka, e li kapab tou pran kontak ak manm fanmi ou e ofisyèl sa a kapab vizite w nan prizon an, ak lòt bagay ankò. Si ou vle nou mete otorite nan konsila peyi ou okouran, ou gen dwa fè demand pou yo fè avètisman sa a kounyela menm, oubyen nenpòt ki lòt lè nan lavni. Eske ou ta renmen nou mete otorite konsila peyi ou okouran kounyela menm?

WI (YES) NON (NO)

Ekri non ou : _____ Temwen : _____
Printed Name Witness
Siyati:_____ Dat : _____
Signature Date

Statement 2:
For Foreign Nationals from "Mandatory Notification" Countries

Akoz nasyonalite ou, nou gen obligasyon pou nou mete otorite konsila peyi ou ki isit o Zetazini okouran ke yo arete ou oubyen yo mete ou nan prizon. Nou pral fè sa osito posib. An plis de sa, ou kapab pran kontak ak otorite ki nan konsila peyi ou. Ou pa oblije aksepte èd yo, men li posib pou otorite konsila peyi ou ede w jwenn èd yon avoka, e yo byen kapab pran kontak ak manm fanmi ou, epi rann ou vizit nan prizon an, ak lòt bagay ankò. Silvouplè, siyen pou w fè wè ou te resevwa enfòmasyon sa a.

Ekri non ou : _____ Temwen : _____
Printed Name Witness
Siyati:_____ Dat : _____
Signature Signature

visited on 6/13/2016

FARSI

Statement 1:
For All Foreign Nationals Except Those from "Mandatory Notification" Countries

شما منحیث یک شخص که تبعه ایالات متحده امریکا نیستید و توقیف و بازداشت شده اید، میتوانید از ما بخواهید تا راجع به وضع شما با مامورین قونسلگری کشور تان، این جا، در ایالات متحده در تماس شویم. همچنان شما میتوانید که با مامورین قونسلگری خویش حرف بزنید. یک مامور قونسلگری شاید بتواند به شمول کار های دیگر شما را در مورد استخدام یک وکیل قانونی کمک نماید، با خانواده شما در تماس شود، و در توقیف شما را ملاقات کند. اگرشما خواسته باشید که ما با مامورین قونسلگری تان در تماس شویم، شما میتوانید همین حالا این درخواست را ارائه کنید ویا در آینده کدام وقت دیگر این اطلاع را به ما بدهید. آیا شما میخواهید که ما فعلاً با مامورین قونسلگری شما در تماس شویم؟

بلی (YES) نه خیر (NO)

چاپ اسم:_____ شاهد:_____
Printed Name Witness

امضا: _____ تاریخ: _____
Signature Date

Statement 2:
For Foreign Nationals from "Mandatory Notification" Countries

به دلیل ملیت و تابعیت شما، ما مکلف هستیم تا مامورین قونسلگری شما را در ایالات متحده با خبر سازیم که شما توقیف و یا بازداشت شده اید. ما این کار را هرچه زود تر ممکن باشد انجام خواهیم داد. علاوه بر این، شما میتوانید که با مامورین قونسلگری خویش در تماس باشید. شما مکلف نیستید که کمک های آنها را بپذیرید ولی مامورین قونسلگری شما شاید بتوانند علاوه بر مسایل دیگر در مورد استخدام وکیل قانونی با شما کمک نمایند، با خانواده تان تماس بگیرند و از شما در توقیف دیدن کنند. لطفا امضا کنید تا نشان دهید که شما این معلومات را دریافت نموده اید.

چاپ اسم:_____ شاهد:_____
Printed Name Witness

امضا: _____ تاریخ: _____
Signature Date

visited on 6/13/2016

FRENCH

Statement 1:
For All Foreign Nationals Except Those from "Mandatory Notification" Countries

Si vous êtes arrêté ou détenu, et ressortissant d'un pays autre que les Etats-Unis, vous pouvez nous demander de prévenir le consulat de votre pays ici aux Etats-Unis. Vous pouvez également communiquer avec vos fonctionnaires consulaires. Un fonctionnaire consulaire peut notamment être en mesure de vous aider à obtenir un avocat, contacter votre famille et vous rendre visite lors de votre détention. Si vous désirez que nous prévenions le consulat, vous pouvez en faire la demande maintenant ou plus tard, au moment de votre choix. Souhaitez-vous que nous prévenions maintenant votre consulat ?

OUI (YES) NON (NO)

Nom: _____ Témoin: _____
Printed Name Witness

Signature : _____ Date : _____
Signature Date

Statement 2:
For Foreign Nationals from "Mandatory Notification" Countries

Si vous êtes arrêté ou détenu, nous sommes tenus, en raison de votre nationalité, de prévenir le consulat de votre pays ici aux Etats-Unis. Nous le ferons le plus tôt possible. De plus, vous pouvez également communiquer avec vos fonctionnaires consulaires. Vous n'êtes pas oblige d'accepter leur aide mais ils peuvent notamment être en mesure de vous aider à obtenir un avocat, contacter votre famille et vous rendre visite lors de votre détention. Nous vous prions de bien vouloir apposer ci-dessous votre signature, ce qui apportera la preuve que cette information vous a bien été communiquée.

Nom: _____ Témoin: _____
Printed Name Witness

Signature : _____ Date : _____
Signature Date

visited on 6/13/2016

GERMAN

Statement 1:
For All Foreign Nationals Except Those from "Mandatory Notification" Countries

Als ausländischer Staatsangehöriger, der in den Vereinigten Staaten verhaftet oder festgenommen wurde, können Sie beantragen, dass wir die Konsularbeamten Ihres Landes hier in den USA über Ihre Situation unterrichten. Sie dürfen sich ebenfalls mit den Konsularbeamten Ihres Landes in Verbindung setzen. Ein Konsularbeamter kann Ihnen unter anderem bei der Beschaffung eines Rechtsbeistandes behilflich sein, sich mit Ihrer Familie in Verbindung setzen und Sie in der Haft besuchen. Wenn Sie wünschen, dass wir die Konsularbeamten Ihres Landes unterrichten, können Sie dies jetzt sofort oder auch später zu einem beliebigen Zeitpunkt beantragen. Wünschen Sie, dass wir die Konsularbeamten sofort unterrichten?

JA (YES) NEIN (NO)

Name in Druckbuchstaben: _____ Zeuge: _____
Printed Name Witness

Unterschrift: _____ Datum: _____
Signature Date

Statement 2:
For Foreign Nationals from "Mandatory Notification" Countries

Aufgrund Ihrer Staatsangehörigkeit sind wir verpflichtet, die Konsularbeamten Ihres Landes in den Vereinigten Staaten davon zu unterrichten, dass Sie verhaftet oder festgenommen wurden. Wir werden diese Unterrichtung so bald wie möglich vornehmen. Außerdem dürfen Sie sich mit den Konsularbeamten Ihres Landes in Verbindung setzen. Sie sind nicht dazu verpflichtet, deren Hilfe anzunehmen, aber die Konsularbeamten Ihres Landes können Ihnen unter anderem bei der Beschaffung eines Rechtsbeistands behilflich sein, sich mit Ihrer Familie in Verbindung setzen und Sie in der Haft besuchen. Bestätigen Sie bitte mit Ihrer Unterschrift, dass Sie diese Informationen erhalten haben.

Name in Druckbuchstaben: _____ Zeuge: _____
Printed Name Witness

Unterschrift: _____ Datum: _____
Signature Date

visited on 6/13/2016

GREEK

Statement 1:
For All Foreign Nationals Except Those from "Mandatory Notification" Countries

Ως μη υπήκοος των Η.Π.Α. που έχετε συλληφθεί ή έχετε τεθεί υπό κράτηση, μπορείτε να μας ζητήσετε να ειδοποιήσουμε την προξενική αρχή της χώρας σας εδώ στις Ηνωμένες Πολιτείες σχετικά με την κατάστασή σας. Μπορείτε ακόμα να επικοινωνήσετε με την προξενική σας αρχή. Ανώτερος προξενικός υπάλληλος μπορεί να είναι σε θέση να σας βοηθήσει προκειμένου να λάβετε νομική εκπροσώπηση, και μπορεί να έρθει σε επαφή με την οικογένειά σας και μεταξύ άλλων, μπορούν να σας επισκέπτονται κατά τη διάρκεια της κράτησής σας. Αν μας θέλετε να ειδοποιήσουμε την προξενική σας αρχή, μπορείτε να το ζητήσετε είτε τώρα, είτε οποιαδήποτε άλλη στιγμή στο μέλλον. Θέλετε να ειδοποιήσουμε τώρα την προξενική σας αρχή;

ΝΑΙ (YES) ΟΧΙ (NO)

Ονοματεπώνυμο:_____ Μάρτυρας:_____
Printed Name Witness

Υπογραφή: _____ Ημερομηνία: _____
Signature Date

Statement 2:
For Foreign Nationals from "Mandatory Notification" Countries

Λόγω της υπηκοότητάς σας, είμαστε υποχρεωμένοι να ειδοποιήσουμε την προξενική αρχή της χώρας σας εδώ στις Ηνωμένες Πολιτείες ότι έχετε συλληφθεί ή ότι βρίσκεστε υπό κράτηση. Θα το κάνουμε όσο το δυνατό πιο σύντομα. Επιπλέον, μπορείτε να επικοινωνήσετε με την προξενική σας αρχή. Δεν είναι υποχρεωτικό να δεχθείτε την βοήθειά τους, αλλά η προξενική σας αρχή είναι δυνατόν να σας βοηθήσει να λάβετε νομική εκπροσώπηση, όπως επίσης μπορεί να επικοινωνήσει με την οικογένειά σας και μεταξύ άλλων, να μπορούν να σας επισκέπτονται κατά τη διάρκεια της κράτησής σας. Παρακαλούμε όπως υπογράψετε σαν απόδειξη ότι λάβατε τούτη την γνωστοποίηση.

Ονοματεπώνυμο:_____ Μάρτυρας:_____
Printed Name Witness

Υπογραφή: _____ Ημερομηνία: _____
Signature Date

visited on 6/13/2016

HINDI

Statement 1:
For All Foreign Nationals Except Those from "Mandatory Notification" Countries

यदि एक गैर-अमरीकी होते हुए आपको गिरफ्तार किया जा रहा है या हिरासत में रखा जा रहा है, तो आप यह अनुरोध कर सकते हैं कि हम अमरीका में आपके देश के काउंसलर अधिकारियों को आपकी स्थिति की सूचना दें. आप अपने देश के काउंसलर अधिकारियों से संपर्क भी कर सकते हैं. एक काउंसलर अधिकारी आपको क़ानूनी प्रतिनिधित्व दिलाने में मदद कर सकता है, और आपके परिवार से संपर्क कर सकता है और, अन्य बातों के साथ साथ, वह जेल में आपसे मिलने भी आ सकता है. यदि आप चाहते हैं कि हम आपके काउंसलर अधिकरियों को सूचित करें, तो इस अधिसूचना के लिए आप अभी निवेदन कर सकते हैं, या भविष्य में किसी भी समय ऐसा कर सकते हैं. क्या आप चाहते हैं कि हम आपके काउंसलर अधिकारियों को इस समय सूचना दें ?

हाँ (YES) नहीं (NO)

साफ़ लिखा नाम:_____ साक्षी:_____
Printed Name Witness
हस्ताक्षर:_____ तारीख़:_____
Signature Date

Statement 2:
For Foreign Nationals from "Mandatory Notification" Countries

आपकी राष्ट्रीयता के कारण हमारे लिए अनिवार्य है कि हम यहाँ अमरीका में आपके देश के काउंसलर अधिकारियों को सूचित करें कि आपको गिरफ्तार कर लिया गया है या आप हिरासत में हैं. हम जितनी जल्दी संभव होगा ऐसा करेंगे. इसके अलावा, आप चाहें तो अपने काउंसलर अधिकारियों से संपर्क कर सकते हैं. आपके लिए ज़रूरी नहीं कि आप उनकी मदद लें, लेकिन काउंसलर अधिकारी आपको क़ानूनी प्रतिनिधित्व दिलवाने में सहायता कर सकते हैं, और आपके परिवार से संपर्क कर सकते हैं और, अन्य बातों के साथ साथ, जेल में आपसे मिलने आ सकते हैं. कृपया यह बताने के लिए हस्ताक्षर कीजिये कि आपको यह जानकारी मिल गई है.

साफ़ लिखा नाम:_____ साक्षी:_____
Printed Name Witness
हस्ताक्षर:_____ तारीख़:_____
Signature Date

visited on 6/13/2016

ITALIAN

Statement 1:
For All Foreign Nationals Except Those from "Mandatory Notification" Countries

Lei non è cittadino degli Stati Uniti d'America ed è stato arrestato o detenuto dalle autorità statunitensi. Come tale, può chiedere che le autorità consolari competenti del Suo Paese presenti negli Stati Uniti d'America vengano informate della Sua situazione. Inoltre, Lei può comunicare con i suddetti funzionari che, fra l'altro, potrebbero aiutarLa ad assumere un avvocato, contattare la Sua famiglia, o visitarLa mentre è in stato di detenzione. Se desidera che le autorità consolari del Suo Paese vengano informate, lo può chiedere adesso o in qualsiasi momento nel futuro. Desidera che contattiamo le suddette autorità in questo momento?

SÌ (YES) **NO** (NO)

Nome in stampatello: _____ Testimone: _____
Printed Name Witness

Firma: _____ Data: _____
Signature Date

Statement 2:
For Foreign Nationals from "Mandatory Notification" Countries

In virtù della Sua cittadinanza, siamo obbligati a formalmente avvisare le autorità consolari competenti del Suo Paese presenti negli Stati Uniti d'America, che Lei è stato arrestato o detenuto. Lo faremo al più presto possibile. Inoltre, può comunicare con i suddetti funzionari, e benché non sia tenuto ad accettare la loro assistenza, essi potrebbero, fra l'altro, assisterLa ad assumere un avvocato, contattare la Sua famiglia, o visitarLa durante lo stato di detenzione. La preghiamo di apporre la Sua firma nello spazio indicato qui sotto a conferma di aver ricevuto questo avviso.

Nome in stampatello: _____ Testimone: _____
Printed Name Witness

Firma: _____ Data: _____
Signature Date

visited on 6/13/2016

JAPANESE

Statement 1:
For All Foreign Nationals Except Those from "Mandatory Notification" Countries

逮捕もしくは拘留された非米国市民として、あなたは、当局が米国にあるあなたの国の領事館の係官にあなたの置かれている状況について通知するよう要請してもいいです。また、あなたの国の領事館の係官と連絡を取ってもいいです。領事館の係官はあなたが弁護人を手配するのを助けることができるかもしれませんし、他にもいろいろありますが、ご家族に接触したり拘留中のあなたを訪ねることもあります。もし当局があなたの国の領事館の係官に通知することをお望みなら、今、または今後いつでも、この通知を要請できます。この機会に、あなたの国の領事館の係官に当局から通知してほしいですか？

はい（YES）　　いいえ（NO）

名前の活字体表記: _____
Printed Name

証人: _____
Witness

署名: _____
Signature

日付: _____
Date

Statement 2:

For Foreign Nationals from "Mandatory Notification" Countries

あなたの国籍のゆえに、当局はあなたが逮捕もしくは拘留されたことを米国にあるあなたの国の領事館の係官に通知しなければなりません。できるだけ早くそうします。加えて、あなたは、あなたの国の領事館の係官と連絡を取ってもいいです。係官の助けを受け入れる義務はありませんが、あなたの国の領事館の係官はあなたが弁護人を手配するのを助けることができるかもしれませんし、他にもいろいろありますが、ご家族に接触したり拘留中のあなたを訪ねることもあります。この情報を受理した証に署名をしてください。

名前の活字体表記: _____
Printed Name

証人: _____
Witness

署名: _____
Signature

日付: _____
Date

visited on 6/13/2016

KOREAN

Statement 1:
For All Foreign Nationals Except Those from "Mandatory Notification" Countries

귀하는 비 미국 국적인으로서 현재 체포, 또는 구금 중이므로, 귀하는 당 기관으로 하여금 미합중국 내에 있는 귀하 국가의 영사관 직원에게 귀하의 상황에 관하여 통보를 하도록 요청할 수 있습니다. 귀하는, 또한, 귀하 국가의 영사관 직원과 통신할 수도 있습니다. 영사관 직원은 귀하로 하여금 법적 대리인을 선임할 수 있도록 도움을 줄 수 있으며, 무엇보다도, 귀하의 가족과 연락하며 구금 중인 귀하를 방문할 수 있습니다. 귀하 국가의 영사관 직원에게 당 기관으로 하여금 통보하도록 원하신다면, 귀하는 지금이나, 향후 언제라도 그러한 통보를 요청하실 수 있습니다. 귀하는 바로 지금 귀하 국가의 영사관 직원에게 당 기관이 통보하는 것을 원하십니까?

예 (YES) 아니오 (NO)

인쇄체 성명: _____
Printed Name

증인: _____
Witness

서명: _____
Signature

일자: _____
Date

Statement 2:
For Foreign Nationals from "Mandatory Notification" Countries

귀하의 국적을 사유로 하여, 당 기관은 미합중국 내에 있는 귀하 국가의 영사관 직원에게 귀하가 체포, 또는 구금되었다는 사실을 통보할 의무가 있습니다. 당 기관은 이러한 통보를 가능한 한 조속히 실행할 것입니다. 이에 추가하여, 귀하는 귀하 국가의 영사관 직원과 통신할 권리가 있습니다. 귀하는 그들의 협조를 반드시 받을 필요는 없으나 영사관 직원은 귀하로 하여금 법적 대리인을 선임할 수 있도록 도움을 줄 수 있으며, 무엇보다도, 귀하의 가족과 연락하며 구금 중인 귀하를 방문할 수 있습니다.
귀하가 이러한 안내 설명을 이미 들었다는 표시로서 아래에 서명하십시오.

인쇄체 성명: _____
Printed Name

증인: _____
Witness

서명: _____
Signature

일자: _____
Date

visited on 6/13/2016

LAO

Statement 1:
For All Foreign Nationals Except Those from "Mandatory Notification" Countries

ໃນຖານະທີ່ທ່ານບໍ່ຖືສັນຊາດອະເມຣິກັນ ທີ່ຖືກຈັບ ຫລື ຖືກກັກໂຕ ທ່ານອາດສາມາດຂໍຮ້ອງໃຫ້ພວກເຮົາ ແຈ້ງໄປຫາງ ເຈົ້າໜ້າທີ່ກົງສູນຂອງທ່ານຢູ່ໃນສະຫະຣັດອະເມຣິກາຊາບ ເພື່ອພິຈາຣະນາສະພາບການຂອງທ່ານ. ທ່ານອາດສາມາດຕິດຕໍ່ກັບເຈົ້າໜ້າທີ່ກົງສູນຂອງທ່ານໄດ້. ເຈົ້າໜ້າທີ່ກົງສູນ ນອກຈາກວຽກງານປະຈຳແລ້ວ ອາດສາມາດຊ່ວຍຫາທະນາຍຄວາມ, ຊ່ວຍຕິດຕໍ່ຄອບຄົວຂອງທ່ານ ແລະມາຢ້ຽມຢາມທ່ານໃນຂະນະທີ່ຖືກກັກໂຕຢູ່. ຖ້າທ່ານຕ້ອງການ ໃຫ້ພວກເຮົາແຈ້ງໄປຫາງເຈົ້າໜ້າທີ່ກົງສູນຂອງທ່ານຊາບ ທ່ານຄວນຍື່ນຄຳຮ້ອງໃຫ້ພວກເຮົາ ໃນເວລານີ້ ຫລືໃນອະນາຄົດກໍໄດ້. ທ່ານຕ້ອງການໃຫ້ພວກເຮົາແຈ້ງໄປຫາງເຈົ້າໜ້າທີ່ກົງສູນຂອງ ທ່ານໃນເວລານີ້ບໍ່?

ຕ້ອງການ (YES) ບໍ່ຕ້ອງການ (NO)

ພິມຊື່: _____
Printed Name

ຊ້ອງໜ້າ: _____
Witness

ລາຍເຊັນ: _____
Signature

ວັນທີ: _____
Date

Statement 2:
For Foreign Nationals from "Mandatory Notification" Countries

ຍ້ອນສັນຊາດຂອງທ່ານ ພວກເຮົາຈຳເປັນຕ້ອງແຈ້ງໃຫ້ເຈົ້າໜ້າທີ່ກົງສູນຂອງປະເທດຂອງທ່ານຢູ່ໃນ ສະຫະຣັດ ອະເມຣິກາຊາບວ່າ ທ່ານຖືກຈັບ ຫລື ຖືກກັກໂຕ. ພວກເຮົາຈະພະຍາຍາມດຳເນີນເລື້ອງ ຂອງທ່ານໃຫ້ໄວທີ່ສຸດ ເທົ່າທີ່ຈະໄວໄດ້. ທ່ານອາດສາມາດຕິດຕໍ່ກັບເຈົ້າໜ້າທີ່ກົງສູນຂອງທ່ານໄດ້. ທ່ານບໍ່ຈຳເປັນຈະຕ້ອງຮັບເອົາຄວາມ ຊ່ວຍເຫລືອຈາກຂະເຈົ້າ, ແຕ່ທາງເຈົ້າໜ້າທີ່ກົງສູນ ນອກຈາກວຽກງານປະຈຳແລ້ວ ອາດສາມາດຊ່ວຍຫາ ທະນາຍຄວາມ, ຊ່ວຍຕິດຕໍ່ຄອບຄົວຂອງທ່ານ ແລະ ມາຢ້ຽມຢາມທ່ານໃນຂະນະທີ່ຖືກກັກໂຕຢູ່. ກະຣຸນາເຊັນຮັບ ຂ້າງລຸ່ມນີ້ ວ່າທ່ານໄດ້ຮັບຮູ້ຂໍ້ມູນນີ້.

ພິມຊື່: _____
Printed Name

ຊ້ອງໜ້າ: _____
Witness

ລາຍເຊັນ: _____
Signature

ວັນທີ: _____
Date

visited on 6/13/2016

POLISH

Statement 1:
For All Foreign Nationals Except Those from "Mandatory Notification" Countries

Jako osoba nie będąca obywatelem USA, która zostaje aresztowana lub zatrzymana, może Pan(i) poprosić abyśmy powiadomili o Pana(i) sytuacji urzędników konsularnych Pana(i) kraju w Stanach Zjednoczonych. Może Pan(i) także komunikować się z tymi urzędnikami konsularnymi. Urzędnik konsularny może być w stanie pomóc Panu(i) w uzyskaniu porady prawnej oraz może m. in. powiadomić Pana(i) rodzinę i odwiedzić Pana(ią) w areszcie. Jeśli życzy sobie Pan(i), abyśmy powiadomili urzędników konsularnych Pana(i) kraju, może Pan(i) poprosić o takie powiadomienie teraz lub w dowolnej chwili w przyszłości. Czy chce Pan(i), abyśmy niezwłocznie powiadomili urzędników konsularnych Pana(i) kraju?

TAK (YES) NIE (NO)

Imię i nazwisko: _____ Świadek: _____
Printed Name Witness

Podpis: _____ Data: _____
Signature Date

Statement 2:
For Foreign Nationals from "Mandatory Notification" Countries

Ze względu na Pana(i) narodowość, mamy obowiązek powiadomić urzędników konsularnych Pana(i) kraju w Stanach Zjednoczonych o tym, że został Pan(i) aresztowany lub zatrzymany. Zrobimy to możliwie jak najszybciej. Ponadto może Pan(i) komunikować się z tymi urzędnikami konsularnymi. Nie ma Pan(i) obowiązku przyjąć ich pomocy, ale mogą oni być w stanie pomóc Panu(i) w uzyskaniu porady prawnej i mogą m. in. powiadomić Pana(i) rodzinę oraz odwiedzić Pana(ią) w areszcie. Proszę potwierdzić otrzymanie tych informacji swoim podpisem.

Imię i nazwisko: _____ Świadek: _____
Printed Name Witness

Podpis: _____ Data: _____
Signature Date

visited on 6/13/2016

PORTUGUESE

Statement 1: For All Foreign Nationals Except Those from "Mandatory Notification" Countries

Como não-cidadão dos Estados Unidos que está sendo preso ou detido, você pode requerer que notifiquemos os funcionários consulares de seu país aqui nos Estados Unidos sobre a sua situação. Você pode se comunicar com os funcionários consulares de seu país. Um funcionário consular poderá, entre outros, ajudá-lo(a) a obter assistência jurídica, contatar sua família e visitá-lo(a) na prisão. Se desejar que notifiquemos os funcionários consulares de seu país, pode solicitá-lo já ou a qualquer momento no futuro. Você deseja que notifiquemos os funcionários consulares já?

SIM (YES) NÃO (NO)

Nome por extenso: _____ Testemunha: _____
Printed Name Witness

Assinatura: _____ Data: _____
Signature Date

Statement 2: For Foreign Nationals from "Mandatory Notification" Countries

Devido à sua nacionalidade, somos obrigados a notificar os funcionários consulares de seu país aqui nos Estados Unidos que você foi preso ou detido, o que faremos assim que possível. Ademais, você pode se comunicar com os funcionários consulares de seu país. Você não é obrigado(a) a aceitar a ajuda deles, mas os funcionários consulares poderão, entre outros, ajudá lo(a) a obter assistência jurídica, contatar sua família e visitá-lo(a) na prisão. Favor assinar indicando que recebeu esta informação.

Nome por extenso: _____ Testemunha: _____
Printed Name Witness

Assinatura: _____ Data: _____
Signature Date

visited on 6/13/2016

RUSSIAN

Statement 1:
For All Foreign Nationals Except Those from "Mandatory Notification" Countries

В случае ареста или задержания Вы, не будучи гражданином США, вправе потребовать, чтобы мы уведомили представителей Вашего консульства в Соединённых Штатах о Вашей ситуации. Вы также имеете право находиться в контакте с представителями Вашего консульства. Сотрудник Вашего консульства может оказать Вам содействие в найме адвоката или юрисконсульта, связаться с Вашей семьёй, посетить Вас в месте задержания и т.п. Если Вы желаете, чтобы мы уведомили представителей Вашего консульства, с требованием об этом можно обратиться сейчас или в любое время в дальнейшем. Хотите ли Вы, чтобы мы уведомили представителей Вашего консульства сейчас?

Да (YES) Нет (NO)

Имя/фамилия: _____ Свидетель: _____
Printed Name Witness

Подпись: _____ Дата: _____
Signature Date

Statement 2:
For Foreign Nationals from "Mandatory Notification" Countries

В связи с Вашим гражданством, мы обязаны уведомить консульское учреждение Вашего государства в Соединённых Штатах о том, что Вы арестованы или задержаны. Это будет сделано при первой возможности. Вы также имеете право находиться в контакте с представителями Вашего консульства. Вы не обязаны принимать помощь от представителя консульства, но он может оказать Вам содействие в найме адвоката или юрисконсульта, связаться с Вашей семьёй, посетить Вас в месте задержания и т.п. Ваша подпись засвидетельствует то, что настоящая информация была Вами получена.

Имя/фамилия: _____ Свидетель: _____
Printed Name Witness

Подпись: _____ Дата: _____
Signature Date

visited on 6/13/2016

SPANISH

Statement 1:
For All Foreign Nationals Except Those from "Mandatory Notification" Countries

Por no ser ciudadano de los Estados Unidos, y estar arrestado o detenido, usted puede pedirnos que notifiquemos de su situación a los funcionarios consulares de su país en los Estados Unidos. También puede comunicarse con los funcionarios consulares de su país. Entre otras cosas, un funcionario consular de su país puede ayudarle a conseguir asesoramiento legal, y también puede ponerse en contacto con su familia y visitarle en el lugar de detención. Si usted desea que notifiquemos a los funcionarios consulares de su país, puede solicitarlo ahora o en cualquier oportunidad en el futuro. ¿Desea que notifiquemos ahora a los funcionarios consulares de su país?

SÍ (YES) **NO** (NO)

Nombre: _____
Printed Name

Testigo: _____
Witness

Firma: _____
Signature

Fecha: _____
Date

Statement 2:
For Foreign Nationals from "Mandatory Notification" Countries

Debido a su nacionalidad, estamos obligados a notificar a los funcionarios consulares de su país en los Estados Unidos que usted ha sido arrestado o detenido. Haremos esta notificación lo más pronto posible. Además, usted puede comunicarse con los funcionarios consulares de su país. Usted no está obligado a aceptar su ayuda, pero esos funcionarios pueden ayudarle, entre otras cosas, a conseguir asesoramiento legal, y también pueden ponerse en contacto con su familia y visitarle en el lugar de detención. Sírvase firmar para indicar que ha recibido esta información.

Nombre: _____
Printed Name

Testigo: _____
Witness

Firma: _____
Signature

Fecha: _____
Date

visited on 6/13/2016

TAGALOG (FILIPINO)

Statement 1: For All Foreign Nationals Except Those from "Mandatory Notification" Countries

Kung kayo'y maaresto o madetained dito sa Amerika, at kahit na hindi naman kayo U.S. Citizen, maaari ninyong ipakiusap na ipagbigay alam ang nangyaring ito sa inyo, sa consular officer ng Philippine Embassy na narito sa Amerika. Puwede ring kayo na mismo ang kumontak sa Philippine Embassy. Maaaring kayong magpatulong sa mga namamahala ng ganitong kaso sa Embahada ng Pilipinas , na maghanap ng makakahawak ng inyong kaso, magkaroon ng isang makakakontak sa inyong kamag-anakan, para kayo'y madalaw o mapuntahan sa inyong kinaroroonan at nang may makapag-asikaso ng mga dapat gawin. At kung gusto na ninyo silang kontakin, ngayon mismo o kung kailan ninyo gusto, magsabi lang kayo. Gusto na ba ninyong ipagbigay alam namin sa Philippine Embassy ang tungkol sa inyo? Gusto ba ninyong kontakin na namin sila?

Opo (YES) Huwag na p o. (NO)

i-print ang buong pangalan: _____ Testigo: _____
Printed Name Witness
Pirma: _____ Petsa: _____
Signature Date

Statement 2: For Foreign Nationals from "Mandatory Notification" Countries

Dahil sa kayo'y Taga Pilipinas, kailangan po naming ipagbigay alam sa Philippine Embassy dito sa Amerika na kayo'y naaresto o nakadetained. Kailangan ho naming gawin ito sa lalong madaling panahon . Puwede rin naman na kontakin ninyo ang Philippine Embassy. Hindi ho naman kailangang magpatulong kayo sa kanila , Pero baka ho naman may maitulong sila sa inyong makahanap ng hahawak ng inyong kaso, O kaya'y kontakin ang inyong kamag-anakan nang madalaw o mapuntahan kayo sa inyong kinaroroonan. At matulungan kayo tungkol sa mga iba pang bagay. Pir ahan ninyo ito bilang pagpapatunay na itong impormasyong ito'y nakarating, sinabi at ipinaliwanag sa inyo.

i-print ang buong pangalan: _____ Testigo: _____
Printed Name Witness
Pirma: _____ Petsa: _____
Signature Date

visited on 6/13/2016

THAI

Statement 1:
For All Foreign Nationals Except Those from "Mandatory Notification" Countries

ในฐานะบุคคลที่มิได้ถือสัญชาติสหรัฐซึ่งถูกจับหรือถูกคุมขังอยู่ ท่านอาจขอร้องให้เราแจ้งแก่เจ้าหน้าที่กงสุลจากประเทศของท่านซึ่งประจำอยู่ในสหรัฐให้ทราบถึง สถานะของท่าน ท่านอาจติดต่อกับเจ้าหน้าที่กงสุลของท่าน โดยเจ้าหน้าที่กงสุลอาจสามารถ ช่วยท่านจัดหาตัวแทนทางกฎหมาย ติดต่อกับครอบครัวของท่าน และมาเยี่ยมท่านใน ที่คุมขังเหล่านี้เป็นต้น หากต้องการให้เราแจ้งเจ้าหน้าที่กงสุลของท่าน ก็สามารถขอให้ เราดำเนินการได้ในบัดนี้ หรือเมื่อใดก็ตามในภายหลัง ท่านต้องการให้เราแจ้งเจ้าหน้าที่ กงสุลของท่านในเวลานี้เลยหรือไม่

ต้องการ (YES) ไม่ต้องการ (NO)

ชื่อตัวบรรจง: _____ พยาน: _____
Printed Name Witness

ลายเซ็น: _____ วันที่: _____
Signature Date

Statement 2:
For Foreign Nationals from "Mandatory Notification" Countries

เนื่องจากสัญชาติที่ท่านถืออยู่ เราจำเป็นต้องแจ้งแก่เจ้าหน้าที่กงสุลจากประเทศของท่านซึ่งประจำอยู่ในสหรัฐให้ทราบว่าท่านถูกจับหรือถูกคุมขังอยู่ โดยจะแจ้งโดยเร็วที่สุด นอกจากนี้ ท่านอาจติดต่อกับเจ้าหน้าที่กงสุลของท่าน โดยท่านไม่จำเป็นต้อง รับความช่วยเหลือจากเจ้าหน้าที่กงสุล แต่เจ้าหน้าที่กงสุลอาจสามารถช่วยท่านจัดหา ตัวแทนทางกฎหมาย ติดต่อกับครอบครัวของท่าน และมาเยี่ยมท่านในที่คุมขัง เหล่านี้ เป็นต้น โปรดลงลายเซ็นเพื่อแสดงว่าท่านได้รับทราบข้อความข้างต้นนี้

ชื่อตัวบรรจง: _____ พยาน: _____
Printed Name Witness

ลายเซ็น: _____ วันที่: _____
Signature Date

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VIETNAMESE

Statement 1:
For All Foreign Nationals Except Those from "Mandatory Notification" Countries

Là người không có quốc tịch Hoa Kỳ, hiện đang bị bắt hay bị giam, Ông/Bà có quyền yêu cầu chúng tôi thông báo cho các viên chức lãnh sự của nước Ông/Bà tại Hoa Kỳ về hoàn cảnh của Ông/Bà. Ông/Bà cũng có thể liên lạc với các viên chức lãnh sự của nước Ông/Bà. Viên chức lãnh sự có thể giúp Ông/Bà tìm người đại diện pháp lý, có thể liên lạc với gia đình Ông/Bà và tới thăm Ông/Bà trong nhà giam, ngoài các việc khác. Nếu muốn chúng tôi thông báo cho các viên chức lãnh sự của nước Ông/Bà thì Ông/Bà có thể yêu cầu thông báo ngay bây giờ, hay bất cứ lúc nào sau này. Ông/Bà có muốn chúng tôi thông báo cho các viên chức lãnh sự quán nước mình vào lúc này không?

CÓ (YES) KHÔNG (NO)

Tên viết hoa: _____
Printed Name

Người làm chứng: _____
Witness

Ký tên: _____
Signature

Ngày tháng: _____
Date

Statement 2:
For Foreign Nationals from "Mandatory Notification" Countries

Vì lý do quốc tịch của Ông/Bà, chúng tôi bắt buộc phải thông báo cho các viên chức lãnh sự của nước Ông/Bà ở Hoa Kỳ là Ông/Bà đã bị bắt hay bị giam. Chúng tôi sẽ thi hành việc này ngay. Ngoài ra, Ông/Bà có quyền liên lạc với các viên chức lãnh sự của nước Ông/Bà. Ông/Bà không bắt buộc phải nhận sự giúp đỡ của họ, nhưng các viên chức lãnh sự này có thể giúp Ông/Bà tìm người đại diện pháp lý, và có thể liên lạc với gia đình Ông/Bà tới thăm Ông/Bà trong nhà giam, ngoài các việc khác. Xin ký tên để chứng tỏ ông bà đã nhận được thông tin này.

Tên viết hoa: _____
Printed Name

Người làm chứng: _____
Witness

Ký tên: _____
Signature

Ngày tháng: _____
Date

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FAX SHEET – CONSULAR NOTIFICATION

SUBJECT:

NOTIFICATION OF ARREST OR DETENTION OF A NATIONAL OF YOUR COUNTRY

DATE/TIME: _____

TO: Embassy/Consulate of _____in _____, _____
(COUNTRY) (CITY) (STATE)

FROM:

Name/Office_____

Address_____

City _____ State_____ Zip Code_____

Telephone (_____) _____ Fax (_____) _____

We arrested/detained the following foreign national, who we understand is a national of your country, on _____ .
(DATE)

Name: _____

Date of Birth/Place of Birth: _____

Nationality/Country: _____

Passport Issuing Nation: _____

Passport Number: _____

This person has been or may be charged with the following offense(s):

_____

For more information, **please call** _____ between the hours of _____.

Please refer to **case number** _____when you call.

ADDITIONAL INFORMATION:

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FAX SHEET – CONSULAR NOTIFICATION

SUBJECT:

NOTIFICATION OF POSSIBLE APPOINTMENT OF GUARDIAN OR TRUSTEE

DATE/TIME: _____

TO:

Embassy/Consulate of _____in _____, _____
(COUNTRY) (CITY) (STATE)

FROM:

Name/Office_____

Address_____

City _____ State_____ Zip Code_____

Telephone (_____) _____ Fax (_____) _____

Steps are being taken for the possible appointment of a guardian or trustee for the following foreign national, who we understand is a national of your country and who appears to be either a:

minor child ***OR*** *an adult lacking full capacity.*

(CIRCLE ONE)

Name: _____

Date of Birth/Place of Birth: _____

Nationality/Country: _____

Passport Issuing Nation: _____

Passport Number: _____

A HEARING IS SCHEDULED FOR:

_____, _____, _____ AT _____ a.m./p.m.
(DAY) (MONTH) (YEAR) (TIME) (CIRCLE)

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FAX SHEET – CONSULAR NOTIFICATION

SUBJECT:

NOTIFICATION OF DEATH, SERIOUS INJURY OR ILLNESS OF A NATIONAL OF YOUR COUNTRY

DATE/TIME:_____

TO: Embassy/Consulate of _____in _____, _____
(COUNTRY) (CITY) (STATE)

FROM:

Name/Office_____

Address_____

City _____ State_____ Zip Code_____

Telephone (_____) _____ Fax (_____) _____

The following individual, who we understand is a national of your country:

has died, was seriously injured, ***OR*** *is seriously ill within our jurisdiction.*
(CIRCLE ONE)

Name: _____

Date of Birth/Place of Birth: _____

Nationality/Country: _____

Passport Issuing Nation: _____

Passport Number: _____

Date of Death: _____ Place of Death: _____

Apparent Cause of Death: _____

For more information, **please call** _____ between the hours of _____.

Please refer to **case number** _____ when you call.

ADDITIONAL INFORMATION:

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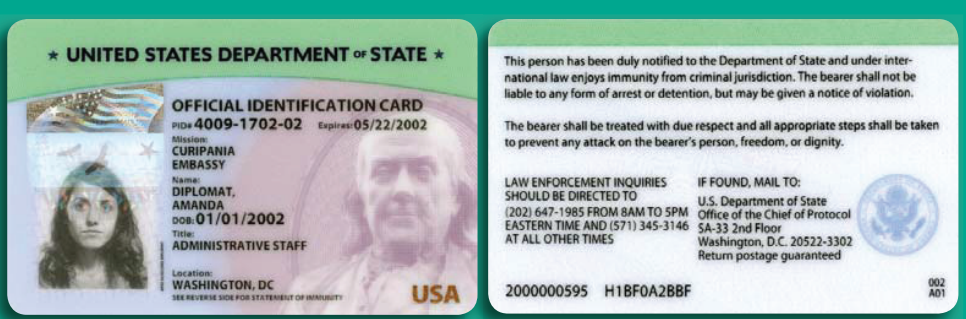
DIPLOMATIC AND CONSULAR OFFICER IDENTIFICATION CARDS

The Department of State's Office of Protocol issues identification documents to diplomatic and consular officers and other foreign government personnel stationed in the United States on official business, and who are entitled to some degree of diplomatic or consular immunity. These identification cards can help you ensure that persons seeking to visit detainees at your facility for purposes of consular access are in fact authorized to perform consular functions in the United States on behalf of a foreign government.

During business hours (8:15 a.m. to 5:00 p.m. Eastern), you may direct any questions regarding an individual's official status or immunity to the Department's Office of Protocol at (202) 647-1985. After hours, you may direct such questions to the Department's Bureau of Diplomatic Security at (202) 647-7277, (571) 345-3146, or (866) 217-2089, or send a fax to (202) 895-3613. You may also consult *www.state.gov/m/ds/immunities/c9118.htm.*

Below are samples of the different types of diplomatic and consular identification cards. Because different degrees of immunity exist, you should carefully read the back of the card.

BLUE bordered cards are issued to diplomatic officers and their families. They are entitled to full criminal immunity and may not be arrested or detained.



GREEN bordered cards are issued to embassy administrative and technical staff employees and their families. This card signifies that the bearer is entitled to full criminal immunity and may not be arrested or detained.

GREEN bordered cards are issued to embassy service staff employees. This card signifies that the bearer is entitled to immunity for official acts only.

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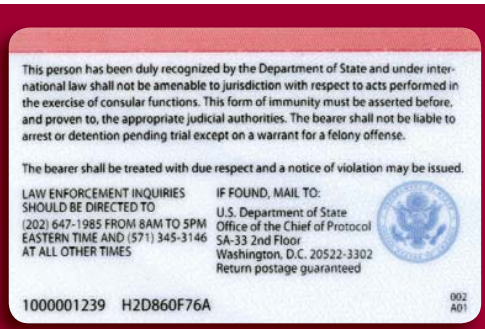
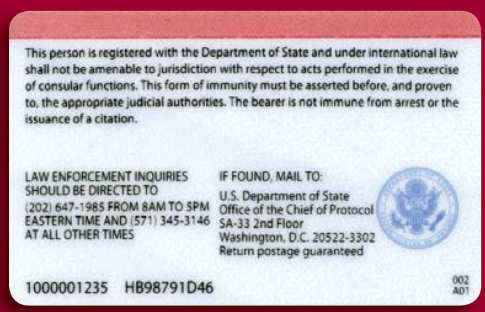
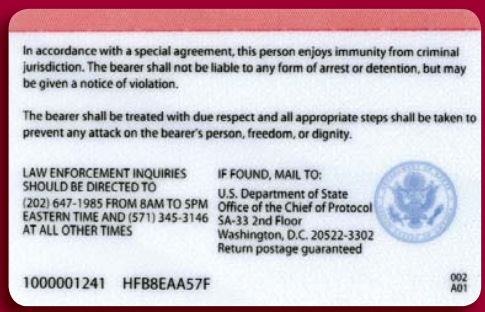
RED bordered cards are issued to career consular officers. This card signifies that the bearer is entitled to immunity for official acts only.



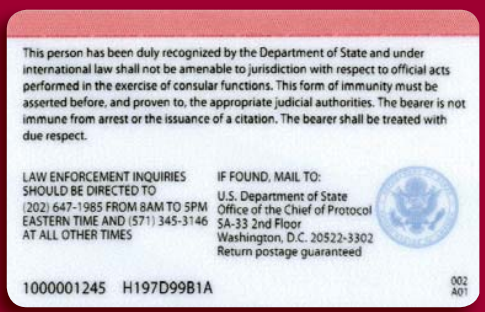
RED bordered cards are issued to career consular employees. This card signifies that the bearer is entitled to immunity for official acts only.



RED bordered cards are issued to consular officers/ employees and their families from countries with which the U.S. has special agreements. They are entitled to full criminal immunity and may not be arrested or detained.



RED bordered cards are issued to honorary consular officers. This card signifies that the bearer is entitled to limited immunity for official acts only.



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PART SIX: CONSULAR NOTIFICATION AND ACCESS MODEL STANDARD OPERATING PROCEDURE

In the pages that follow you will find a model standard operating procedure and written guidelines for law enforcement agencies.

- **Policy**
- **Definitions**
- **Consular Notification Procedures**
- **Facility Access and Visitation Privileges of Consular Officers**
- **Documentation and Recordkeeping**
- **Death, Serious Injury, or Serious Illness of a Foreign National**
- **References**

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The obligations of consular notification and access are not codified in any federal statute. Implementing legislation is not necessary because executive, law enforcement, and judicial authorities can implement these obligations through their existing powers on the basis of the relevant international agreements and written guidance such as this manual. Implementation may also be facilitated through issuance of internal directives, orders, or similar instructions by appropriate federal, state, and local officials to their subordinates. For example, many local police departments incorporate instructions on consular notification into their internal manuals.

The Department of State strongly encourages all law enforcement agencies to develop standard operating procedures for complying with consular notification and access requirements. Such procedures help your agency avoid costly litigation and diplomatic complaints. Moreover, a written directive governing procedures for assuring compliance with consular notification and access requirements is now required for accreditation by the Commission on Accreditation for Law Enforcement Agencies (CALEA).[139]

The model standard operating procedure (SOP) below is intended for law enforcement agencies to use as a template. Please add or remove language to best fit your agency's needs. The Department of State does not intend this model SOP to be a complete or comprehensive restatement of the United States' international legal obligations under the VCCR or any bilateral agreement. Instead, the model SOP provides one set of suggested procedures that, if followed, will in most cases ensure that your department or agency complies with the law on consular notification and access. Going through the procedures precisely as outlined in the model SOP is not necessarily the only means by which your agency can ensure compliance with this body of law. For a more complete description of the legal regime governing consular notification and access, including many of its nuances, you should read Parts One through Four of this manual.

Questions and comments about the model SOP can be emailed to consnot@state.gov. A version of the model SOP reflecting any updates that may have occurred subsequent to this manual's publication is available for download at *http://travel.state.gov/CNA.*

[139] Visit *www.calea.org* for information.

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ARRESTS/DETENTIONS/DEATHS/SERIOUS INJURIES OF FOREIGN NATIONALS

STATEMENT OF PURPOSE

The purpose of this Standard Operating Procedure is to provide written policies and procedures on the arrest, detention, death, or serious injury of foreign nationals.

INDEX

A. Policy
B. Definitions
C. Consular Notification Procedures
D. Facility Access/Visitation Privileges of Consular Officials
E. Documentation/Recordkeeping
F. Death, Serious Injury, or Serious Illness of a Foreign National
G. References

A. POLICY

It is the policy of **[NAME OF LAW ENFORCEMENT AGENCY]** to comply with all United States treaty obligations on consular notification and access.

B. DEFINITIONS

1. Arrest or detention: Any arrest, detention, or other commitment to custody which results in a foreign national being incarcerated for more than a few hours triggers consular notification requirements. A brief traffic stop or an arrest resulting in a citation for a misdemeanor and release at the scene does not trigger such requirements. On the other hand, requiring a foreign national to accompany a law enforcement officer to a place of detention may trigger the consular notification requirements, particularly if the detention lasts for a number of hours or overnight. The longer a detention continues, the more likely it is that consular notification requirements are triggered.

2. Foreign national: Any person who is not a U.S. citizen; same as “alien.” Aliens who are lawful permanent residents in the United States and who have a resident alien registration card (“green card”) are foreign nationals. So are undocumented or “illegal” aliens.

3. Consular officer or consul: A foreign official authorized by the Department of State to provide assistance to the foreign government’s citizens in the United States. Different from “counsel,” which is an attorney authorized to provide legal advice. Consuls are not authorized to practice law.

4. Diplomat: A foreign official at the country’s embassy in Washington, D.C., assigned to represent the country. Diplomats may also perform consular functions, and should be treated the same as a consular officer.

5. “Mandatory” notification: Consular notification procedures that apply when you arrest or detain a foreign national from any of the 57 countries that have agreed to special rules with the United States. For such a foreign national, you must notify the consular officer regardless of whether the national requests or wants you to do so. The “mandatory” list of these 57 countries is at *http://travel.state.gov/CNA.*

6. “Upon request” notification: Consular notification procedures that apply when you arrest or detain a foreign national from any country not on the “mandatory” list of 57 countries.

C. CONSULAR NOTIFICATION PROCEDURES

1. Obligation triggered 1. at time of booking.The notification process will begin at the time the arrested foreign national is booked into the detention facility. The booking officer who processes the foreign

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national is responsible for implementing the notification process.

2. Determine the foreign national's country. In the absence of other information, assume this is the country on whose passport the foreign national travels. Absent citizenship documentation or other evidence to the contrary, accept the foreign national's own statement as to his or her nationality.

3. Determine whether or not this country is a mandatory notification ("list") country. If the foreign national's country is not on the list of "mandatory notification" countries, he or she is from an "upon request" country.

   a. For foreign nationals whose country is on the list of mandatory notification countries:

      i. Notify the nearest consulate of the foreign national's country via fax immediately or as soon as reasonably possible, and in no case longer than the end of the booking shift. Notify the consulate even if the foreign national does not want notification. Contact information for consulates is at *http://travel.state.gov/CNA.*

      ii. Never tell the consular officer that the foreign national has requested asylum. If the consular officer insists on information the foreign national does not want disclosed, contact your supervisor or the Department of State at (202) 485-7703.

      iii. Inform the foreign national that you notified his or her consulate. You may use the sample statement, available in several languages, at *http://travel.state.gov/CNA*.

      iv. Make a note of the completed notification in the case file and keep the fax and fax confirmation sheet, or, the sent email.

   b. For foreign nationals whose country is not on the list of mandatory notification countries:

      i. As soon after the arrest as reasonably possible but no later than booking, inform the foreign national that he or she may have his or her consular officers notified of the arrest or detention. You may use the sample statement, available in several languages, at *http://travel.state.gov/CNA.*

      ii. Make a note of the foreign national's decision in the case file.

      iii. If the foreign national requests notification, notify the nearest consulate of the foreign national's country as soon as reasonably possible but no later than 72 hours after arrest. Contact information for consulates is at *http://travel.state.gov/CNA.*

      iv. Never tell the consular officer that the foreign national has requested asylum. If the consular officer insists on information the foreign national does not want disclosed, contact your supervisor or the Department of State at (202) 485-7703.

      v. Make a note of the completed notification in the case file and keep the fax and fax confirmation sheet, or, the sent email.

D. FACILITY ACCESS AND VISITATION PRIVILEGES OF CONSULAR OFFICERS

1. Give consular officers and diplomats visiting a detained foreign national the same access privileges as attorneys visiting a client. Consular officers and diplomats are required to adhere to the same visitation guidelines, rules, and regulations as attorneys.

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2. Consular officers and diplomats must have proper identification to gain facility access. They should be carrying identification cards issued by the Department of State. If you have reason to doubt the authenticity of the identification card, call the Department at (202) 647-1985 or after hours at (571) 345-3146 or (866) 217-2089.

E. DOCUMENTATION AND RECORDKEEPING

1. Document the consular notification and/or offer of notification in CJIS **[OR OTHER APPLICABLE RECORD SYSTEM]** on the foreign national's note screen.

2. Make the consular notification by fax or email if possible, and by telephone if not. Place a copy of the fax and fax confirmation receipt, or the sent email, in the foreign national's file. You may use the sample sheet available at *http://travel.state.gov/CNA.*

3. If notification must be made by telephone, note the name and location of the consulate notified, the name of the person to whom you gave the information, and the date and time of notification. Make an audio recording of the telephone call if possible and preserve it.

4. For foreign nationals from "upon request" countries, make a notation that you told the national that he or she may have the consulate notified, and note the national's response. Indicate the date and time of your offer and the national's response. You may use the sample statement at *http://travel.state.gov/CNA.*

5. For foreign nationals from mandatory notification ("list") countries, make a notation that you told the national that you notified the consulate. You may use the sample statement at *http://travel.state.gov/CNA.*

6. Print the note screen and include it in the paperwork for the foreign national's records file.

7. The supervisor will be responsible for ensuring the proper notations are made in the record.

F. DEATH, SERIOUS INJURY, OR SERIOUS ILLNESS OF A FOREIGN NATIONAL

8. **[NAME OF LAW ENFORCEMENT AGENCY]** will be subject to the guidelines outlined in **[AGENCY'S STANDARD OPERATING PROCEDURES]**.

9. In addition to the above procedures, when a foreign national dies, is seriously injured or becomes seriously ill, notify the nearest consulate of his or her country immediately or as soon as reasonably possible. Make such notification by fax or email if possible, and by telephone if not. You may use the sample fax sheet available at *http://travel.state.gov/CNA.*

10. Document this notification in the incident report, and place a copy of the fax and fax confirmation receipt or sent email in the foreign national's file.

Signature of Law Enforcement Agency Head:

G. REFERENCES

1. U.S. Department of State Publication, Consular Notification and Access: Instructions for Federal, State, and Local Law Enforcement and Other Officials Regarding Foreign Nationals in the United States and the Rights of Consular Officials to Assist Them (4th ed. 2013), available at *http://travel.state.gov/CNA.*

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2. Commission on Accreditation for Law Enforcement Agencies, Standards for Law Enforcement Agencies (5th ed. 2006), standard1.1.4, available at *www.caleaorg.*

3. American Correctional Association and Commission Accreditation for Corrections Standards, Performance-Based Standards for Adult Local Detention Facilities (4th ed. 2004), p.100 (standard 4-ALDF-6A-06), available at www.aca.org/store/bookstore.

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PART SEVEN: CONTACT INFORMATION FOR FOREIGN EMBASSIES AND CONSULATES IN THE UNITED STATES

Contact information for foreign consular offices in the United States is available on our web site at *http://travel.state.gov/CNA.*

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