

The Secretary of State presents his compliments to Their Excellencies, Messieurs and Mesdames the Chiefs of Mission and has the honor to refer to the status of offices of diplomatic missions located outside of the Washington, D.C. area, and to the diplomatic personnel assigned to these offices.

The Department of State most recently set forth criteria governing accreditation in the United States in its Circular Note of May 1, 1985, including the requirement that a diplomatic agent must reside in the Washington, D.C. area, with the exception of certain designated senior financial, trade, economic and commercial positions in New York City expressly agreed to by the Department. The Department wishes to remind the Chiefs of Mission that the accreditation of diplomatic personnel is solely within the discretion of the receiving State and that the establishment of offices forming part of the mission in another locality is not permitted without the prior express consent of the receiving State.

The Department recently has reviewed its policy of permitting governments to maintain such offices in New York City headed by a senior diplomat accredited to the mission of the sending State in Washington. As a result, the Department has determined that the changing nature of business and commerce in the United States has greatly reduced the need for such offices, especially as their

maintenance always has constituted an exception to the Department's policy of limiting diplomatic offices and personnel to the Washington, D.C. area. Moreover, a limited number of problems stemming from the unusual status of these offices and their personnel has convinced the Department of the need to change their status.

Accordingly, the Department has adopted the following new policies, which are effective immediately, concerning the operation of diplomatic posts and personnel outside the Washington, D.C. area:

1. Those senior financial, economic, trade or commercial officers presently accredited as diplomatic agents at their missions in Washington but assigned to financial, economic, trade or commercial offices in New York City shall continue to be accepted as diplomatic agents until the conclusion of their assignments in New York in that capacity.
2. Where the existence of the office and the conditions for its establishment have been set forth in an express written bilateral agreement between the United States and the sending State in question, concluded prior to the date of this note, the office may continue to function without change.
3. For all other economic, commercial, trade and financial offices, upon the departure of the present head of the office, replacements no longer will be accredited as diplomatic agents, and the office may continue to

function in New York only if it is incorporated into an existing New York consulate of the sending State, or, if there is no consular office in New York, its status is changed to a miscellaneous foreign government office (none of the personnel of which enjoy diplomatic status or immunities).

4. The Department will not accept new offices of diplomatic missions that are located outside of the Washington, D.C. area, nor will it accredit as diplomatic agents persons who reside outside the Washington, D.C. area, with the exception of those States with which it already has express agreements, as described in paragraph 2.

Department of State,

Washington, July 31, 1989.