

## **9 FAM 41.25 NOTES**

*(CT:VISA-1246; 07-14-2009)  
(Office of Origin: CA/VO/L/R)*

### **9 FAM 41.25 N1 COUNTRIES SIGNATORY TO NATO AGREEMENTS**

#### **9 FAM 41.25 N1.1 Parties to North Atlantic Treaty and Agreement on Status of NATO, National Representatives and International Staff**

*(CT:VISA-852; 11-09-2006)*

The following countries are currently parties to the North Atlantic Treaty signed in Washington on April 4, 1949 and also have ratified the Agreement on the Status of the North Atlantic Treaty Organization, National Representatives and International Staff:

Belgium  
Bulgaria  
Canada  
Czech Republic  
Denmark  
Estonia  
France  
Germany  
Greece  
Hungary  
Iceland  
Italy  
Latvia  
Lithuania  
Luxembourg

Netherlands

Norway

Poland

Portugal

Romania

Slovakia

Slovenia

Spain

Turkey

United Kingdom

United States

## **9 FAM 41.25 N1.2 Parties to NATO Status of Forces Agreement**

*(TL:VISA-47; 08-30-1991)*

With the exception of Iceland, all countries mentioned in 9 FAM 41.25 N1.1 above are parties to the Agreement Between the Parties to the North Atlantic Treaty regarding the Status of their Forces (the NATO Status of Forces Agreement).

## **9 FAM 41.25 N1.3 Parties to Protocol on Status of International Military Headquarters**

*(TL:VISA-47; 08-30-1991)*

With the exception of Canada, France, Portugal, and Spain, all countries mentioned in 9 FAM 41.25 N1.1 above are parties to the Protocol on the Status of International Military Headquarters Set Up Pursuant to the North Atlantic Treaty.

## **9 FAM 41.25 N1.4 Passport and Visa Exemptions for Certain NATO Personnel**

*(TL:VISA-520; 02-11-2003)*

See 22 CFR 41.1(d) and (e) for provisions regarding NATO personnel exempted from passport and visa requirements.

## **9 FAM 41.25 N2 APPLYING NATO STATUS OF FORCES AGREEMENT**

*(TL:VISA-47; 08-30-1991)*

The U.S. Senate gave its advice and consent to ratification of the NATO Status of Forces Agreement with the following statement:

It is the understanding of the Senate, which understanding inheres in its advice and consent to the ratification of the Agreement, that nothing in the Agreement diminishes, abridges, or alters the right of the United States of America to safeguard its own security by excluding or removing persons whose presence in the United States is deemed prejudicial to its safety or security, and that no person whose presence in the United States is deemed prejudicial to its safety or security shall be permitted to enter or remain in the United States.

## **9 FAM 41.25 N3 DEFINITIONS IN PROTOCOL ON STATUS OF INTERNATIONAL MILITARY HEADQUARTERS**

*(TL:VISA-47; 08-30-1991)*

The Protocol on the Status of International Military Headquarters Set Up Pursuant to the North Atlantic Treaty provides in part:

### **Article 1**

In the present Protocol the expression:

- (a) "The Agreement" means the Agreement signed in London on 19th June, 1951, by the Parties to the North Atlantic Treaty regarding the Status of their Forces;
- (b) "Supreme Headquarters" means Supreme Headquarters Allied Powers in Europe, Headquarters of the Supreme Allied Commander Atlantic and any equivalent international military Headquarters set up pursuant to the North Atlantic Treaty;
- (c) "Allied Headquarters" means any Supreme Headquarters and any international military Headquarters set up pursuant to the North Atlantic Treaty which is immediately subordinate to a Supreme Headquarters; and
- (d) "North Atlantic Council" means the Council established by Article 9 of the North Atlantic Treaty or any of its subsidiary bodies authorized to act on its behalf.

### **Article 3**

For the purpose of applying the Agreement to an Allied Headquarters the expressions "force", "civilian component" and "dependent", wherever they occur in the Agreement, shall have the meanings set out below:

- (a) "Force" means the personnel attached to the Allied Headquarters who belong to the land, sea or air armed services of any Party to the North Atlantic Treaty;
- (b) "Civilian component" means civilian personnel who are not stateless persons, nor nationals of any State which is not a Party to the Treaty, nor nationals of, nor ordinarily resident in the receiving State, and who are (i) attached to the Allied Headquarters and in the employ of an armed service of a Party to the North Atlantic Treaty or (ii) in such categories of civilian personnel in the employ of the Allied Headquarters as the North Atlantic Council shall decide; and
- (c) "Dependent" means the spouse of a member of a force or civilian component, as defined in sub-paragraphs (a) and (b) of this paragraph, or a child of such member depending on him or her for support.

## **9 FAM 41.25 N4 DEFINITIONS IN NATO STATUS OF FORCES AGREEMENT**

*(TL:VISA-47; 08-30-1991)*

The NATO Status of Forces Agreement provides in part:

### **Article I**

In this Agreement the expression:

- (a) "Force" means the personnel belonging to the land, sea, or air armed services of one Contracting Party when in the territory of another Contracting Party in the North Atlantic Treaty area in connection with their official duties, provided that the two Contracting Parties concerned may agree that certain individuals, units, or formations shall not be regarded as constituting or included in a "force" for the purposes of the present Agreement;
- (b) "Civilian component" means the civilian personnel accompanying a force of a Contracting Party who are in the employ of an armed service of that Contracting Party, and who are not stateless persons, nor nationals of any State which is not a Party to the North Atlantic Treaty, nor nationals of, nor ordinarily resident in, the State in which the force is located; and

- (c) "Dependent" means the spouse of a member of a force or of a civilian component, or a child of such member depending on him or her for support.

## **9 FAM 41.25 N5 READMITTING INTO UNITED STATES ALIEN DEPENDENTS OF MEMBERS OF U.S. FORCE OR CIVILIAN COMPONENT STATIONED IN TERRITORY OF MEMBER STATE OF NATO**

*(CT:VISA-820; 07-14-2006)*

- a. Paragraph 5 of Article III of the Agreement Between the Parties to the North Atlantic Treaty regarding the Status of their Forces provides as follows:

If the receiving State has requested the removal from its territory of a member of a force, or civilian component or has made an expulsion order against an ex-member of a force or of a civilian component or against a dependent of a member or ex-member, the authorities of the sending State shall be responsible for receiving the person concerned within their own territory or otherwise disposing of him outside the receiving State. This paragraph shall apply only to persons who are not nationals of the receiving State and have entered the receiving State as members of a force or civilian component or for the purpose of becoming such members, and to the dependents of such persons.

- b. Therefore, Department of Homeland Security (DHS) has agreed to parole into the United States an alien dependent of a member of the Armed Forces of the United States or U.S. civilian component stationed abroad under the Status of Forces Agreement, who is seeking to return to the United States and is found ineligible to receive a visa. The applicant for admission must return to the U.S. port of entry by means of a government vessel or aircraft in order to overcome the restriction imposed by INA 273, and should possess documents establishing identity and eligibility for parole. (See section 9 FAM 41.42 N10.) The status of individuals paroled into the United States in this manner is determined in normal immigration proceedings after parole.

## **9 FAM 41.25 N6 ISSUING NATO-7 VISA TO ATTENDANTS AND PERSONAL EMPLOYEES**

*(CT:VISA-1246; 07-14-2009)*

- a. The William Wilberforce Trafficking Victims Protection Reauthorization Act*

*of 2008 (WWTVPPRA) requires you to ensure that an alien applying for a nonimmigrant NATO-7 visa to be issued to a personal or domestic servant who is accompanying or following to join an employer, is made aware of his or her legal rights under Federal immigration, labor, and employment laws. This includes information on the illegality of slavery, peonage, trafficking in persons, sexual assault, extortion, blackmail, and worker exploitation in the United States. At the time of the nonimmigrant visa interview, you must confirm that a pamphlet prepared by the Department detailing this information has been received, read, and understood by the applicant. (See 9 FAM 41.21 N6 and 9 FAM 41.22 N4.)*

- b. The contents of the information pamphlet will include a discussion of procedural issues, legal rights, and available legal resources concerning items such as:*
- (1) The nonimmigrant visa application processes, including information about the portability of employment;*
  - (2) The legal rights of employment or education-based nonimmigrant visa holders under Federal immigration, labor, and employment laws;*
  - (3) The illegality of slavery, peonage, trafficking in persons, sexual assault, extortion, blackmail, and worker exploitation in the United States;*
  - (4) The legal rights of immigrant victims of trafficking in persons and worker exploitation, including--*
    - (a) The right of access to immigrant and labor rights groups;*
    - (b) The right to seek redress in United States courts;*
    - (c) The right to report abuse without retaliation;*
    - (d) The right of the nonimmigrant not to relinquish possession of his or her passport to his or her employer;*
    - (e) The requirement of an employment contract between the employer and the nonimmigrant; and*
    - (f) An explanation of the rights and protections included in the mandatory employment contract; and*
  - (5) Information about nongovernmental organizations that provide services for victims of trafficking in persons and worker exploitation, including--*
    - (a) Anti-trafficking in persons telephone hotlines operated by the Federal Government;*
    - (b) The Operation Rescue and Restore hotline; and*
    - (c) A general description of the types of victims' services*

*available for individuals subject to trafficking in persons or worker exploitation.*

*c. The WWTVPRA requires you during the interview of an alien:*

- (1) To confirm that the alien has received, read, and understood the contents of the information pamphlet, and to offer to answer any questions the alien may have regarding the contents of the pamphlet;*
- (2) If the pamphlet was not received, read, or understood, to provide a copy to the applicant and orally disclose in a language that the alien understands, and offer to answer any questions that the alien may have regarding information contained in the pamphlet as well as information described below regarding legal rights, U.S. law, and victim services. Such an oral disclosure should include:*
  - (a) The legal rights of employment-based nonimmigrants under Federal immigration, labor, and employment laws;*
  - (b) The illegality of slavery, peonage, trafficking in persons, sexual assault, extortion, blackmail, and worker exploitation in the United States;*
  - (c) The legal rights of immigrant victims of trafficking in persons, worker exploitation, and other related crimes, including--*
    - (i) The right of access to immigrant and labor rights groups;*
    - (ii) The right to seek redress in United States courts; and*
    - (iii) The right to report abuse without retaliation; and*
  - (d) The availability of services for victims of human trafficking and worker exploitation in the United States, including victim services complaint hotlines.*