

Welcome to

# **“It’s the Right Thing to Do: Consular Notification and Access”**

**Jail Matters**

Training Webcast, June 8, 2017



**with Wally Doerge  
Consular Notification Officer  
U.S. Department of State**

# Let Us Hear from You




*Wally Doerge,  
U.S. State Dept.*



*Connie Clem,  
Jail Matters host*



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recorded program will be posted at  
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**More to discuss?  
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# **Presenter: Wally Doerge**



**Manager  
Consular Notification and Access Program  
U.S. Department of State  
Washington, D.C.**

BUREAU OF CONSULAR AFFAIRS

U.S. Department of State



# *CONSULAR NOTIFICATION & ACCESS*



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# Definitions

Foreign National – any person not a U.S. citizen, including:

- Nonimmigrant visitors (e.g. students, tourists, etc.)
- Lawful permanent residents
- Illegal aliens

Consular Officer – citizen of a foreign country employed by a foreign government to provide assistance on behalf of that government to that government's citizens in a foreign country



# Procedures

1. Notify foreign consulate or embassy within 24-72 hours.
2. By fax, email or telephone.
3. Keep records of notification.



# Procedures

## When a foreign national is transferred in or out of your facility

1. Notify the foreign consul of their citizen's arrival or departure and where they are being transferred.
2. Keep records of notification.



# Procedures

## When a foreign national is seriously ill

1. Seriously ill – unable to communicate on his/her own, i.e. in a coma, in intensive care
2. Notify the foreign consul of their citizen's arrival or departure and where they are being transferred.
3. Keep records of notification.



# Procedures

## When a foreign national dies in your facility

1. Notify the foreign consul of the death of their citizen.
2. Keep records of notification.



# Consular Access

## **Types of Consular Access**

- Visits, phone calls, letters, etc.
- Depends on traditions, resources, and location of consulate

## **Types of Consular Services**

- Arrange legal representation
- Monitor case progress
- Observe trials, court appearances
- Inquire about detention conditions
- Provide reading material, food, medicine
- Provide information to family members



# Consular Access

## Conditions for Access

- Consuls generally must follow facility regulations regarding security, time, place, and manner of visits
- Consuls may not act as attorneys, or interfere with the criminal investigation or judicial process
- Treat at least as well as a defense attorney
- Treat as you would want a US Consul to be treated who is trying to visit an American citizen overseas



# Why?

## **Legal Reasons**

- Under the U.S. Constitution, treaties are the Law of the Land

## **Policy Reasons**

- Reciprocity – Your actions directly affect Americans abroad

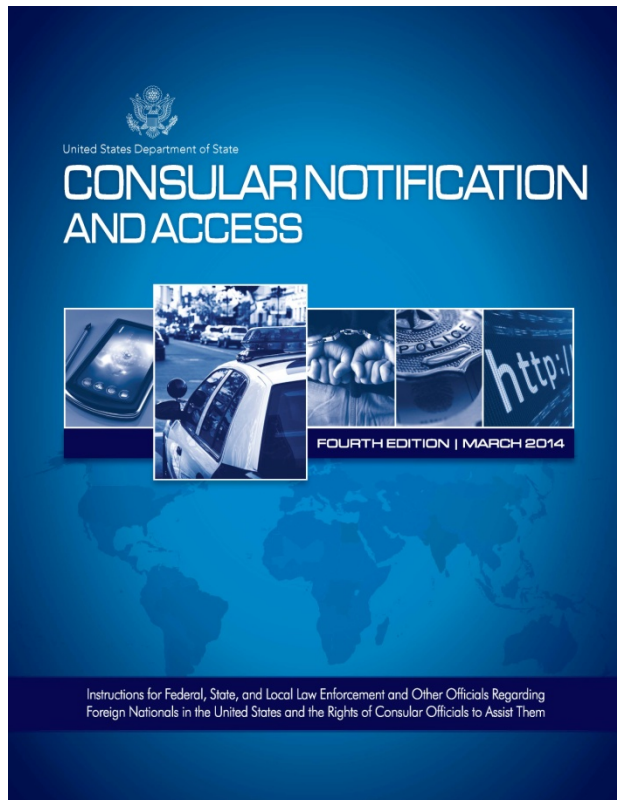
## **Pragmatic Reasons**

- Prevent diplomatic complaints and State Department investigations
- Avoid litigation and legal challenges
- Consuls can help you!



# Order Materials

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<http://travel.state.gov/CNA>



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# Here For You!

## ***For Policy Guidance or Questions***

Phone: 202-485-7703

After Hours: 202-647-1512

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

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# Thanks for attending :)

*Wally Doerge,  
U.S. State Dept.*



*Connie Clem,  
Jail Matters*



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