



UNITED STATES MISSION TO THE UNITED NATIONS  
NEW YORK

January 12, 2021

HC-03-21

The United States Mission to the United Nations presents its compliments to the Permanent Missions to the United Nations and has the honor to restate policies and procedures regarding the application of the Foreign Missions Act (22 U.S.C. §§ 4301-4316) (the Act) concerning the rules and procedures associated with the acquisition, alteration, construction, renovation, use, or disposition of real property by foreign missions in the United States. This note supersedes USUN's circular diplomatic note No. HC-125-11, dated September 16, 2011.

Pursuant to Section 209(a) of the Foreign Missions Act (22 U.S.C. § 4309(a)), the U.S. Department of State has determined that the application of all provisions of the Foreign Missions Act (22 U.S.C. §§ 4301-4316) to international organizations is necessary to facilitate the secure and efficient operation of the organizations in the United States, to assist in obtaining benefits, privileges and immunities for the organizations, and to require their observance of corresponding obligations in accordance with international law.

Pursuant to Section 205 of the Act (22 U.S.C. § 4305), all foreign missions, including missions to international organizations, are obligated to notify and obtain approval from the Department of State's Office of Foreign Missions (OFM) *before* finalizing a proposed lease, purchase, sale, or any other acquisition or disposition of real property in the United States, undertaken by or on behalf of a mission. In accordance with Section 205, all such transactions are subject to disapproval by the Department of State.

Permanent Missions  
to the United Nations  
New York, NY

**DIPLOMATIC NOTE**

This requirement applies to all property transactions, for office or residential use, by the Permanent Missions anywhere in the United States and its territories.

*Permanent Missions are further informed that this requirement extends to the acquisition of the residences of the Permanent Representatives, irrespective of whether the acquisition is undertaken by the foreign government or in a personal transaction by the Permanent Representative himself or herself.*

Absent OFM's approval of a proposed acquisition, alteration, construction, renovation, use, or disposition of real property, Permanent Missions are advised that their properties would not enjoy any otherwise applicable privileges and immunities, including inviolability and exemption from real estate taxation. Accordingly, failure to duly notify and obtain OFM's approval will have implications for the personnel assigned to the Permanent Missions.

In addition to the prior notification and approval of all leases, purchases, sale, or other acquisition or disposition of properties, the alteration, construction, renovation, addition, or change in use of a property (including change in tenant if the property is being leased) are also considered "acquisitions" pursuant to the Act and must be approved by OFM. For this purpose, "alteration" includes any type of construction, repair, installation or other work that would require the issuance of a permit from the relevant and authorized local governmental authority.

Missions should submit all such property related requests directly to OFM's New York Regional Office, which is located in the 799 United Nations Plaza, Floor 8, New York, NY 10017. Such diplomatic notes may also be sent via e-mail to

[OFMNYCustomerService@state.gov](mailto:OFMNYCustomerService@state.gov).

At a minimum, the written request for approval should include:

1. The exact address of the property, including apartment, suite, floor number, square footage, etc;

2. The proposed or existing use of the property, i.e., UN Mission, UN Mission annex, Permanent Representative residence, staff residence, etc.;
3. The proposed transaction, i.e., purchase, lease (including proposed lease start and end dates), sale, alteration, or expansion;
4. The inclusion of one of the following statements:
  - a. No part of this property is or will be used for commercial purposes; or
  - b. A portion or all of this property is or will be used for commercial purposes and by doing so the mission understands that such use deprives the area used for such purposes of both its inviolability status and eligibility for exemption from property taxation.

If a portion or all of a property is or will be used for commercial purposes, missions are required to provide OFM with information detailing the total square footage of the premises and the square footage of the premises that is or will be used for commercial purposes.

5. The inclusion of the following statements: The Permanent Mission of [Country] to the United Nations acknowledges that it must request and obtain the approval of the Department of State's Office of Foreign Missions prior to [acquiring/disposing of] this property. The Permanent Mission further acknowledges that it must request and obtain the Department's approval prior to changing the use of this property from that which is described in this note.
6. *Alterations* - A description of the proposed alteration or expansion of an existing property, including a listing of the anticipated types of permits needed to complete the project.
7. *Residential* – The name(s) and position title of the intended tenant/resident.
8. *Point of Contact* – The name and contact information of the Permanent Mission member authorized to discuss the proposed property acquisition with OFM.

After receiving a request, 22 U.S.C. § 4305(a)(1) allows the Department a period of up to sixty (60) calendar days for review. Although OFM is generally able to provide a response

within a few weeks, the full review period may be required. Therefore, Permanent Missions are encouraged to submit requests as far in advance as possible.

Permanent Missions are encouraged to discuss the proposed acquisition, alteration, construction, renovation, use, or disposition of real property with OFM as early as possible. Missions that obtain the benefit of OFM's experience and advice in the early stages of an acquisition, alteration, construction, renovation, use, or disposition may avoid unnecessary financial or legal complications.

Prior to receiving a response from OFM to the proposed acquisition, alteration, construction, renovation, use, or disposition a Permanent Mission *may not* enter into a contract or lease agreement, or make any acquisition, alteration, construction, renovation, use, or disposition unless the contract or lease agreement expressly states that the execution of the contract or lease agreement is subject to disapproval by the Department of State. The Permanent Missions are reminded that significant financial and legal complications may result if this requirement is overlooked.

Unless specifically approved otherwise, properties acquired by foreign missions for diplomatic purposes are to be used in their entirety for such purposes. Without separately requesting and obtaining OFM approval, properties authorized for diplomatic purposes may not be used, even in part, for any other purpose, such as office space for other governmental organizations, state-owned or private commercial entities, and may not be leased to any other party not affiliated with the Permanent Mission.

In addition to the notification and approval requirements, mission properties are subject to the building and land-use laws and regulations of the local jurisdiction, including permit

requirements. The Permanent Missions are reminded that they are also required to request and obtain OFM's consent for the issuance of all property-related permits.

It is the responsibility of the Permanent Missions to be informed of, and be in compliance with, the regulations of the local jurisdiction in which they are located. Inasmuch as failure to comply with local laws could result in legal and financial complications, missions are encouraged to notify the Department and consult with OFM regarding a particular project at the earliest possible date.

Permanent Missions are encouraged to contact OFM's New York Regional Office at [OFMNYCustomerService@state.gov](mailto:OFMNYCustomerService@state.gov) or (646) 282-2825 with any inquiries.

The United States Mission to the United Nations avails itself of this opportunity to renew to the Permanent Missions to the United Nations the assurances of its highest consideration.

