

7 FAM 250

DISPOSITION OF REMAINS

(CT:CON-255; 05-06-2008)
(Office of Origin: CA/OCS/PRI)

7 FAM 251 SUMMARY

(CT:CON-255; 05-06-2008)

- a. This subchapter provides guidance about procedures and documentation required for disposition of human remains. If human remains or ashes are being transported to the United States, consular officers provide assistance and documentation set forth in 7 FAM 258 regardless of the nationality of the deceased.*
- b. The law of the place where the death occurred governs how quickly disposition of human remains must occur. Local practice and services regarding burial and cremation govern the options available. When notifying the family of the death of a U.S. citizen abroad, the three part notification package includes a carefully worded explanation of the services available in the host country. This is based on the consular triennial Disposition of Remains Reports. (See 7 FAM 260). 7 FAM 1829 e provides special guidance regarding procedures to be followed concerning disposition of remains when a U.S. citizen is killed in a hostage taking or kidnapping abroad.
- c. Authority to Determine Disposition of Remains of A U.S. Citizen Abroad: A consular officer has no independent authority over the disposition of the remains of a U.S. citizen who dies abroad. Responsibility for the disposition of the remains, including all related costs, rests with the surviving spouse, next-of-kin (NOK) or legal representative of the deceased. The disposition of remains should be carried out as closely as possible to the express wishes of the deceased, NOK, or legal representative, and in compliance with the legal requirements of the country in which death occurred. Only in the absence of the NOK, legal representative or other person authorized to dispose of the remains is a consular officer required to attend to the remains.
- d. Provisions in a Will or Advanced Directive Regarding Disposition of Remains: U.S. state law regarding advance directives, deaths and estates include provisions regarding a person's right to direct disposition of remains. Host country law may or may not accept such directions, particularly if the surviving spouse/next-of-kin disagree with the wishes of

the testator/affiant. Posts may contact CA/OCS/PRI (ASKPRI@state.gov) for guidance regarding state law on this subject.

- e. Disputes between Family Members Regarding Disposition of Remains: Consular officers cannot act as arbiters of disputes between family members regarding disposition of the remains of a deceased relative. It should be made clear to families that if they cannot resolve the dispute, local laws of the foreign country may require disposition of remains within a specific time frame due to health requirements. Posts can assist families by providing them with points of contact in the host country to which disputed claims regarding disposition of remains may be addressed. Posts should alert OCS to any dispute about disposition of remains, and CA/OCS/ACS case officers should brief Division Chiefs. The possibility of disputes between family members highlights the importance of having the Affidavit of Surviving Spouse or NOK duly completed and sent to ACS so it's clear who put in writing that s/he was the NOK and on what basis we so dealt with that person.
- f. Disinterment of Remains Disposed of Abroad and Shipment to the United States: 7 FAM 260 provides guidance to posts on preparation of the Disposition of Remains Report concerning host country law and practice. Some countries have laws requiring disinterment of remains after a specific time, after which the remains will be cremated or may be shipped to the United States. The provisions in 7 FAM 250 regarding consular mortuary certificates and statements of foreign funeral directors, or comparable authorities would apply to remains shipped to the United States after disinterment. Human remains would have to be shipped in a hermetically sealed container.

7 FAM 252 AUTHORITIES

(CT:CON-255; 05-06-2008)

- a. U.S. Laws and Regulations:
 - (1) 42 CFR 71.55 provides that the remains of a person who died of a communicable disease listed in 42 CFR 71.32(b) may not be brought into a U.S. port unless the body is:
 - (a) Properly embalmed and placed in a hermetically sealed casket:
 - (b) Cremated, or
 - (c) Accompanied by a permit issued by the Director of the U.S. Public Health Service.
 - (2) Federal quarantine regulations (42 CFR 71) govern the importation of persons, animals, or things that may be infected with a

communicable disease. These regulations place explicit restrictions on the importation of the un-cremated remains of humans who are known or suspected to have died from one of the following communicable diseases: cholera, diphtheria, infectious tuberculosis, plague, smallpox, yellow fever, viral hemorrhagic fevers (Lassa, Marburg, Ebola, Congo-Crimean, or others not yet isolated or named) or severe acute respiratory syndrome (SARS). If the death was suspected to be the result of one of these diseases, permission to import the remains should be obtained from CDC, Division of Global Migration and Quarantine (CDC/DGMQ). Granting this permission is contingent on an assurance that the remains will be handled according to specified standards, which include a requirement that the remains be placed in a hermetically sealed casket. In addition, the remains must be interred in a below-ground grave by a facility licensed to perform these services in the United States and in accordance with local burial standards. The remains are cleared for entry into the United States by the CDC Quarantine Officer assigned to the port of arrival, upon review of a copy of the signed permission from CDC/DGMQ and the death certificate, which has been translated in English and which states the cause of death. Copies of both documents should therefore accompany the remains during shipment. The local mortician handling the remains following their importation will be subject to the regulations of the state and local health authorities for interstate and intrastate shipment and is requested to submit a letter to CDC/DGMQ certifying the appropriate disposition of the remains according to the terms of the permission. (See 7 FAM 334).

- (3) Federal regulations also provide CDC with the authority to restrict the importation of the remains of persons who died of other communicable diseases. While such restrictions are not generally employed, CDC reserves the right to do so on a case-by-case basis when necessary to prevent the spread of disease.
 - (4) There are no federal restrictions on the importation of cremated human remains or the remains of persons who have died of non-communicable diseases.
 - (5) [22 CFR 72.7](#) provides for procedures to be followed by consular officers regarding shipment of remains to the United States.
- b. International Agreements and Instruments: There are a number of international instruments related to the disposition of human remains. These agreements and arrangements are similar to the U.S. regulations in that they require proof of the death, proof that the person did not die of a communicable disease, and appropriate preparation and shipment of

the remains. For countries where these agreements are not in force, the standards set forth in these agreements have become common practice to combat the spread of disease.

- (1) Council of Europe, Agreement on The Transfer Of Corpses, Signed at Strasbourg, October 26th, 1973;
- (2) Pan American World Health Organization, XVII Pan American Sanitary Conference, XVIII Regional Committee Meeting, Resolution XXIX, adopted in Washington, October 7th, 1966, International Transportation Of Human Remains;
- (3) International Arrangements Concerning the Conveyance of Corpses, Signed at Berlin, February 10, 1937.

c. Guidelines Centers For Disease Control and Prevention:

- (1) Travelers Health Yellow Book: Death Overseas: Conveyance and Transportation Issues;
- (2) Interim Health Recommendations for Workers Who Handle Human Remains After a Disaster;
- (3) Safe Handling of Human Remains of Severe Acute Respiratory Syndrome (SARS) Patients: Interim Domestic Guidance;
- (4) Infection Control For Laboratory and Pathology Procedures (SARS);
- (5) Interim Guidance for Autopsy and Safe Handling Human Remains of Monkeypox Patients.

d. Occupational Health and Safety Administration (OSHA): Health and Safety Recommendations for Workers Who Handle Human Remains.

7 FAM 253 RESPONSIBILITY

(CT:CON-153; 01-11-2007)

- a. Instructions and funds for the disposition of remains are the exclusive responsibility of the NOK or legal representative. The consular officer acts to assist and facilitate the NOK's completion of this task. There are no official funds for this purpose, and a consular officer who makes commitments to local mortuaries or funeral homes without authority and funds from the NOK can be held personally liable for those commitments.
- b. When a consular officer is confronted with the need for quick disposition of the remains and satisfied that instructions and funds have been committed, the officer may take some preliminary steps to begin the process pending confirmation from the NOK.
- c. Once the post receives notice of deposit of sufficient funds (either locally or with the Department) and instructions concerning the disposition of the

remains, the consular officer has the authority and responsibility to see that the NOK's desires, as expressed in the instructions, are carried out without delay. In following the NOK's instructions, the consular officer must also comply with all local requirements and any relevant U.S. regulations as expeditiously as possible. The officer should seek to minimize the stress on the family and friends of the deceased.

- d. While the consular officer is required to obtain documentary proof of legal entitlement to release the personal effects of a decedent, no such requirement exists with regard to the disposition of remains. Generally, when there is a surviving spouse, that person is entitled to make the determination as to the disposition of remains. If there is no surviving spouse, the decedent's natural children, then the parents, then the siblings make the decision. If both parents are deceased and are survived by a minor child, in theory the child's legal guardian would make the decision regarding disposition of remains on behalf of the child, but this is usually accomplished through a discussion amongst surviving immediate relatives, provided there is no will or other instrument dictating disposition of remains. As noted above, in case of a dispute concerning the disposition of remains between NOK who may have equal rights, such as divorced parents with joint custody, the consular officer should urge the parties to seek agreement without delay. Should agreement be delayed, the parties should be advised that local law will have to be followed in the disposition of the deceased's remains.

7 FAM 254 RESPONSIBILITY FOR GOVERNMENT EMPLOYEES AND SEAMEN

(CT:CON-255; 05-06-2008)

- a. Foreign Service Personnel: In the absence of relatives or other authorized persons, such as *as management officers*, the consular officer shall make all necessary arrangements for the disposition of the remains of deceased Foreign Service employees at overseas posts pursuant to specific instructions from the Department. Retired Foreign Service officers who die abroad not on active service for the Department are provided with the same services as other private citizens.
- b. Personnel of Other Federal Agencies: In the absence of relatives or other authorized persons, such as an administrative officer or a representative of the concerned agency, the consular officer shall extend aid and assistance in the disposition of the remains of an employee of another U.S. Department or Agency who dies abroad. The aid and assistance rendered shall be according to the instructions received at the Department from the concerned agency and provided to the post.

- c. Seamen: Assistance in the disposition of the remains of an American seaman who dies abroad must comply with 7 FAM 760.
- d. Responsibility for Retired Military Personnel and Dependents:
 - (1) Under the FY 95 Defense Authorization Act, the remains of deceased military retirees and their dependents may be repatriated on military or military-chartered flights on a space-available basis free of charge. The Act also authorized the military services to pay expenses incident to the recovery, care and disposition of the remains of a deceased military retiree or dependent on a reimbursable basis.
 - (2) While the enactment of this Act did not change consular officers' responsibilities, coordination with the military services is now essential when the deceased is a military retiree or dependent. Consular officers are responsible for providing the NOK accurate information regarding the costs and practicality of using the military transportation option and acting as liaison between the NOK and the military offices abroad. In doing so, the consular officer should be aware of the following:
 - (a) The military will repatriate only remains which have been processed through a U.S. military mortuary overseas. These mortuaries can arrange air shipment to the U.S. port of entry (POE) mortuary, provide embalming services for a nominal fee and, in some instances, provide cost estimates for transportation of remains to the mortuary.
 - (b) The NOK is responsible for all costs involved in transporting the remains from the place of death to the military mortuary, and from the POE mortuary (Dover AFB, DE for flights from EUR, AF, NEA and some WHA posts; and Travis AFB, CA for EAP, SA and some WHA posts) to the final U.S. destination. It is therefore likely that the military transportation option will be cost effective only in those few cases where the death takes place near a military mortuary. The decision to use the option is to be made by the NOK.
 - (c) The NOK is also responsible for making all arrangements to have the remains picked up from the POE mortuary and transported to the final destination. Consular officers should inform NOKs interested in the military transportation option to contact their local funeral home for cost estimates and assistance in transit arrangements. Consular officers should inform NOK that the military will not accept remains for shipment until confirmation has been received that onward transportation has been arranged from the POE.

- (d) There are several sources in the United States to which consular officers can refer NOK for verification of retiree status and general information involving deaths of military retirees and dependents. The following offices are staffed 24 hours a day:

ARMY: U.S. Army Office of Mortuary Affairs (703) 325-7990; (703) 325-3283)

NAVY/MARINES: U.S. Navy Office of Mortuary Affairs 1-888-647-6676, (800) 842-3668 (Daytime) (202) 653-1345 or 1327 (After hours); and

AIR FORCE: U.S. Air Force Office of Mortuary Services (800) 531-5803

OTHER U.S. Military Assistance Program Casualty and Mortuary Affairs

- (e) The consular officer must in every case serve as the NOK's primary initial point of contact and remain helpful and informed about the case even though the military provides transportation or other services.

See: DOD Directive 1300.22 Mortuary Affairs Policy

7 FAM 255 LOCAL INTERMENT

7 FAM 255.1 Interment On Instructions From NOK

(CT:CON-153; 01-11-2007)

- a. The NOK may instruct the consular officer to have the remains interred locally. The consular officer should follow as closely as possible the express instructions of the NOK or legal representative of the deceased. Whenever possible, the consular officer should insure that the funeral services are conducted in a manner consistent with the religious preference of the deceased, if known. The consular officer should also notify local friends or acquaintances of the deceased in advance about the services and, where practicable, a member of the consular staff should attend the services.
- b. Immediately thereafter, the principal consular officer should send a letter describing the services to the person who instructed that local interment should take place.
- c. If requested, and upon receipt of funds to accomplish it, the consular officer should arrange for a marker to be placed at the grave site, taking care to arrange for only such marker as is indicated by the NOK. When a

marker is placed over the grave, the family may request a photograph of the marker and instructions on the location of the cemetery should they wish to visit the grave in the future. Also, when specifically requested by the NOK, the consular officer may make arrangements with the cemetery company for the upkeep of the grave. Complete details of such upkeep should be provided to the NOK.

NOTE: The consular officer should make clear in a letter to the NOK that the consular officer cannot be responsible personally either for the upkeep itself or for the quality of care provided by the cemetery or other agency. The consular officer's role is strictly facilitative.

7 FAM 255.2 Interment Without Instructions From NOK

(CT:CON-153; 01-11-2007)

- a. When the NOK or other authorized person cannot be reached or does not respond within the period of time provided by local law for the interment or preservation of deceased persons, the consular officer should seek the assistance of a local American organization, appropriate religious entity, or charity that might provide funds for burial. Appropriate sources for such funds might be the local American Society or the American Chamber of Commerce. Other potential sources of funds might be local charities or welfare agencies.
- b. In the absence of the NOK or legal representative or the necessary funding, the consular officer is authorized to use the cash resources of the personal estate of the deceased taken into possession by the consular officer (for example, money found among the personal effects, proceeds from the sale of the perishable property, funds received through the collection of debts owed the decedent), and to sell at auction such portion of the personal estate as may be necessary to pay the funeral expenses of the deceased. If the deceased had a local bank account, the consular officer might inquire whether local banking laws would permit local funeral expenses to be paid directly by the bank to the funeral home.
- c. Other sources of funds, although they cannot be authorized in advance of the interment, are:
 - (1) Social Security Death Payment (20 CFR 404.390). Upon the death of a person covered/insured under the Social Security Act as of August 1950, a lump-sum death payment of \$255.00 may be payable after the deceased's death to a surviving spouse or child in the following order of priority:
 - (a) To a surviving spouse if the spouse was living in the same

household as the worker at the time of death;

- (b) To a surviving spouse if the spouse was entitled to or eligible for benefits based on the deceased's earning record in the month of death; or
 - (c) If no spouse survives, to a child (or children) of the deceased who benefits from the deceased's earnings record for the month of death. (See 7 FAM 520).
- (2) Veterans Burial Expenses (38 CFR 3.1600 and 38 CFR 3.1601). Reimbursement for expenses actually incurred in connection with the preparation for burial, cremation, transportation to the place of interment, and the actual interment or funeral of an eligible deceased veteran will be allowed in an amount not to exceed \$300.00, provided the funeral director or the person who pays the burial expenses files a claim for such expenses within 2 years after permanent burial or cremation of the veteran.
- d. If the consular officer is unsuccessful in obtaining private funds from any of these sources or from NOK or friends, there is no alternative but to accept disposition of the remains by local authorities under local law or regulations. When this occurs, the consular officer should determine as promptly as possible the method of disposition and the place of interment, in order to respond to any subsequent inquiry or request for such information. This information should be made a part of the case file.

NOTE: If local law requires cremation, the NOK should be informed of the requirement in advance of the cremation in writing.

7 FAM 256 CREMATION

(CT:CON-153; 01-11-2007)

In the case of cremation, the consular officer must make certain that all local laws and regulations are followed. After cremation, disposition of the ashes must also comply with the instructions from the NOK. If shipment to the United States is requested, only the health regulations in the country of cremation must be met. The following documents must accompany the container of the decedent's ashes:

- (1) An official death certificate.
- (2) A cremation certificate (A document from a crematory certifying that the deceased was cremated on a specific date).
- (3) A certificate from the crematory stating that the container holds only the cremated remains ("cremains") of the deceased.

NOTE: Cremations in Thailand and other Buddhist countries are normally carried out in local temples and certificate # 2 and 3 are not routinely available. In the absence of certificates from the temple, the consular section may prepare and sign the certificates stating that “we have been informed by the crematory that the remains were created on xx date and that the container holds only the cremated remains.

- (4) A permit to export (if required locally). U.S. postal regulations permit the shipment of ashes into the United States by parcel post if securely packaged and properly labeled. Shipment via parcel post requires no bill of lading. It is recommended that posts having access to APO use this method of returning the cremains as it is often less expensive and more secure than parcel post.

NOTE: Federal Express and DHL will not ship cremated remains. If a post does not have access to APO/FPO facilities they will have to rely on pouch, or consider shipping remains as air freight on a commercial flight.

7 FAM 257 SHIPMENT OF REMAINS TO UNITED STATES

7 FAM 257.1 Shipment Arrangements

(CT:CON-255; 05-06-2008)

- a. *Whenever the consular officer is instructed by the NOK or other authorized person to ship the remains to the United States, it is the consular officer’s responsibility to ensure that the remains are appropriately/properly prepared and encased to meet the requirements of the local government, as certified by the local funeral director, the air carrier, the U.S. Federal government, and the U.S. state government for the initial point of entry into the United States (22 CFR 72.7). Once the remains enter the United States, it is the U.S. funeral director’s responsibility to ensure that the preparation of the remains meets the requirements for each U.S. state government through which the remains will travel, up to and including their ultimate destination. However, the consular officer must inform the U.S. funeral director of this responsibility. These requirements may involve the method of preservation of the remains, the type of container, whether and how the container must be sealed, and the preparation or submission of all required documents. Links to U.S. state government contacts are available through the U.S. National Funeral Directors’ Association website. Should you need help determining U.S. state government requirements,*

contact ASKPRI@state.gov.

See ...

- U.S. State Funeral Directors' Association*
- U.S. National Funeral Directors' Association*

- b. As it cannot be assumed that the foreign funeral home or other establishment caring for the remains will be fully familiar with the U.S. State or Federal requirements, it is the responsibility of the consular officer to place the two funeral homes in direct contact with each other or to obtain those requirements from the U.S. funeral home receiving the remains and to pass them to the foreign funeral home.
- c. A consular officer is not trained in nor charged with overseeing the physical preparation of the remains for return to the United States. If, however, the wrong remains are transported to the United States or the remains arrive improperly prepared or unclothed, the decedent's family will suffer added grief and stress. The consular officer should make every reasonable effort to ensure that the foreign funeral home understands its responsibility and observes the appropriate American proprieties and respect for human remains.
- d. Should the post have a choice, it should select a foreign funeral home known for its skill or past experience to be reputable. If there is no choice or if the remains are prepared by a funeral home about which the post knows nothing, the consular officer should inform the family and the American funeral home of the possibility that the remains will need further preparation or may not be suitable for viewing.
- e. After arrangements have been completed, the post should notify the consignee by FAX or email regarding the date and time of shipment, the name of the carrier, and the estimated time and place of arrival in the United States. FAX or email the arrangements information message directly to the funeral home and to CA/OCS/ACS. CA/OCS/ACS can then make a follow-up call to the funeral home on the next business day to confirm the arrangements. The FAX or email should also contain the shipment waybill number. This will enable the post to trace the shipment should the container be misrouted or lost.
- f. Cryogenics: The Department has limited experience with requests for transporting cryonically *prepared* remains from overseas to the United States. *The policies listed above surrounding the shipment of human remains apply equally to the shipment of human remains that are cryonically prepared. In addition, due to the murkiness of the U.S. state and Federal regulations surrounding the transportation of cryonically prepared remains, the following steps must be taken in order to minimize any delays and/or additional grief to the families:*

- (1) *The consular officer must ensure that the local funeral director and U.S. funeral director are in communication to guarantee that the preparation of the remains complies with local, U.S. state, and Federal requirements.*
- (2) *The consular officer must notify and obtain written authorization (e-mail will suffice) from the following Federal and U.S. state agencies regarding the shipment. The authorities listed below will likely not grant authorization unless they are aware of the type of container in which the remains will be shipped, and the cause of death.*
 - (a) *The DHS Customs and Border Patrol Office at the initial point of entry into the United State;*
 - (b) *The appropriate U.S. state health authority that has jurisdiction over the initial point of entry; and*
 - (c) *If death was due to a communicable disease, the CDC, Department of Global Migration and Quarantine, Policy/Regulation Office.*
- (3) *If, despite the consular officer’s best efforts, the preparation of the remains is not in compliance with the appropriate U.S. state and/or Federal requirements, a consular mortuary certificate may still be issued provided the appropriate authorities listed above have been notified and have given authorization for the shipment.*
- (4) *Should you need assistance contacting the appropriate Federal or U.S. state authorities, contact your ACS officer in Washington DC.*
- (5) *Should you get a legal question about this subject, contact us at ASKPRI@state.gov.*

NOTE: The Ideology of Cryonic Preservation:

Currently, scientists have been successful in cryogenically preserving human cells. Examples include stem cells, sperm, and fertilized embryos. (Note: Generally, storage of tissue samples at below freezing temperatures is referred to a cryogenic storage, whereas the same storage of an entire human body is referred to as cryonic storage). Those who utilize cryonic storage of an entire human body believe that someday, the same science that successfully stores small samples of human cells will advance to the point that an entire human body may be effectively revived from cryonic storage. Cryonicists further believe that at some point medical science will be able to reverse any damage done by the cause of the legal death as well as any ill-effects from the cryonic storage. Therefore, after being revived, the “patient” will continue to live a healthy life.

NOTE: *What is involved in preparing human remains for cryonic storage?*

According to the Cryonics Institute in Michigan (one of the two largest cryonic storage facilities in the United States), cryonic preservation is the storage of human remains at below freezing temperatures in order to minimize damage to their organs and tissues. Ideally, the human body should begin to be cooled just prior to death in order to minimize cell damage. As soon as possible after death, an anti-clotting drug such as heparin is administered in order to keep blood from clotting during shipment. The body is then transported in wet ice. Special care is taken to avoid freezing as cryonic storage specialists believe that freezing will damage human tissues. Just prior to being placed in the permanent storage facility, a licensed funeral director will drain the blood and replace it with a non-toxic storage substance used to prevent ice formation.

NOTE: *Why are the policies for the shipment of cryonically preserved remains different from remains prepared in the more conventional ways?*

U.S. state and Federal laws and regulations have not yet caught up to the relatively new science of cryonic preservation. Therefore, much of the regulation in this area is murky at best. In order to minimize any potential delays and additional grief for the families, it is necessary to obtain authorization from the relevant U.S. state and Federal authorities on a case-by-case basis. In most instances, these authorities are likely to be most concerned with the public health issues that can arise from the transportation of human remains that have not been embalmed. Therefore, before seeking authorization from the appropriate entities, it will be helpful to note 1) the type of container in which the remains will be shipped and 2) whether the cause of death was a communicable disease.

7 FAM 257.2 WORKING WITH AIR CARRIERS

(CT:CON-153; 01-11-2007)

Air carriers have a variety of special services available regarding special handling of death cases. This may include applying the balanced of traveler's unused airline ticket to cover cargo shipping costs if the remains are embalmed for return to the United States. Either the ACS officer or the funeral home should query the airline in this regard.

7 FAM 258 DOCUMENTS TO ACCOMPANY

REMAINS

(CT:CON-255; 05-06-2008)

- a. *Under the international agreements pertaining to transport of human remains (see 7 FAM 252 b), some countries require that human remains are accompanied by a document, a so called Laissez-Passer for a Corpse, which is issued by the competent local authorities. This document may only be issued after the local undertaker has certified that all legal requirements concerning transportation of human remains have been met. Many European countries continue to issue a "Laissez-Passer for a Corpse", but U.S. practice is for U.S. consular officers to issue a "Consular Mortuary Certificate" for remains being transported to the United States, regardless of the nationality of the deceased. As 7 FAM 259.4 explains, there is no fee for this service for a U.S. citizen, but the Schedule of Fees does provide for charging a fee for this service regarding the remains of a non-U.S. citizen.*

For example ...

- ❑ *Belgium – Laissez-Passer for a Corpse*
- ❑ *Austria – Laissez-Passer For A Corpse and shipment of urns*

- b. The following documents should accompany the remains: *U.S. Passports Are Not Issued to Deceased Citizens.*
- (1) Consular Mortuary Certificate. This document is designed to control the orderly shipment of the remains and to facilitate U.S. Customs Clearance. It is similar to the Laissez-Passer for a Corpse provided for in the Strasbourg agreement.
- (a) The certificate indicates how the shipment is marked, the method of transport to the United States, plus the specific place and scheduled time of arrival of the remains at the POE. The accompanying documents should be affixed to the consular mortuary certificate, and must be signed by the consular officer and impressed with the consular seal.
- (b) Should it not be possible to prepare this document in time to accompany the remains to the United States, notify the Department (CA/OCS) by phone, fax or email, reporting that the remains of a U.S. citizen are being shipped without a consular mortuary certificate, along with the name of the deceased, the carrier, date, time and POE and, if possible, the air shipment waybill number. This enables the Department to provide telephonic notification to appropriate U.S. officials for U.S. Customs clearance. This procedure should only be used in emergencies; it is not an alternative method to relieve the

consular officer of the responsibility of preparing the consular mortuary certificate and ensuring that all accompanying documents are in order. In rare cases, the Department may request that the post prepare and submit a Consular Mortuary Certificate even after the remains have been allowed entry into the United States by other means.

- (c) Consular Mortuary Certificate for Shipment of Remains of Stillborn Child: Posts should make appropriate adjustments to the language in a consular mortuary certificate to reflect that the attached documents accompany the remains of a stillborn child. Under no circumstances should posts use terms such as “medical waste” sometimes (See 7 FAM 200 Appendix C) employed by local authorities in other countries.
- (2) Certificate of Death. A certificate of death should accompany the remains to the United States. It should be issued by the local registrar of deaths or similar local authority. It should identify the remains by name and give the place, date, and cause of death as certified by the attending physician or other competent authority, duly authenticated as required under local law and/or post-specific circumstances such as fraud. If the local death certificate is not available at the time the remains are being shipped, a statement from the attending physician should be obtained or civil records official/coroner should be attached if at all possible.
- (3) Affidavit by the Local Funeral Director. Attach to the consular mortuary certificate an affidavit or sworn declaration of the funeral director or person responsible for preparing the remains for shipment. This affidavit must state that the casket contains only the remains of the deceased and the necessary clothing and/or packing. When necessary to comply with any State regulations, the affidavit should also contain a statement that the body has been embalmed or otherwise prepared. If practicable, the affidavit should be executed before a consular officer. When this is not practicable, it must be executed before a qualified local official whose signature can be authenticated by a consular officer.
- (4) Transit Permit. In addition to the consular mortuary certificate, death certificate, and the funeral director’s affidavit, a transit permit may be required to accompany the remains under the laws of the foreign country. This permit should authorize export of the remains and should be issued by the health authority at the port of embarkation. The permit should be dated and state the name, sex, and age of the deceased, and where available, the cause and date of death. If not required under local law to export the remains, this document is not required by U.S. Customs.

7 FAM 259 U.S. ENTRY AND EXIT REQUIREMENTS FOR REMAINS

7 FAM 259.1 Quarantine Requirements

(CT:CON-255; 05-06-2008)

- a. The local certificate of death when attached to the consular mortuary certificate accompanying the remains will satisfy U.S. quarantine requirements. The U.S. quarantine regulations provide that the remains of a person who died from a quarantinable disease, such as cholera, yellow fever, smallpox, and louse-borne relapsing fever, shall not be brought into a port under the control of the United States unless the remains are properly embalmed and placed in a hermetically sealed casket, or cremated.
- b. Embalming consists of the treatment of a deceased person with preservatives in order to prevent decomposition. Embalming by injection with formaldehyde is the most readily acceptable method of preservation for U.S. Customs Service clearance purposes. Other preservation methods may result in a delay of entry into the United States pending U.S. Customs clearance.
- c. When religious beliefs or other circumstances prohibit embalming, U.S. Customs will generally permit the entry of un-embalmed remains in a hermetically sealed container if the cause of death was not from a *quarantined* disease.

7 FAM 259.2 Customs Requirements

(CT:CON-153; 01-11-2007)

- a. Remains transported to the United States are considered part of the carrier cargo and a record of the shipment should appear in the carrier's manifest. The affidavit of the funeral director which is attached to the consular mortuary certificate complies with the customs requirement that the casket and case contain only the remains.
- b. If the remains are accompanied by a passenger, the casket may be entered on that passenger's baggage declaration provided the quarantine requirements have been met. If the remains are not accompanied by a passenger, a bill of lading must be issued by the carrier to cover the shipment. The custom house permit for entry into the United States should be obtained by the carrier at the point of departure.

7 FAM 259.3 Transit Label

(CT:CON-153; 01-11-2007)

A transit label must be affixed to the outer container. This label should state the date, the name of the deceased, the date of death, the name of the consignee or escort (and telephone number, if known), any points of transshipment and a reference to the transit permit authorizing the export of the remains from the country where the death occurred.

7 FAM 259.4 Fees

(CT:CON-153; 01-11-2007)

- a. Remains of U.S. Citizens: No fees are prescribed for consular services in connection with the disposition of remains except those specifically noted for transmittal of funds from NOK or legal representatives.
- b. Remains of Non-U.S. Citizens Being Shipped to the United States: See Schedule of Fees 22 CFR 22.1 for current fees.

7 FAM 259.5 Shipment of Human Remains from the United States to Foreign Countries

(CT:CON-255; 05-06-2008)

From time to time, CA/OCS receives inquiries about procedures for shipping human remains from the United States to a foreign country. The procedures are quite similar to those used to ship remains to the United States. Inquirers should be directed to the embassy of the foreign country in the United States. Many foreign embassies in Washington DC have specific information on their web sites about this subject. *7 FAM 200 Appendix F provides further guidance about deaths of foreign nationals in the United States.*

For example:

- Embassy of the Netherlands – Shipment of Human Remains to The Netherlands, Netherlands Antilles and Aruba
- Consulate General of Jamaica New York – Shipment of Human Remains to Jamaica
- Consulate General of Poland New York – Transportation of Human Remains to Poland
- Embassy of Zambia – Procedures for Authority to Transport Human Remains to Zambia
- Consular Section of the Embassy of Mexico – Sanitary Procedures for the Transfer to Mexico of Human Remains
- Consulate General of Brazil Transfer of Human Remains

- Embassy of Italy Shipment of Human/Exhumed Remains or Ashes to Italy

7 FAM EXHIBIT 257B(1)

SAMPLE CONSULAR MORTUARY CERTIFICATE

(CT:CON-153; 01-11-2007)

Consular Mortuary Certificate

Venue.

Name of Country)

Name of province, state)

Name of City)

Name of Consular Post)

I (Name of consular officer), (Title of Consular officer) of the United States of America in and for the consular district of (City), (Country), duly commissioned and qualified, hereby certify that the attached documents are to accompany the remains of (Name of Decedent), citizen of the United States, who died at (Name of Place) on (Date of Death); that the remains are to be shipped from (Name of Place) on or about (Date of Shipment); that the remains are encased in a container to which is affixed a transit permit; and that the remains are to enter the United States at (City) by (Name of Air Carrier) on or about (Date of arrival).

The following documents are attached and made part of this certificate:

- (1) Official Death Certificate;
- (2) Affidavit of (Name), (Title), (Location)
- (3) A copy of the transit permit affixed to the coffin or container if required under local law.

In witness whereof I have hereunto set my hand and official seal this (date) day of (month), (year).

Signature of Consular Officer

Typed Name of Consular Officer

Title of consular officer

Seal

7 FAM EXHIBIT 257B(3) SAMPLE AFFIDAVIT BY LOCAL FUNERAL DIRECTOR

(CT:CON-153; 01-11-2007)

Venue

Country

State, Province, etc.

City

Name of Consular Post (Embassy/Consulate)

Before me, (Name of consular officer), (title of consular officer) of the United States of America in and for the consular district of (name of consular district) duly commissioned and qualified, appeared in person (name of affiant) who stated under oath as follows:

My name is (name of affiant). I am the (title, if any) at (name of mortuary or funeral home) in (city, country). I certify that I embalmed (or other appropriate preparation) the remains of (name of decedent), a citizen of the United States of America, who died at (city, country) on (date of death); that I witnessed the packing of the remains of (name of decedent) together with the necessary clothing and packing; and the outer container is marked and addressed to (U.S. funeral home, street address, city, state, United States of America.)

Signature of Affiant

Typed Name of Affiant

Subscribed and sworn to before me this (date) day of (month), (year).

Signature of consular officer

Typed name of consular officer

Title of consular officer

Seal