

12-306

The Secretary of State presents her compliments to their Excellencies and Messieurs and Mesdames the Chiefs of Mission and has the honor to inform all missions of the revised procedures for facilitating the secure movement of foreign diplomatic pouches into, within, and from the United States via aircraft. This note supersedes the Department's note No. 03-54, dated August 28, 2003, and note No. 04-181, dated July 23, 2004, and any other guidance or information previously published concerning this topic.

The purpose of this note is to ensure that the Chiefs of Missions have a clear and comprehensive statement of the policies and procedures governing the movement of diplomatic pouches into, within, and from the United States via air transport. The Department wishes also to remind the Chiefs of Missions and their governments that they play a critical and significant role in ensuring that their diplomatic pouches are properly handled by airline representatives and government authorities responsible for transportation and import security.

DIPLOMATIC NOTE

A series of subsequent notes will be transmitted separately to the Chiefs of Missions focused specifically on the rules and procedures associated with the transport of diplomatic pouches into, within, and from the United States via an automobile, train, and marine vessel. Such rules and procedures are not significantly different from those outlined in this note, but do have unique and subtle differences that, for purposes of achieving maximum clarity, warrant the issuance of separate notes.

Prior to the release of such notes, the Chiefs of Missions are encouraged to directly contact the Department's Office of Foreign Missions (OFM) if there are any specific questions concerning the proper way to transport diplomatic pouches into, within, or from the United States via any means other than air transport.

Diplomatic Pouch Defined

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

- Embassies, legations, consular posts, and the foreign office of any government;
- The headquarters or any other office of a public international organization and 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 and its mission to that organization.

Inviolability of Diplomatic Pouches

In accordance with Article 27.3 of the Vienna Convention on Diplomatic Relations (VCDR), properly designated diplomatic pouches “*shall not be opened or detained.*” As a result, the United States does not search properly designated and handled diplomatic pouches, either physically or electronically (e.g., by X-ray), that are moving into, within, or from the United States and considers it a serious breach of the clear obligations of the VCDR for another country to do so.

Although an inspection of a pouch by means of an X-ray would not physically break the external seal of the shipment, such an action constitutes the modern-day electronic equivalent of “opening” a pouch, which is contrary to a host government’s obligations under the VCDR.

If presented with credible information that a diplomatic pouch is not being used for the purposes established under Article 27.4 of the VCDR, the United States reserves the right to deny the shipment’s import into or export from the United States or its transport domestically in the United States. In such instances, properly designated diplomatic pouches will be immediately returned to the sending entity without inspection. Such refusals will not be made on a routine or blanket basis and will be only in response to specific and credible concerns.

Additionally, if such concerns are solely associated with air transportation, the United States may allow properly designated diplomatic pouches to be transported by an alternate means, such as by rail, land, or sea, consistent with the safety and security of such modes of transport.

Size and Weight of Diplomatic Pouches

International law does not set any limits on the permissible size, weight, or quantity of properly designated diplomatic pouches. Therefore, it is the position of the United States that the transport of properly designated diplomatic pouches of any size and of any quantity is essential for the proper conduct of diplomatic relations and the effective functioning of diplomatic missions.

It is also the view of the United States that size, weight, and quantity restrictions imposed by the receiving state on properly designated diplomatic pouches are inconsistent with a receiving State's obligations to provide "full facilities for the performance of the functions of the mission," which is an obligation of Article 25 of the VCDR. This is due to the fact that such restrictions will delay or prevent diplomatic and consular missions from being able to access or utilize equipment that is critical to carrying out their functions and operations. Lastly, state practice overwhelmingly supports the notion that a properly designated diplomatic pouch may be of virtually any size, weight, or quantity.

Proper Identification of Diplomatic Pouches

In accordance with Article 27.4 of the VCDR, diplomatic pouches must bear “*visible external marks of their character.*”

Therefore, a diplomatic pouch moving into, within, or from the United States must:

1. Have readily visible markings on the exterior of the pouch, bag, envelope, crate, or container clearly identifying it in English as a “Diplomatic Pouch”;
2. Externally bear the official seal of the sending entity;
 - This may be a lead or plastic seal that is attached to a tie that closes the pouch or a seal affixed to the pouch’s exterior.
3. Be addressed to or from the sending government’s ministry or department of foreign affairs, its embassies, legations, consular offices, or the headquarters or offices of an international organization; and
4. When applicable, all associated shipping documents, such as bills of lading and Air Waybills, should describe the shipment in English as a “Diplomatic Pouch”.

In order to allow for the immediate customs entry of all properly designated diplomatic pouches that are imported to the United States, a detachable “*Customs Entry Certificate*” should be affixed to the shipment’s exterior.

The referenced detachable certificate will serve as the shipment’s customs entry declaration and must include the following information:

- A brief description of the pouch, including its approximate weight;
- A statement certifying that the pouch contains only official correspondence, documents, or articles intended for official use;
- The signature of a senior official of the originating foreign ministry/department, embassy, consular post, or international organization, along with a telephone number at which this individual can be contacted with respect to any questions or concerns associated with this shipment.

Accompanied Diplomatic Pouches

For the purposes addressed under Articles 27.5 and 27.6 of the VCDR, properly designated diplomatic pouches, transported in either the cabin or cargo-hold of an aircraft, vessel, train, or motor vehicle, are considered by the Government of the United States as being “accompanied” by a diplomatic or non-professional diplomatic courier when such couriers travel as a passenger on the same mode of transportation.

In accordance with Article 27.5 of the VCDR, whenever a pouch is accompanied or delivered by a diplomatic courier, the courier “*shall be provided with an official document indicating his/her status and the number of packages constituting the diplomatic bag.*” Article 27.5 further provides, that the courier “shall be protected by the receiving state in the performance of his/her functions” and that diplomatic couriers enjoy personal inviolability and are not liable to any form of arrest or detention. However, a diplomatic courier’s person and personal baggage, are subject to normal security screening and customs procedures.

Article 27.6 authorizes sending States or foreign missions to designate “ad-hoc” diplomatic couriers, hereafter referred to as “non-professional diplomatic couriers.” However, absent accreditation by the receiving State as a diplomatic agent, as a member of a diplomatic mission’s administrative and technical staff, a consular officer, or subject to the provisions of a bilateral agreement, such individuals will enjoy personal inviolability only during the time in which the non-professional diplomatic courier has a properly designated diplomatic pouch in his/her charge.

All individuals designated by a foreign ministry/department, embassy, consular post, or international organization as being either a diplomatic or non-professional diplomatic courier, **must** use a valid diplomatic passport to

accompany properly designated diplomatic pouches into, within, or from the United States.

Whenever a properly designated diplomatic pouch is accompanied or delivered by a diplomatic or non-professional diplomatic courier, he/she **must** be provided with an official document indicating his/her status and the number of diplomatic pouches that he/she is responsible for transporting. This document, which is commonly referred to as a “courier letter,” demonstrates that the courier is entitled to the immunities described above. The information required in such letters is conditioned upon the manner in which the diplomatic pouch is being transported. The information requirements for such letters are addressed later in this document.

The following sections address six different scenarios involving the transport of properly designated diplomatic pouches into, within, and from the United States. These scenarios are as follows:

1. Diplomatic pouches imported to the United States by a diplomatic or non-professional diplomatic courier, who is not accredited as a member of a foreign mission by either the United States or the country from which the pouch is being sent;

2. Diplomatic pouches imported to the United States by a diplomatic or non-professional diplomatic courier, who is accredited as a member of a foreign mission by the country from which the pouch is being sent;
3. Diplomatic pouches transported within or from the United States via the cargo-hold of an aircraft that are accompanied by a diplomatic or non-professional diplomatic courier, who is not accredited as a member of a foreign mission in the United States;
4. Diplomatic pouches transported within or from the United States via the cargo-hold of an aircraft that are accompanied by a diplomatic or non-professional diplomatic courier, who is accredited as a member of a foreign mission in the United States;
5. Diplomatic pouches transported within or from the United States via the cabin of an aircraft that are accompanied by a diplomatic or non-professional diplomatic courier, who is not accredited as a member of a foreign mission in the United States;
6. Diplomatic pouches transported within or from the United States via the cabin of an aircraft that are accompanied by a diplomatic or non-professional diplomatic courier, who is accredited as a member of a foreign mission in the United States.

Diplomatic Pouches Imported to the United States Accompanied by a Diplomatic or Non-Professional Diplomatic Courier – Who is Not Accredited as a Member of a Foreign Mission by Either the United States or the Country From Which the Pouch is Being Sent

When a diplomatic courier or non-professional diplomatic courier, who is not personally accredited to the United States as a member of a foreign mission here or accredited to the country from which the pouch is being sent, accompanies the transport of a properly designated pouch(es) to the United States, the diplomatic or non-professional diplomatic courier must present a valid diplomatic passport and a “courier letter” to the carrier, as well as to any government authorities responsible for transportation security or customs processing.

In this instance, the “courier letter” must meet the following requirements:

1. The document must be an original. It must be on appropriate letterhead and bear the seal of the sending entity;
2. The document must list the courier’s name and clearly identify him/her as either a diplomatic or non-professional diplomatic courier;
3. The document must list the courier’s diplomatic passport number;
4. The document must contain information that sufficiently identifies the diplomatic pouch(es) being escorted and state the quantity and total

approximate weight of the properly designated diplomatic pouches that the courier is responsible for delivering; and

5. The document must include the signature, job title, and telephone number of a responsible official of the sending entity.

Properly designated diplomatic pouches with a detachable “*Customs Entry Certificate*” affixed to the exterior of each individual pouch, are eligible for immediate customs entry upon arrival to the United States. The information that must be provided on the detachable “*Customs Entry Certificate*” is available on page 6 of this note.

If an accompanied, properly designated diplomatic pouch arrives in the United States without the referenced detachable “*Customs Entry Certificate*,” then the embassy or consular post to whom the shipment is consigned must submit a completed Form DS-1504 “*Request for Customs Clearance of Merchandise*” to OFM.

This form and the associated instructions for its completion and submission are available at www.state.gov/ofm/customs/c37011.htm. Upon receipt of such requests, OFM will work expeditiously to ensure that such shipments are promptly granted entry approval.

Diplomatic Pouches Imported to the United States Accompanied by a Diplomatic or Non-Professional Courier – Who is Accredited as a Member of a Foreign Mission by the Country From Which the Pouch is Being Sent

When a diplomatic or non-professional diplomatic courier, who is accredited to the foreign country from which a diplomatic pouch is being sent, accompanies the transport of a properly designated pouch(es) to the United States, the diplomatic or non-professional diplomatic courier must present the following documents to the carrier, as well as any government authorities responsible for transportation security or customs processing:

- The courier's valid diplomatic passport;
- A "courier letter" that meets the requirements described for such documents on page 10 of this note; and
- A valid identification card issued by the Foreign Ministry or Department of the country to which the courier is accredited as a member of a foreign diplomatic or consular mission, which includes the diplomatic courier's photograph.

Properly designated diplomatic pouches with a detachable "*Customs Entry Certificate*" affixed to the exterior of each individual pouch, are eligible for immediate customs entry upon arrival to the United States. The information that

must be provided on the detachable “*Customs Entry Certificate*” is available on page 6 of this note.

If an accompanied, properly designated diplomatic pouch arrives in the United States without the referenced detachable “*Customs Entry Certificate*,” then the embassy or consular post to whom the shipment is consigned must submit a completed Form DS-1504 “*Request for Customs Clearance of Merchandise*” to OFM.

This form and the associated instructions for its completion and submission are available at www.state.gov/ofm/customs/c37011.htm. Upon receipt of such requests, OFM will work expeditiously to ensure that such shipments are promptly granted entry approval.

Diplomatic Pouches Transported Within or From the United States via the Cargo-Hold of an Aircraft that are Accompanied by a Diplomatic or Non-Professional Courier – Who is Not Accredited as a Member of a Foreign Mission in the United States

When a foreign embassy or consular post in the United States wishes to have a diplomatic or non-professional diplomatic courier, who is not accredited as a member of a foreign mission in the United States, accompany a diplomatic pouch transported via the cargo-hold of an aircraft, the sending mission and the

diplomatic or non-professional diplomatic courier must satisfy the following requirements:

1. Such couriers must provide the airline/carrier that is responsible for transporting the properly designated diplomatic pouch with an original “courier letter,” which includes the following information:
 - The document must be an original that is on appropriate letterhead and bears the seal of the sending entity;
 - The document must list the name of the courier who is accompanying the transport of the diplomatic pouch, and clearly identify him/her as a diplomatic or non-professional diplomatic courier;
 - The document must list the diplomatic passport number assigned to the courier;
 - The document must contain information that sufficiently identifies the diplomatic pouch(es) being escorted and state the quantity and total approximate weight of the properly designated diplomatic pouches that the representative is responsible for delivering to the carrier; and
 - The document must be signed by a member of the sending embassy or consular post who is accredited to the Department as a diplomatic agent or consular officer, and include their telephone number, job

title, and their Department of State-issued personal identification number¹.

2. In this situation, such couriers must present the airline/carrier with their valid diplomatic passport.
3. Such couriers must also be prepared to present the courier letter described above and their valid diplomatic passport to any government authority responsible for transportation security or customs processing.
4. When a properly designated diplomatic pouch is provided to an airline representative at a U.S. airport for transport via the cargo-hold of an aircraft, the courier **must** ensure that the airline representative is fully aware that the item being entrusted to the airline is a diplomatic pouch.
5. Further, the courier **must** also be confident that the airline representative is prepared to walk the pouch around TSA screening procedures.

The Chiefs of Mission are reminded that should an embassy or consular post's representative not strictly comply with the final two procedures stated above, the carrier may unknowingly place the pouch in the normal screening queue

¹ The Department of State issues a unique "personal identification number" to all members of foreign missions in the United States. This number is often referred to by the acronym "PID." The PID is an eight digit number and is printed on all identification documents issued by both the Department's Office of the Chief of Protocol and the Office of Foreign Missions (OFM). However, the identification documents issued by OFM illustrate the PID as a ten digit number. The first eight digits constitute the cardholder's PID and the final two digits are referred to by the Department as the document series number. The document series number indicates the number of cards that have been produced/issued to the cardholder.

for luggage that will be transported via the aircraft's cargo-hold. Such an action will result in the pouch being unintentionally X-rayed.

Since this situation does not involve the importation of a diplomatic pouch into the United States, the detachable "*Customs Entry Certificate*" described on page 6 of this document is not required.

Diplomatic Pouches Transported Within or From the United States via the Cargo-Hold of an Aircraft that are Accompanied by a Diplomatic or Non-Professional Courier – Who is Accredited as a Member of a Foreign Mission in the United States

When a diplomatic or non-professional diplomatic courier, who is accredited to the United States as a member of a foreign diplomatic or consular mission, is tasked with accompanying the transport of a properly designated diplomatic pouch from or within the United States that will be stored in the cargo-hold of a commercial aircraft, the diplomatic or non-professional diplomatic courier must satisfy the following requirements:

1. Such couriers must provide the airline that is responsible for transporting the properly designated diplomatic pouch with an original "courier letter," which includes the following information:
 - The document must be an original that is on appropriate letterhead which bears the seal of the sending entity;

- The document must list the name of the courier who is accompanying the transport of the diplomatic pouch;
 - The document must list the diplomatic passport number assigned to the courier;
 - The document must list the Department of State-issued personal identification number that was assigned to the courier at the time they were accredited as a member of a diplomatic or consular mission in the United States;
 - The document must contain information that sufficiently identifies the diplomatic pouch(es) being escorted and state the quantity and total approximate weight of the properly designated diplomatic pouches that the representative is responsible for delivering to the carrier; and
 - The document must be signed by a member of the sending mission who is accredited to the United States as a diplomatic agent or consular officer, and include their telephone number, job title, and their Department of State-issued personal identification number.
2. In this situation, such couriers must also present the following identification documents to the carrier:
- The courier's valid diplomatic passport; and

- One of the following documents issued to the courier by the

Department of State:

- Protocol Identification Card;
- Diplomatic Tax Exemption Card; or
- Diplomatic Driver's License.

3. Such couriers must also be prepared to present the courier letter and identification documents described above to any government authority responsible for transportation security or customs processing.
4. Additionally, when a properly designated diplomatic pouch is provided to an airline representative at a U.S. airport for transport via the cargo-hold of an aircraft, the embassy or consular post member that is responsible for delivering the pouch to the carrier must ensure that the airline representative is fully aware that the item being entrusted to the airline is a diplomatic pouch.
5. Further, the embassy or consular post member must also be confident that the airline representative is prepared to walk the pouch around TSA screening procedures.

The Chiefs of Mission are reminded that, should an embassy or consular post's representative not strictly comply with the final two procedures stated above, the carrier may unknowingly place the pouch in the normal screening queue

for luggage that will be transported via the aircraft's cargo-hold. Such an action will result in the pouch being unintentionally X-rayed.

Since this situation does not involve the importation of a diplomatic pouch into the United States, the detachable "*Customs Entry Certificate*" described on page 6 of this document is not required.

Diplomatic Pouches Transported Within or From the United States via the Cabin of an Aircraft that are Accompanied by a Diplomatic or Non-Professional Courier – Who is Not Accredited as a Member of a Foreign Mission in the United States

When a foreign embassy or consular post in the United States wishes to have a diplomatic or non-professional diplomatic courier, who is **not accredited** as a member of that foreign mission in the United States, accompany a diplomatic pouch transported via the cabin of a commercial aircraft, the sending mission and the diplomatic or non-professional diplomatic courier must satisfy the following requirements:

1. Such couriers must provide the airline/carrier that is responsible for transporting the properly designated diplomatic pouch with an original "courier letter," which includes the following information:
 - The document must be an original that is on appropriate letterhead and bears the seal of the sending entity;

- The document must list the name of the diplomatic or non-professional diplomatic courier who is accompanying the transport of the diplomatic pouch, and clearly identify him/her as a diplomatic or non-professional diplomatic courier;
 - The document must list the diplomatic passport number assigned to the courier;
 - The document must contain information that sufficiently identifies the diplomatic pouch(es) being escorted and state the quantity and total approximate weight of the properly designated diplomatic pouches that the representative is responsible for delivering to the carrier; and
 - The document must be signed by a member of the sending embassy or consular post who is accredited to the United States as a diplomatic agent or consular officer, and include their telephone number, job title, and their Department of State-issued personal identification number.
2. In this situation, such couriers must present the airline/carrier with their valid diplomatic passport.
 3. Such couriers must also be prepared to present the courier letter described above and their valid diplomatic passport to any government authority

responsible for transportation security or customs processing, **to include such representatives stationed at security screening checkpoints.**

Since this situation does not involve the importation of a diplomatic pouch into the United States, the detachable “*Customs Entry Certificate*” described on page 6 of this document is not required.

Diplomatic Pouches Transported Within or From the United States via the Cabin of an Aircraft that are Accompanied by a Diplomatic or Non-Professional Courier – Who is Accredited as a Member of a Foreign Mission in the United State

When a diplomatic or non-professional diplomatic courier who is accredited to the United States as a member of a foreign diplomatic or consular mission is tasked with accompanying the transport of a properly designated diplomatic pouch from or within the United States via the cabin of a commercial aircraft, the courier must satisfy the following requirements:

1. Such couriers must provide the airline that is responsible for transporting the properly designated diplomatic pouch with an original “courier letter,” which includes the following information:
 - The document must be an original that is on appropriate letterhead which bears the seal of the sending entity;

- The document must list the name of the diplomatic or non-professional diplomatic courier who is accompanying the transport of the diplomatic pouch;
 - The document must list the diplomatic passport number assigned to courier;
 - The document must list the Department of State-issued personal identification number that is assigned to the courier at the time they were accredited as a member of a diplomatic or consular mission in the United States;
 - The document must contain information that sufficiently identifies the diplomatic pouch(es) being escorted and state the quantity and total approximate weight of the properly designated diplomatic pouches that the representative is responsible for delivering to the carrier; and
 - The document must be signed by a member of the sending mission who is accredited to the United States as a diplomatic agent or consular officer, and include their telephone number, job title, and their Department of State-issued personal identification number.
2. In this situation, such couriers must also present the following identification documents to the carrier:
- The courier's valid diplomatic passport; and

- One of the following documents issued to the courier by the

Department of State:

- Protocol Identification Card;
- Diplomatic Tax Exemption Card; or
- Diplomatic Driver's License.

3. Such couriers must also be prepared to present the courier letter and identification documents described above to any government authority responsible for transportation security or customs processing, **to include such representatives stationed at security screening checkpoints.**

Since this situation does not involve the importation of a diplomatic pouch into the United States, the detachable "*Customs Entry Certificate*" described on page 6 of this document is not required.

Unaccompanied Diplomatic Pouches

For the purposes addressed under Article 27 of the VCDR, the United States considers properly designated diplomatic pouches as being "unaccompanied," when a diplomatic or non-professional diplomatic courier is not traveling as a passenger on the same aircraft, vessel, train, or motor vehicle that is transporting the pouch.

In cases where the U.S. government has concerns about the sanctity of an unaccompanied diplomatic pouch or has reason to believe that a diplomatic pouch

may have been utilized as a mechanism to circumvent security screening, the Department reserves the right to require sending entities to transport their diplomatic pouches to, within, and from the United States via a diplomatic or non-professional diplomatic courier, as a means to ensure that its diplomatic pouches are not utilized by interlopers attempting to defeat security screenings.

The following sections address three different scenarios involving the unaccompanied transport of properly designated diplomatic pouches to, within, and from the United States. These scenarios are as follows:

1. Unaccompanied diplomatic pouches sent to the United States by a foreign ministry or department;
2. Unaccompanied diplomatic pouches sent to the United States by an embassy, consular post, or international organization established in a foreign country;
3. Unaccompanied diplomatic pouches transported within or from the United States.

Unaccompanied Diplomatic Pouches Imported to the United States

Foreign ministries and departments, along with foreign embassies, consular posts, and certain international organizations located outside of the United States are authorized to send unaccompanied diplomatic pouches to embassies, consular posts, and international organizations that are located in the United States.

However, there are slight differences in the procedures that the representatives of such entities must follow when arranging for the unaccompanied transport of such properly designated diplomatic pouches to the United States. These differing procedures are outlined in the following sections.

Unaccompanied Diplomatic Pouches Sent to the United States by a Foreign Ministry or Department:

When a foreign ministry/department wishes to send an unaccompanied diplomatic pouch to the United States, the representative of the foreign ministry/department who is responsible for arranging such transport must satisfy the following requirements:

1. Such representatives must provide the “carrier” (an airline; a freight forwarder; an indirect air carrier; a vessel; a train; or entities like *DHL*, *Federal Express*, or *UPS*), that is responsible for transporting the properly designated diplomatic pouch to the United States, with an original and two photocopies of a “pouch authorization letter,” that meets the following requirements:
 - The document must be an original that is on appropriate letterhead which bears the seal of the sending entity;
 - The document must list the name of the representative who is responsible for delivering the properly designated diplomatic pouch to

the carrier, and clearly identify him/her as a representative of the sending entity;

- The document must contain information that sufficiently identifies the diplomatic pouch(es) being escorted and state the quantity and total approximate weight of the properly designated diplomatic pouches that the courier is responsible for delivering; and
- The document must include the signature, job title, and telephone number of a responsible official of the sending entity.

2. Such representatives of foreign ministries/departments must also present the following identification documents to the carrier:

- A valid identification card issued by the sending foreign ministry/department, which includes a photograph of the individual to whom the document is assigned, and demonstrates that this individual is an employee of the foreign ministry/department that is sending the properly designated diplomatic pouch to an embassy or consular post, or international organization in the United States.

3. Such representatives must also be prepared to present the pouch authorization letter and identification card described above to any government authorities responsible for transportation security or customs processing.

Properly designated diplomatic pouches with a detachable “*Customs Entry Certificate*” affixed to the exterior of each individual pouch, are eligible for immediate customs entry upon arrival to the United States. The information that must be provided on the detachable “*Customs Entry Certificate*” is available on page 6 of this note.

If an accompanied, properly designated diplomatic pouch arrives in the United States without the referenced detachable “*Customs Entry Certificate*,” then the embassy or consular post to whom the shipment is consigned must submit a completed Form DS-1504 “*Request for Customs Clearance of Merchandise*” to OFM.

This form and the associated instructions for its completion and submission are available at www.state.gov/ofm/customs/c37011.htm. Upon receipt of such requests, OFM will work expeditiously to ensure that such shipments are promptly granted entry approval.

Unaccompanied Diplomatic Pouches Sent to the United States by an Embassy, Consular Post, or International Organization Established in a Foreign Country:

When an embassy, consular post, or international organization that is established in a country other than the United States wishes to send an

unaccompanied diplomatic pouch to the United States, the representative of the embassy, consular post, or international organization who is responsible for arranging such transport must satisfy the following requirements:

1. Such representatives must be accredited by their host government as either a diplomatic agent, a member of the administrative and technical staff of a diplomatic mission, a consular officer or consular employee at a consular post, or be an employee of an international organization who is notified to the host government;
2. Such representatives must provide the “carrier” (e.g. an airline; a freight forwarder; an indirect air carrier; a vessel; a train; or entities like *DHL*, *Federal Express*, or *UPS*), that is responsible for transporting the properly designated diplomatic pouch to the United States, with an original and two photocopies of a “pouch authorization letter,” which meets the following requirements:
 - The document must be an original that is on appropriate letterhead which bears the seal of the sending entity;
 - The document must list the name of the representative who is responsible for delivering the properly designated diplomatic pouch to the carrier, and clearly identify him/her as a representative of the sending entity, along with their job title;

- The document must contain information that sufficiently identifies the diplomatic pouch(es) being escorted and state the quantity and total approximate weight of the properly designated diplomatic pouches that the courier is responsible for delivering; and
 - The document must be signed by a member of the sending mission who is accredited by their host government as a diplomatic agent, consular officer, or employee of an international organization, and include their job title and telephone number.
3. Such representatives must also present the following identification documents to the carrier:
- a) The representative's valid diplomatic passport; **and**
 - b) A valid identification card, which includes a photograph of the representative, that was issued by the host government's foreign ministry/department for the purpose of demonstrating that the individual has been accredited to the host government as a member of a foreign embassy, consular post, or is employed by an eligible international organization.
 - c) Such representatives must also be prepared to present the pouch authorization letter and the identification documents described above to

any government authorities responsible for transportation security or customs processing.

Properly designated diplomatic pouches with a detachable “*Customs Entry Certificate*” affixed to the exterior of each individual pouch are eligible for immediate customs entry upon arrival to the United States. The information that must be provided on the detachable “*Customs Entry Certificate*” is available on page 6 of this note.

If an accompanied, properly designated diplomatic pouch arrives in the United States without the referenced detachable “*Customs Entry Certificate*,” then the embassy or consular post to whom the shipment is consigned must submit a completed Form DS-1504 “*Request for Customs Clearance of Merchandise*” to OFM.

This form and the associated instructions for its completion and submission are available at www.state.gov/ofm/customs/c37011.htm. Upon receipt of such requests, OFM will work expeditiously to ensure that such shipments are promptly granted entry approval.

Unaccompanied Diplomatic Pouches Transported Within or From the United States

When an embassy or consular post that is established in the United States wishes to transport unaccompanied diplomatic pouches from or within the United

States via air transport, the representative of the embassy or consular post that is responsible for delivering properly designated diplomatic pouches to the “carrier” (an airline; a freight forwarder; an indirect air carrier; a vessel; a train; or entities like *DHL*, *Federal Express*, or *UPS*) must satisfy the following requirements:

- Such representatives must be accredited to the United States as either a diplomatic agent, a member of the administrative and technical staff, a consular officer, or consular employee of the embassy or consular post that is sending the diplomatic pouch;
- Such representatives must provide the “carrier” (e.g. an airline; a freight forwarder; an indirect air carrier; a vessel; a train; or entities like *DHL*, *Federal Express*, or *UPS*), that is responsible for transporting the properly designated diplomatic pouch to the United States, with an original and two photocopies of a “pouch authorization letter,” which meets the following requirements:
 - The document must be an original that is on appropriate letterhead which bears the seal of the sending entity;
 - The document must list the name of the representative who is responsible for delivering the properly designated diplomatic pouch to the carrier, and clearly identify him/her as a representative of the

sending embassy or consular post, along with their job title and their Department of State-issued personal identification number;

- The document must list the diplomatic passport number of the representative who is responsible for delivering the properly designated diplomatic pouch to the carrier;
- The document must contain information that sufficiently identifies the diplomatic pouch(es) being escorted and state the quantity and total approximate weight of the properly designated diplomatic pouches that the representative is responsible for delivering to the carrier; and
- The document must be signed by a member of the sending mission who is accredited to the United States as a diplomatic agent or consular officer, and include their telephone number, and their Department of State-issued personal identification number.
- Such representatives also must present the following identification documents to the carrier:
 - The representative's valid diplomatic passport; and
 - One of the following documents issued to the diplomatic or non-professional diplomatic courier by the Department of State:
 - Protocol Identification Card;
 - Diplomatic Tax Exemption Card; or

- Diplomatic Driver's License.
- Such representatives must also be prepared to present the courier letter and the identification documents described above to any government authorities responsible for transportation security or customs processing.
- Additionally, when a properly designated diplomatic pouch is provided to an airline representative at a U.S. airport so that the pouch can be transported via the cargo-hold of an aircraft, the embassy or consular post member that is responsible for delivering the pouch to the carrier must ensure that the airline representative is fully aware that the item being entrusted to the airline is a diplomatic pouch.
- Further, the embassy or consular post member must also be confident that the airline representative is prepared to walk the pouch around TSA screening procedures.

The Chiefs of Mission are reminded that should an embassy or consular post's representative not strictly comply with the final two procedures stated above, the carrier may unknowingly place the pouch in the normal screening queue for luggage that will be transported via the aircraft's cargo-hold. Such an action will result in the pouch being unintentionally X-rayed.

Since this situation does not involve the importation of a diplomatic pouch into the United States, the detachable “*Customs Entry Certificate*” described on page 6 of this document is not required.

Diplomatic Pouches Entrusted to Captains of Commercial Aircraft

Pursuant to Article 27.7 of the VCDR, properly designated diplomatic pouches may be entrusted to the captain of a commercial aircraft, when transporting such shipments into, within, or from the United States. However, in such instances, the captain of a commercial aircraft shall not be considered to be a diplomatic or non-professional diplomatic courier.

The following sections address two different scenarios involving the entrustment of properly designated diplomatic pouches to the captain of a commercial aircraft, when transporting such shipments into, within, or from the United States. These scenarios are as follows:

1. Import of pouches entrusted to the captain of a commercial aircraft; and
2. Domestic transport and export of pouches entrusted to the captain of a commercial aircraft.

Import of Pouches Entrusted to the Captain of a Commercial Aircraft

When an entity that is entitled to use diplomatic pouches wishes to entrust a properly designated diplomatic pouch to the captain of a commercial aircraft for delivery to a foreign embassy, consulate, or international organization in the

United States, the individual delivering the properly designated diplomatic pouch to the captain must be a representative of the sending entity who is able to provide the captain with an original “pouch authorization letter” and the identification documents described below. Further, the representative of the sending entity who delivers the properly designated diplomatic pouch to the captain must also be able to provide a photocopy of the “pouch authorization letter” to the captain as well as the identification documents described below to the carrier and any government authorities responsible for transportation security or customs processing.

The commercial airline captain is required to maintain the original “pouch authorization letter” until the properly designated diplomatic pouch has been released to the consigned foreign mission in the United States.

In this instance, the “pouch authorization letter” must meet the following requirements:

1. The document must be an original. It must be on appropriate letterhead and bear the seal of the sending entity;
2. The document must include the signature, job title, and telephone number of a responsible official of the originating foreign government;
3. The document must list the name of the representative who delivered (or is delivering) the properly designated diplomatic pouch to the

- commercial airline captain and clearly identify that individual as a representative of the sending entity;
4. The document must state that, pursuant to Article 27.7 of the VCDR, the sending entity is entrusting the delivery of its diplomatic pouch to the captain of a commercial aircraft.
 5. The document should list the captain's name, the name of the commercial airline, and the flight number on which the pouch will be transported;
 6. The document must contain information that sufficiently identifies the diplomatic pouch(es) being entrusted to the captain and state the quantity and total approximate weight of the properly designated diplomatic pouches for which the captain is responsible for transporting; and
 7. The document must state that the commercial airline captain, to whom the pouch is entrusted, is required to maintain the original version of this letter until the pouch arrives at its destination and is delivered to its consignee.

In this situation, the representative that is responsible for delivering/ entrusting properly designated diplomatic pouches to the captain of a commercial airline must be able to present the following identification documents at the originating foreign airport to the captain to whom the pouches will be entrusted,

the carrier, and any government authorities responsible for transportation security or customs processing:

- a) ***If the properly designated diplomatic pouch is being sent by a foreign ministry/department:*** The representative's valid identification card issued by the sending foreign ministry/department, which includes a photograph of the individual to whom the document is assigned, and demonstrates that this individual is an employee of the foreign ministry/department that is sending the properly designated diplomatic pouch to an embassy or consular post or international organization in the United States; and
- b) ***If the properly designated diplomatic pouch is being sent by an embassy, consular post, or international organization established outside the United States:*** The representative's valid diplomatic passport; **and** a valid identification card issued by the host government's foreign ministry/department for the purpose of demonstrating that the individual has been accredited to the host government as a member of a foreign embassy, consular post, or is an employee of an eligible international organization who has been notified to their host government.

In order to allow for the immediate customs entry of all properly designated diplomatic pouches that are imported to the United States, they should have a detachable "*Customs Entry Certificate*" affixed to the shipment's exterior.

If an unaccompanied, properly designated diplomatic pouch arrives in the United States without the referenced detachable “*Customs Entry Certificate*,” then the embassy or consular post to whom the shipment is consigned must submit a completed Form DS-1504 “*Request for Customs Clearance of Merchandise*” to OFM.

This form and the associated instructions for its completion and submission are available at www.state.gov/ofm/customs/c37011.htm. Upon receipt of such requests, OFM will work expeditiously to ensure that such shipments are promptly granted entry approval.

Domestic Transport and Export of Pouches Entrusted to the Captain of a Commercial Aircraft

When an embassy or consular post wishes to entrust a properly designated diplomatic pouch to the captain of a commercial aircraft for transport within or from the United States, the individual delivering the properly designated diplomatic pouch to the captain must be an accredited member of the sending embassy or consular post who is able to provide the captain with an original “pouch authorization letter” and the identification documents described below. Further, this individual must also be able to present a photocopy of the “pouch authorization letter” to the carrier and any government authorities responsible for transportation security or customs processing.

The commercial airline captain is required to maintain their original “pouch authorization letter” until the properly designated diplomatic pouch has been released to the consigned foreign mission in the United States.

In this instance, the “pouch authorization letter” must meet the following requirements:

1. The document must be an original. It must be on appropriate letterhead and bear the seal of the sending embassy or consulate;
2. The document must list the name of the mission member who delivered (or is delivering) the properly designated diplomatic pouch to the commercial airline captain and clearly identify this person as an accredited member of the sending embassy or consulate, and this individual’s diplomatic passport number and their Department of State-issued personal identification number.
3. The document must contain information that sufficiently identifies the diplomatic pouch(es) being entrusted to the captain and state the quantity and total approximate weight of the properly designated diplomatic pouches for which the captain is responsible for transporting;
4. The document must list the airline captain’s name, the carrier’s name, and the flight number on which the pouch will be transported;

5. The document must state that the commercial airline captain, to whom the pouch is entrusted, is required to maintain the original version of this letter until the pouch arrives at its destination and is delivered to its consignee;
and
6. The document must be signed by a member of the sending embassy or consular post who is accredited to the United States as either a diplomatic agent or consular officer and list their job title, telephone number, and their Department of State-issued personal identification number.
 - In this situation, the individual that is responsible for delivering/
entrusting properly designated diplomatic pouches to the captain of a commercial airline must be able to present the following identification documents to the captain to whom the pouches will be entrusted, the carrier, and any government authorities responsible for transportation security or customs processing: A valid Department of State-issued Driver's License, Protocol Identification Card, or Diplomatic Tax Exemption Card; and
 - The individual's diplomatic passport.

Therefore, commercial airline captains or their representatives should not accept diplomatic pouches from representatives of embassies or consular posts

who are unable to present the letter referenced above, a valid diplomatic passport, and a Department of State-issued identification document.

Since this situation does not involve the importation of a diplomatic pouch into the United States, the detachable “*Customs Entry Certificate*” described on page 6 of this document is not required.

Diplomatic Cargo & Diplomatic Mail

The Department wishes to emphasize to the Chiefs of Missions that shipments designated as either “diplomatic mail” or “diplomatic cargo” are not considered by the Department to be properly designated diplomatic pouches. Therefore, “diplomatic mail” or “diplomatic cargo” shipments are not entitled to the protections afforded properly designated diplomatic pouches under Article 27 of the VCDR.

Issues or Concerns

The Chiefs of Missions are encouraged to immediately contact OFM in the event it experiences any problems with respect to its properly designated diplomatic pouches. OFM can be contacted in Washington, DC, by telephone at (202) 895-3500 x 2, or by electronic mail at OFMTaxCustoms@state.gov. Additionally, OFM’s Regional Offices may also be able to assist with such inquiries. Information concerning OFM’s Regional Offices is available at www.state.gov/ofm/ro/index.htm.

Additional information concerning diplomatic pouches is available at www.state.gov/ofm/customs/c37011.htm.

In closing, the Department solicits the continued cooperation of the Chiefs of Missions in ensuring that their foreign ministries be made fully aware of the current policies and procedures governing the movement of properly designated diplomatic pouches into, within, and from the United States.

Department of State,

Washington, November 9, 2012.

A handwritten signature in blue ink, consisting of a stylized, cursive 'S' followed by a horizontal stroke.