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The Secretary of State presents his compliments to Their Excellencies and Messieurs and Mesdames the Chiefs of Mission and has the honor to announce the publication of the handbook regarding the establishment of consular posts by the Office of Foreign Missions (OFM) to inform foreign missions of the Department of State's rules regarding the establishment and maintenance of consular posts in the United States. This handbook supersedes all prior circular notes on the subject of establishing consular posts.

Questions regarding the handbook for the establishment of consular posts should be directed to OFM at ofmproperty@state.gov

Department of State,

Washington, May 23, 2017.



HANDBOOK FOR THE ESTABLISHMENT OF CONSULAR POSTS
OFFICE OF FOREIGN MISSIONS
MAY 23, 2017

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I. Overview

Pursuant to Article 4 of the Vienna Convention on Consular Relations (VCCR):

- A consular post may be established in the territory of the receiving State only with that State's consent.
- The seat of the consular post, its classification and the consular district shall be established by the sending State and shall be subject to the approval of the receiving State.
- Subsequent changes in the seat of the consular post, its classification or the consular district may be made by the sending State only with the consent of the receiving State.
- The consent of the receiving State shall also be required if a consulate-general or a consulate desires to open a vice-consulate or a consular agency in a locality other than that in which it is itself established.
- The prior express consent of the receiving State shall also be required for the opening of an office forming part of an existing consular post elsewhere than at the seat thereof.

The U.S. Department of State's Office of Foreign Missions (OFM) holds the authority and responsibility for approving the establishment of consular posts in the United States and other requests as stated above, as well as the notification and acceptance of accreditation of consular personnel and their families. OFM has prepared this handbook to disseminate to embassies and consulates the Department's policies and practices for establishing consular posts in the United States and other requests as stated above. (Policies and procedures regarding notification and acceptance of accreditation of personnel, as well as policies and procedures regarding honorary consular officers are addressed separately.) This handbook does not apply to consular sections of embassies, which are considered to be part of the diplomatic mission and not a separate consular post. This document supersedes all other prior circular notes on the establishment of consular posts. The requirements stated herein are intended to be consistent with the VCCR and any other applicable agreements.

II. Requesting OFM Approval to Establish a Consular Post

Article 5 of the VCCR outlines a broad range of consular functions that are exercised by consular posts. For example, not only do these functions include the provision of citizen services and the issuance of visas, but also furthering the development of commercial, economic, cultural and scientific relations between the sending State and the receiving State, which could be understood to include the promotion of both trade and tourism.

To request OFM approval to establish a consular post outside of the Washington metropolitan area, embassies must send a diplomatic note to OFMProperty@state.gov that contains the following information about the proposed post:

- Classification (see Section III)
- City and state
- Consular district

- Detailed justification of the need and importance of establishing such a post, including the anticipated consular functions to be exercised

The Department will review the request and provide its approval or denial in a diplomatic note to the Embassy.

III. Classifications of Consular Posts

The classification of the proposed consular post may be one of the following:

- Consulate General, headed by career consular officer, holding an A-1 visa;
- Consulate, headed by a career consular officer, holding an A-1 visa;
- Vice Consulate, headed by a career consular officer, holding an A-1 visa; or
- Consular Agency, headed by a U.S. citizen or lawful permanent resident consular agent.

Please refer to the handbook for honorary consular officers to request the opening of a consular post to be headed by an honorary consular officer. This document is available at <http://www.state.gov/ofm/accreditation/honoraryconsularofficers/index.htm>.

A. Consulate General or Consulate

Classification of a post as a consulate general versus a consulate may be requested by the sending state, considering generally the size of the post and scope of anticipated consular functions. In either case, the head of the post must meet the requirements stated in the accreditation policy handbook for accreditation as a career consular officer. The head of a Consulate General must hold the title of Consul General, and the head of a Consulate must hold the title of Consul.

Other staff at a consulate general or consulate may include consular officers (A-1 visa holders), consular employees (A-2 visa holders), locally employed staff (U.S. citizens or lawful permanent residents (LPRs)), or an honorary consular officer (U.S. citizen or LPR).

These posts fall under embassy supervision.

B. Vice Consulate

A post that is classified as a vice consulate generally falls under the supervision of a consulate general or a consulate. The head of the post must meet the requirements stated in the accreditation policy handbook for accreditation as a career consular officer. The head of a Vice Consulate must hold the title of Vice Consul.

Other staff at a vice consulate may include consular officers (A-1 visa holders), consular employees (A-2 visa holders), locally employed staff (U.S. citizens or LPRs), or an honorary consular officer (U.S. citizen or LPR).

C. Consular Agency

A post that is classified as a consular agency falls under the supervision of the embassy, consulate general, or consulate. The head of the post must be a U.S. citizen or LPR, and must hold the title of Consular Agent.

Other staff at a consular agency may include locally employed staff (U.S. citizens or LPRs) or an honorary consular officer (U.S. citizen or LPR).

Consular agents are not consular officers. The section below discusses the limitations on what consular agents can and cannot do.

Authorized Roles of Consular Agents in the United States

Consular agents are able to provide a wide array of services to foreign nationals in the United States. For example, they:

- Notarize documents;
- Visit foreign nationals in prison and advise consular officer of results;
- Visit hospitalized foreign nationals and advise consular officer of results;
- Assist destitute foreign nationals;
- Accept passport applications and send to consular officer for completion;
- Conduct welfare/whereabouts checks for missing citizens and alert principal consular officer;
- Report information concerning the deaths of foreign nationals to the principal consular officer;
- Facilitate arrangements for the disposition of remains of deceased foreign nationals, upon instructions from the principal consular officer; and,
- Assist foreign national victims of common disasters or other crisis acting under the immediate supervision and as the agent of the supervisory consular officer.

Unauthorized Roles of Consular Agents in the United States

Consular agents cannot:

- Authenticate documents;
- Issue passports;
- Issue Consular Reports of Birth;
- Take possession and dispose of the personal estate of a deceased citizen except under the immediate supervision and as the agent of the principal consular officer;
- Sign seamen on or off a ship; or
- Act as an agent or attorney on behalf of a foreign national in a private legal dispute in the United States, but may make inquiries about the dispute under the immediate supervision and as the agent of the principal consular officer.

IV. Upon OFM Approval

If approved, OFM will consider the consular post open when a location for the consular premises has been approved for use by OFM (as outlined in Section V) and the head of the consular post is notified to and recognized by the Department.

V. Consular Premises and District

All foreign missions are obligated to notify and obtain OFM's approval before finalizing a proposed lease, purchase, sale, or other acquisition or disposition of real property in the United States, undertaken by or on behalf of a sending State. This includes a request to acquire property to be used as the consular premises, which may be provided as part of the initial request to establish a consular post (as outlined in Section II) or after receiving OFM's approval to establish a consular post in principle. More information about property transactions can be found on OFM's website at: <http://www.state.gov/ofm/property/>.

A consular post may have more than one consular premises, the subsequent offices of which are referred to as consular annexes, and must be at a different location from the primary office.

Embassies or consular posts must submit a diplomatic note to obtain OFM's consent for changing the consular district of a consular post.

VI. Personnel and their Families

Foreign missions must notify OFM promptly via eGov of the arrival/appointment and departure/termination of duties of all members of the staff, including all locally employed staff and part-time employees, and members of their families. Foreign missions must also promptly report to OFM any changes in the status of persons, such as admission to permanent resident status, changes in position, or changes in family status (including the birth or adoption of a child; the arrival of a family member from abroad; the permanent departure from either the household or country, or death, of any family member; change in marital status). More information about accreditation functions can be found in the accreditation policy handbook.

VII. Privileges of a Consular Post

All consular posts appropriately notified to the Department (including consular annexes) enjoy the privileges accorded to them under the VCCR and/or applicable treaties, including inviolability of premises and archives.

The premises of a consular post (including consular annexes), headed by a career consular officer, that is owned by the respective foreign government or the head of the consular post enjoys exemption from real estate taxes on the basis of reciprocity. More information on this is available in the Department's circular note No. 17-589, dated April 20, 2017, available at: <https://www.state.gov/documents/organization/270598.pdf>.

Consular posts headed by a career consular officer (i.e., consulate general, consulate, or vice consulate) enjoy official tax exemption cards and importation privileges on the basis of reciprocity. Furthermore, consular posts headed by a career consular officer are required to participate in OFM's motor vehicle program.

VIII. Closing a Consular Post

If an embassy wishes to close a consular post, it must submit a diplomatic note to OFM notifying it of the closure and anticipated effective date. The Embassy should advise whether active members will be re-assigned or terminated and when such reassignments or terminations are effective.

IX. Visa Service Centers

For more information about visa service centers, which are operated by private entities and not considered consular posts, see the Department's circular note No. 13-161, dated April 10, 2013, available at: <http://www.state.gov/documents/organization/207576.pdf>.