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**Notes and
References**

Consular Rights of Foreign Nationals

I. Consular Rights of Foreign Nationals Booked into Juvenile Hall

- A. Every foreign national booked into Juvenile Hall has the right, pursuant to the 1963 “Vienna Convention on Consular Relations” (VCCR), to notify and talk to a consular officer from his or her nation. The Probation Department has an obligation under VCCR to notify the youth of this right during the intake process.
- B. Every foreign national detained in Juvenile Hall has a right to receive visits from consular officer from his or her nation and to be afforded privacy similar to an attorney visit.
- C. A youth’s immigration status has no bearing on this right. Persons in the country with or without proper documentation and authorization have the same right to consular contact.
- D. During the booking process, the intake officer shall establish the nationality and citizenship of the youth.

834c PC

II. Notification to Detainee of Consular Rights

- A. A foreign national from the youth’s country of origin will fall into two classes in terms of consular rights: “Right to Notify Country” and “Mandatory Notification Country”
 - 1. Citizens of a “Right to Notify” country will be provided a “Consular Rights of Foreign Nationals” form. The youth should read and sign the form indicating whether or not he/she desires to have his/her consul notified of his/her detention. If the youth is illiterate, the form shall be read to the youth in a language they understand and an indication made on the form.

834c(a)(1)
PC

834c(d)

Attachment
A

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2. Citizens of a “Mandatory Notification” country will be provided a “Consular Rights of Foreign Nationals” Mandatory Notification form. This form notifies the youth that Probation is obligated by international law to notify the foreign consul that he/she has been detained. The form also notifies the youth that notification will be made even if he/she protests. The youth should read and sign this form.

Attachment
B

The following table lists the “Mandatory Notification” nations:

Albania	Czech Republic	Malaysia	Singapore
Algeria	Dominica	Malta	Slovakia
Antigua and Barbuda	Fiji	Mauritius	Tajikistan
Armenia	Gambia	Moldava	Tanzania
Azerbaijan	Georgia	Mongolia	Tonga
The Bahamas	Ghana	Nigeria	Trinidad and Tobago
Barbados	Grenada	Philippines	Tunisia
Belarus	Guyana	Poland (b)	Turkmenistan
Belize	Hungary	Romania	Tuvalu
Brunei	Jamaica	Russia	Ukraine
Bulgaria	Kazakhstan	Saint Kitts and Nevis	United Kingdom (c)
China (a) including Macao and Hong Kong	Kiribati	Saint Lucia	Uzbekistan
Costa Rica	Kuwait	St. Vincent and The Grenadines	Zambia
Cyprus	Kyrgyzstan	Seychelles	Zimbabwe
		Sierra Leone	

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- a. Notification is not mandatory in the case of a person carrying a “Republic of China” passport issued by Taiwan. Such 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.
 - b. Non-permanent residents only (not Resident aliens).
 - c. United Kingdom includes England, Scotland, Wales, Northern Ireland and Islands and the British dependencies of Anguilla, British Virgin Islands, Bermuda, Montserrat, and the Turks and Caicos Islands. Their residents carry British passports.
3. The youth is not required by law or policy to sign these forms. The intake officer should be sensitive to the youth’s concerns (and possible fear) about consular notification, especially in the case of “Mandatory Notification.”
 4. The original notification form is to be placed in the office file. A copy of the form is to be forwarded to Juvenile Field Services.
- B. If the youth desires to have his/her foreign consul notified, or if the youth is a citizen of a “Mandatory Notification” country, the intake officer will immediately advise the shift supervisor. The shift supervisor will make notification to the appropriate foreign consul without unnecessary delay. The shift supervisor will prepare a WSR noting the location and nationality of the foreign consul, the name and title of the consular official notified, and the date and time of the notification.

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III. Rights of Consular Officers

- A. Consular officers are entitled to visit and to communicate with detained citizens of their country. This is true even if a youth has not requested a visit.
- B. Reasonable access shall be granted to consular officers. Consular officers shall be granted liberal visiting privileges. Requests to visit during the first or second shift will be granted. Requests to visit on the third shift will be allowed only in exigent circumstances. Consultation with a supervisor should be sought ahead of such a visit.
- C. The consular officer may ask to meet in private with the national. If a youth objects to a private meeting, the Supervising Probation Officer (SPO) shall be notified immediately. If after conferring with the consular officer and the consular officer insists on a private meeting with a youth detainee, the SPO will notify the State Department Operations Center and request their assistance.
- D. The State Department Operations Center 24-hour phone number is (202) 647-1512.
- E. If a consular officer expresses dissatisfaction with the conduct or decisions made by any Probation Department employee, the employee who receives that information shall immediately notify the SPO, who will in turn notify the facility manager.
- F. All contact with consular officers shall be documented in a WSR indicating the name and nationality of the consular officer, the name of the youth involved and the purpose of the contact.

See Section IV
this Chapter

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IV. Contacting the United States Department of State

- A. Department of State non-urgent inquiries should be directed to the Office of the Legal Adviser for Consular Affairs, 2201 C St. NW, Room 4325, Washington, D.C.; telephone (202) 647-0688.
- B. Urgent and after-hours inquiries should be directed to the State Department Operations Center at (202) 647-1512.

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ATTACHMENT A

**Consular Rights of Foreign Nationals
Right to Notify**

Name of Youth: _____ Date: _____

Nationality: _____

Notification of Right to Notify Foreign Consul

As a non-U.S. citizen who is being arrested or detained, you are entitled to have us notify your country's consular representative 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?

Yes

No

Derecho a Notificar a un Oficial Consular

Como no es ciudadano de los Estados Unidos, al ser arrestado o detenido, tiene derecho a pedirnos que notifiquemos a los representantes consulares de su país aquí en los Estados Unidos, si lo desea. Entre otras cosas, un funcionario consular puede ayudarle a obtener asesoramiento legal, y puede ponerse en contacto con su familia y visitarle en la Casa de Menores. Si Ud. desea que notifiquemos a los funcionarios consulares de su país, puede solicitarlo ahora o en cualquier oportunidad en el futuro. Después de que se haya notificado a los funcionarios consulares de su país, ellos podrán llamarle o visitarle. Desea que notifiquemos a los funcionarios consulares de su país?

Yes

No

Signature/Firme: _____

Staff: _____

Santa Barbara County Probation Department
ATTACHMENT B

**Consular Rights of Foreign Nationals
Mandatory Notification**

Name of Youth: _____ Date: _____

Nationality: _____

Statement of Mandatory Consular Notification

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, 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.

Declaración de Obligatoria la Notificación al Oficial Consular

Debido a su nacionalidad, estamos obligados a notificar a los representantes consulares de su país aquí en los Estados Unidos que Ud. ha sido arrestado o detenido. Después de notificar a sus funcionarios consulares, ellos pueden llamarle o visitarle. Usted no está obligado a aceptar su ayuda, pero ellos pueden ayudarle a obtener asesoramiento legal, ponerse en contacto con su familia y visitarle en La Casa de Menores, entre otras cosas. Notificaremos a los funcionarios consulares de su país tan pronto como sea posible.

Signature/Firme: _____

Staff: _____
Santa Barbara County Probation Department