

## IX Diplomatic and Consular Privileges and Immunities From Criminal Jurisdiction

### Summary of Law Enforcement Aspects

|                             | Category  | May Be Arrested or Detained                                  | Residence May Be Entered Subject to Ordinary Procedures | May Be Issued Traffic Citation | May Be Subpoenaed as Witness                                      | May Be Prosecuted                                  | Recognized Family Member                           |
|-----------------------------|---|--|---|--------------------------------|---|--|--|
| Diplomatic                  | Diplomatic Agent  | No <sup>1</sup>  | No  | Yes                            | No  | No   | Same as sponsor (full immunity and inviolability). |
|                             | Member of Administrative and Technical Staff                      | No <sup>1</sup>  | No  | Yes                            | No  | No   | Same as sponsor (full immunity and inviolability). |
|                             | Service Staff   | Yes <sup>2</sup>   | Yes   | Yes                            | Yes   | No—for official acts. Otherwise, yes. <sup>2</sup> | No immunity or inviolability. <sup>2</sup>         |
| Consular                    | Career Consular Officers  | Yes, if for a felony and pursuant to a warrant. <sup>2</sup> | Yes <sup>4</sup>  | Yes                            | No—for official acts. Testimony may not be compelled in any case. | No—for official acts. Otherwise, yes. <sup>2</sup> | No immunity or inviolability. <sup>2</sup>         |
|                             | Honorary Consular Officers  | Yes  | Yes   | Yes                            | No—for official acts. Yes, in all other cases.                    | No—for official acts. Otherwise, yes.              | No immunity or inviolability.                      |
|                             | Consular Employees  | Yes <sup>2</sup>   | Yes   | Yes                            | No—for official acts. Yes, in all other cases.                    | No—for official acts. Otherwise, yes. <sup>2</sup> | No immunity or inviolability. <sup>2</sup>         |
| International Organizations | International Organization Staff <sup>3</sup>                     | Yes <sup>3</sup>   | Yes <sup>3</sup>  | Yes                            | No—for official acts. Yes, in all other cases.                    | No—for official acts. Otherwise, yes <sup>3</sup>  | No immunity or inviolability.                      |
|                             | Diplomatic-Level Staff of Missions to International Organizations | No <sup>1</sup>  | No  | Yes                            | No  | No   | Same as sponsor (full immunity and inviolability). |
|                             | Support Staff of Missions to International Organizations          | Yes  | Yes   | Yes                            | No—for official acts. Yes, in all other cases.                    | No—for official acts. Otherwise, yes.              | No immunity or inviolability.                      |

<sup>1</sup>Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or the prevention of serious criminal acts.

<sup>2</sup>This table presents general rules. Particularly in the cases indicated, the employees of certain foreign countries may enjoy **higher** levels of privileges and immunities on the basis of special bilateral agreements.

<sup>3</sup>A small number of senior officers are entitled to be treated identically to “diplomatic agents.”

<sup>4</sup>Note that consular residences are sometimes located within the official consular premises. In such cases, **only** the official office space is protected from police entry.