

03-54

The Secretary of State presents his compliments to Their Excellencies and Messieurs and Mesdames the Chiefs of Mission and has the honor to inform all missions regarding the procedures for facilitating the entry of diplomatic pouches into the United States.

The procedures and requirements described in this Note apply to all foreign diplomatic missions, consular offices, and designated international organizations. This Note supersedes those portions of previous diplomatic circular notes 89-361, dated November 6, 1989; and 92-63, dated March 10, 1992, that addressed diplomatic pouches. The procedures for handling and admitting consular pouches remain the same.

The purpose of this Note is to assist the Chiefs of Mission by updating the policies and procedures governing the entry of diplomatic pouches into the United States. The greatly increased scrutiny now being given to all types of shipments arriving in the

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United States has also brought much greater attention to diplomatic pouches and strict enforcement of the documentary requirements.

Diplomatic Pouch Defined

A diplomatic pouch (or "bag") is any properly identified and sealed pouch, package, envelope, bag, or other container that is used to transport official correspondence, documents and articles intended for official use, between:

- Embassies, legations, consulates, and the foreign office of any government; or
- The headquarters or any other office of a public international organization and one of its regional offices in the United States or in a foreign country, or
- The foreign office of any country with full membership in a public international organization, such as the United Nations, and its mission to that organization.

Public international organizations entitled to pouch privileges are only those organizations designated by the President of the United States under the International Organizations Immunities Act, 22 U.S.C. 288. A listing of

such organizations is found at 19 Code of Federal Regulations 148.87(b) .

In accordance with the Vienna Convention on Diplomatic Relations (VCDR), diplomatic pouches, when properly identified as such, shall not be opened or detained and will be admitted free of customs duty. (Art. 27 and 36)

Identification of Diplomatic Pouches

Diplomatic bags must bear "visible external marks of their character". (VCDR, Art. 27 (4)) The United States Bureau of Customs and Border Protection imposes certain administrative requirements consistent with those provisions. Accordingly, a diplomatic pouch arriving in the United States must:

- 1) Have visible external markings which identify it by clearly stating "Diplomatic Pouch" on the outside of the container.

- 2) Bear the official seal of the sending entity, i.e., government or international organization. Outbound

pouches may bear the official seal of the embassy, consulate, or sending office.

3) Be addressed to an office of the government or international organization whose seal the pouch bears.

4) For unaccompanied pouches only: there must be a detachable certificate affixed to the outside of the pouch. The actual design of this detachable certificate is left to the discretion of the pertinent foreign office or international organization, but it must contain the following elements:

(A) A brief description of the pouch, including its weight;

(B) A statement certifying that the pouch contains only official correspondence, documents, or articles intended for official use. It should bear the signature of a responsible official of the originating foreign office, embassy, legation, consulate or international organization.

Regulations of the Bureau of Customs and Border Protection provide for the expeditious processing of diplomatic pouches that conform to the above-listed specifications. The detachable certificate, which is removed and retained by a representative of

the Bureau of Customs and Border Protection, provides the authority for that release and a record of the action taken.

Couriers

Diplomatic couriers enjoy personal inviolability and are not liable to any form of arrest or detention. (VCDR, Art. 27(5)) The courier's status will be recognized by U.S. Government authorities in the performance of his/her official duties. However, a courier's personal baggage is not immune from inspection and can be opened and inspected, if required by airport security personnel.

Required Identification

Whenever a diplomatic pouch is accompanied or delivered by courier, he/she 'shall be provided with an official document indicating his status and the number of packages constituting the diplomatic bag". (VCDR, Art. 27(5)) In order to claim the immunities accorded to diplomatic couriers, the courier must possess a credential document that meets the following criteria:

- 1) It must be the original copy of an official document. If it is a letter, it must be on appropriate letterhead stationery

and bear the seal of the sending state, embassy, consulate or international organization;

- 2) It must clearly identify the bearer and his/her status as a diplomatic courier; and
- 3) It must contain information sufficient to identify the pouch(es) being escorted and state the quantity of packages or bags constituting the pouch.

The requirements listed above apply to both professional and ~~ad hoc~~ couriers. As provided by the VCDR Art. 27(7), a diplomatic pouch may be entrusted to the captain of a commercial aircraft. In such cases, the captain must have an identifying document that meets the requirements stated above. The receiving mission or organization, by arrangement with the appropriate local authorities, may send one of its members, or a designated representative, to take possession of the diplomatic pouch directly and freely from the captain of the aircraft. Any such person must bear identification sufficient to meet local security requirements and must comply with all airport security procedures.

Diplomatic Shipments With Inadequate Documentation

An unaccompanied diplomatic shipment, intended to be a pouch, that arrives without the required documentation described in this Note, including a detachable certificate, will not be accepted as a pouch and cannot be released. In order to import such a shipment, the foreign mission or international organization must request permission for entry using the standard form DS-1504, Request for Customs Clearance of Merchandise. This form can be obtained from the Office of Foreign Missions (OFM), from either the Washington office or one of the regional offices.

Instructions for completing form DS-1504 are provided in diplomatic Note Number 02-281, dated January 1, 2003, except that, in the information box entitled "Description of Merchandise", the entry should read:

"A container that is not accompanied by a courier, used for the transport of official communications, documents, or articles intended exclusively for official use. Admission without entry or examination is requested. It does not conform to the requirements of diplomatic Note 03-54."

Any diplomatic shipment for which a form DS-1504 must be submitted will not be released until the application is approved by the Office of Foreign Missions and accepted by the Bureau of Customs and Border Protection. While the Department of State will always seek to expedite the processing of diplomatic shipments, the clearance process may take up to ten working days.

In closing, the Department of State solicits the continued cooperation of their Excellencies and Messieurs and Mesdames the Chiefs of Mission in ensuring that their foreign ministries are fully aware of these diplomatic pouch procedures.

Department of State,
Washington,



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