



SPRINGFIELD TOWNSHIP POLICE DEPARTMENT
Wyndmoor, Pennsylvania

Policy 5-01

Policy Title: Consular Notification for Foreign Nationals

Date of Issue: December 1, 2022

Rescinds: None

By Authority of:

Chief of Police

I. Purpose

The purpose of this policy is to establish guidelines for the proper handling and notification requirements associated with the detention, arrest, and / or death of a foreign national. The obligations discussed in this policy are a matter of international law, enacted under the Vienna Convention on Consular Relations and in some cases in bilateral agreements, conventions, or treaties, all of which are binding on federal, state, and local governments.

I. Policy

It is the policy of the Springfield Township Police Department that all personnel abide by the requirements regarding consular notification following the arrest or detention of foreign nationals.

II. Foreign Nationals

Foreign nationals are all non-U.S. citizens. This group of individuals includes those traveling or living here in the country legally on green cards, visas, or passports, as well as those traveling or living here in the country illegally.

III. Arrest and Detention of Foreign Nationals

- A. Whenever a foreign national is arrested or detained in the U.S., there are legal requirements to ensure that the foreign national's government can offer them appropriate consular assistance. In all cases, the foreign national must be told of the right to consular national and access as soon as practical. In most cases, the foreign national then has the option to decide whether to have consular representatives notified of the arrest and detention.

- B. When consular notification is at the foreign national's option, it is suggested that the following statement be read:

"As a non-U.S. citizen who is being arrested or detained, you are entitled to have us notify your country's consular representatives here in the United States. A consular official from your country may be able to help you obtain legal counsel, and may contact your family and visit you in detention, among other things. If you want us to notify your country's consular officials, you can request this notification now, or at any time in the future. After your consular officials are notified, they may call or visit you. Do you want us to notify your country's consular officials?"

- C. In some cases, the foreign national's consular officials must be notified of an arrest and / or detention regardless of the foreign national's wishes when they are from a mandatory reporting country. A list of the phone and fax numbers for all foreign embassies and consulate offices can be found on the U.S. State Department's website at:

<https://embassy.goabroad.com/embassies-in/united-states>

A list of the mandatory notification countries can be found in Section V of this policy or at:

<https://travel.state.gov/content/travel/en/consularnotification/QuarantinedForeignNationals/count-ries-and-jurisdictions-with-mandatory-notifications.html>

- D. When consular notification is mandatory, it is suggested that the following statement be read:

"Because of your nationality, we are required to notify your country's consular representatives here in the United States that you have been arrested or detained. After your consular officials are notified, they may call or visit you. You are not required to accept their assistance, but they may be able to help you obtain legal counsel and may contact your family and visit you in detention, among other things. We will be notifying your country's consular officials as soon as possible."

- E. Foreign nationals can have dual citizenship. If a foreign national is also a U.S. citizen, no advisement is necessary. If a foreign national has dual citizenship between two other (non-U.S.) countries, then upon their request, or in the case of mandatory reporting, both countries shall be notified.
- F. Privacy concerns or the possibility that a foreign national may have a legitimate fear of persecution or other mistreatment by their government may exist in some mandatory notification cases. The notification requirement should still be honored, but it is possible to take precautions regarding the disclosure of information. For example, it may not be necessary to provide information about why a foreign national is in detention. Moreover, under no circumstances should any information indicating that a foreign national may have applied for asylum in the United States or elsewhere be disclosed to that person's government. The Department of State can provide more specific guidance in these particular cases.

- G. The arresting or reporting officer shall document in the report that they complied with the notification and indicate the response from the foreign national and the consulate, if appropriate.

- H. Detained foreign nationals are entitled to communicate with their consular officers. Such officers have the right to visit their nationals, to converse and correspond with them, and to arrange for their legal representation. They must refrain from acting on behalf of a foreign national if the foreign national opposes their involvement. Consular officials may not act as attorneys for their citizens.

IV. Mandatory Notification Countries and Jurisdictions

The following page is a list of mandatory notification countries and jurisdictions as obtained from the U.S. State Department's website. It is accurate as of the issue date of this policy.

ATTACHMENT A

4/2/2021

Countries and Jurisdictions with Mandatory Notifications

Countries and Jurisdictions with Mandatory Notifications

The following countries and jurisdictions require mandatory consular notification:

A		H		T
Albania		Hungary		Tajikistan
Algeria				Tanzania
Antigua and Barbuda				Tonga
Armenia	J			Trinidad and Tobago
Azerbaijan		Jamaica		Tunisia
				Turkmenistan
				Tuvalu
B		K		U
Bahamas		Kazakhstan		Ukraine
Barbados		Kiribati		United Kingdom ¹
Belarus		Kuwait		Uzbekistan
Belize		Kyrgyzstan		
Brunei				
Bulgaria		M		Z
		Malaysia		Zambia
C		Malta		Zimbabwe
China (including Macao and Hong Kong) ²		Mauritius		
Costa Rica		Moldova		
Cyprus				
Czech Republic		N		
		Nigeria		
D				
Dominica		P		
		Philippines		
F		Poland ¹		
Fiji				
		R		
G		Romania		
Gambia		Russia		
Georgia				
Ghana		S		
Grenada		Saint Kitts and Nevis		
Guyana		Saint Lucia		
		Saint Vincent and the Grenadines		
		Seychelles		
		Sierra Leone		
		Singapore		
		Slovakia		

* Notification is not mandatory in the case of persons who carry "Republic of China" passports issued by Taiwan. Such persons should be informed without delay that the passport

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Countries and Jurisdictions with Mandatory Notifications

persons should be informed without delay that the nearest office of the Taipei Economic and Cultural Representative Office ("TECRO"), the unofficial entity representing Taiwan's interests in the United States, can be notified at their request.

† Mandatory only for foreign nationals who are not lawful permanent residents in the United States (i.e., "green card" holders). Otherwise, upon the national's request.

‡ The bilateral convention between the United States and the United Kingdom applies to British nationals from Great Britain (England, Wales and Scotland); Northern Ireland; the Crown Dependencies of Jersey, Guernsey, and the Isle of Man; and the British Overseas Territories, including Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Gibraltar, Montserrat, and the Turks and Caicos Islands, along with other island territories. Residents of the Overseas Territories may be traveling on a passport issued by the territory with no indication that the territory is British. Nevertheless, for them and all others from a British possession listed above, consular notification and access should be provided to the nearest U.K. consulate. For advice on how to ascertain whether an arrested or detained person is a British national, as well as a complete list of the Overseas Territories, see the question "What about British nationals?" in the manual.

