



**DEPARTMENT OF CORRECTIONS  
Institutions**



<b>Title:</b>	<b>Consular Notification and Access</b>	<b>DOC Policy: 40.2.10</b>
<b>Supersedes:</b>	<b>N/A</b>	
<b>Applicability:</b>	<b>Intake and Institutions</b>	
<b>Directives Cross-Reference:</b>	<b>Rules: Facility Access – Div 016</b> <b>Visiting (Inmate) – Div 127</b>	

**I. PURPOSE**

The purpose of this policy is to establish procedures for consular notification and access to inmates who are foreign nationals.

**II. DEFINITIONS**

- A. Consular Officer (Consul): A citizen of a foreign country employed by a foreign government and authorized to provide assistance on behalf of that government to that government's citizens in a foreign country. Consuls are generally assigned to consular offices (consulates) maintained by the foreign government in the United States.
- B. Consulate: The physical office or residence where the consul works and/or lives.
- C. Foreign National: Any person who is not a citizen of the United States.

**III. POLICY**

**A. Notification Requirements**

In accordance with "customary international law" and the Vienna Convention on Consular Relations, whenever a foreign national is arrested or detained in the United States, there is a legal requirement to ensure the foreign government can extend appropriate consular services to the foreign national being detained. There are circumstances in which it will be necessary for the department to notify and provide access to consuls of inmates who are foreign nationals.

**B. Information**

The *Consular Notification and Access* booklet and the website of the US Department of State contain information concerning the rights of foreign nationals in the United States. [http://travel.state.gov/law/consular/consular\\_753.html](http://travel.state.gov/law/consular/consular_753.html). Designated DOC Intake staff shall be knowledgeable of the consular notification process and be a resource to institution staff.

**C. Consular Notification**

- 1. During the intake process, designated Intake staff will ask the inmate if he/she is a US citizen. If the inmate is identified as a foreign national, designated staff shall determine the inmate's country.

- a. If the inmate is from a country that is on the mandatory notification list, staff shall notify the country's nearest consulate and inform the inmate of the notification. (The mandatory notification list is included on the notification form.)
- b. If the inmate is from a country that *is not* on the mandatory notification list, staff shall offer to notify the consulate. If the inmate does not request notification, staff shall note it on the form. If the inmate requests notification, staff shall proceed with notification.
- c. Staff shall notify the consulate via fax utilizing the Consular Notification form (CD 1444). The *Consular Notification and Access* booklet contains fax and phone numbers of the foreign embassies and consulates in the United States. The Consular Notification form (CD 1444) and any supporting documents shall be kept in the inmate's file.
- d. If the inmate is transferred from Intake prior to completion of the consular notification process, Intake staff will coordinate with staff of the receiving facility to complete the consular notification.

#### **D. Consular Access**

1. Foreign national inmates are entitled to communicate with their consuls. If a foreign national inmate requests access to a consul, staff shall assist the inmate by providing information on how to contact the consul and/or facilitating the contact as appropriate.
2. The consul must be permitted to communicate with and have access to the foreign national inmate. A consul's access to a Department of Corrections facility is subject to the provisions of the department's rules on **Visiting (Inmate)** (OAR 291-127) and **Facility Access** (OAR 291-016). A visit between a consul and a foreign national inmate shall be considered a professional visit and handled as a Special Visit (OAR 291-127-0280).

#### **E. Appointment of Guardian or Trustee**

Whenever a court or other legal competent authority considers appointing a legal guardian for a foreign national inmate who is lacking full capacity, staff shall inform the nearest consular authorities of the inmate's country. The consul shall be permitted to express any interest their country might have in the issue.

#### **F. Death of a Foreign National Inmate**

In the event of the death of a foreign national inmate, the designated staff member responsible for external notifications of the inmate's death shall also notify the nearest consular authorities of the inmate's country.

### **IV. IMPLEMENTATION**

This policy will be adopted immediately without further modification.

Certified: \_\_\_\_\_  
Birdie Worley, Rules Coordinator

Approved: \_\_\_\_\_  
Mitch Morrow, Deputy Director

## **Consular Notification**

### **Request for Notification:**

**Inmate Name** \_\_\_\_\_ **SID#** \_\_\_\_\_

- I am not a citizen of the United States of America.  
My country of origin is: \_\_\_\_\_.
- I request consular notification to my country of origin regarding the fact that I am incarcerated in an Oregon Department of Corrections facility.
- I do not request consular notification to my country of origin regarding the fact that I am incarcerated in an Oregon Department of Corrections facility.

**Note: Per international treaty, it is mandatory that consular notification be made if a citizen from any of the following countries if imprisoned in the United States of America.**

Algeria	Cyprus	Kazakhstan	Romania	Trinidad and Tobago
Antigua Barbuda	and Czech Republic	Kiribati	Russia	Tunisia
Armenia	Dominica	Kuwait	Saint Kitts and Nevis	Turkmenistan
Azerbaijan	Fiji	Kyrgyzstan	Saint Lucia	Tuvalu
Bahamas, The	Gamboa, The	Malaysia	Saint Vincent/Grenadines	Ukraine
Barbados	Georgia	Malta	Seychelles	United Kingdom
Belarus	Ghana	Mauritius	Sierra Leone	U.S.S.R.
Belize	Grenada	Moldova	Singapore	Uzbekistan
Brunei	Guyana	Mongolia	Slovakia	Zambia
Bulgaria	Hong Kong	Nigeria	Tajikistan	Zimbabwe
China	Hungary	Philippines	Tanzania	
Costa Rica	Jamaica	Poland	Tonga	

**Inmate Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

### **Follow-up Action (by staff):**

- No action is required since the inmate did not request consular notification and is not from a mandatory reporting country.
- Consular notification was made to \_\_\_\_\_, Name of Consulate
  - At the inmate's request,
  - Per mandatory reporting requirement for citizens of specific countries.on \_\_\_\_\_, via \_\_\_\_\_, by \_\_\_\_\_.  
Date fax/U.S. Mail Staff Name
- A copy of the notification document has been filed in the inmate's DOC file along with this form.
- Phone or personal contacts with a consulate will be noted in the inmate's chronos.

