

7 FAM 660 REAL PROPERTY INQUIRIES

(CT:CON-104; 05-02-2005)
(Office Of Origin: CA/OCS/PRI)

7 FAM 661 HANDLING REAL PROPERTY INQUIRIES

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- a. U.S. citizens frequently raise questions with U.S. embassies and consulates about inheritance, acquisition, and sale of real property in a foreign country. You should be familiar with treaty provisions in force between the United States and the host country, which relate to the rights of aliens to inherit, acquire, and own real and personal property. In many instances, these treaty provisions are found in treaties of friendship, commerce, and navigation and in consular conventions and Bilateral Investment Treaties (BITs). See “Treaties in Force” on the Department of State Internet page.
- b. Federal regulations (22 CFR 92.81) prohibit you from performing legal services on behalf of U.S. citizens. You may provide inquirers with consular lists of foreign attorneys, available from your post web page, see 7 FAM 990. You should also provide inquirers with as much general information as possible, and direct them to any host country government web sites or other resources. Web pages for foreign embassies in Washington may also include relevant information. Host countries may have restrictive laws regarding ownership of land by foreign nationals. Posts may have material developed locally to address these issues.

For Example ...

The economic section of the U.S. embassy or consulate may be helpful in developing public information for U.S. citizens interested in investing in real property in the host country.

U.S. Embassy Tegucigalpa - Investing in Real Estate in Honduras

U.S. Embassy San Jose, Costa Rica - Investor Concerns

7 FAM 662 REQUESTS FOR ASSISTANCE IN SEARCHING FOREIGN PUBLIC RECORDS FOR DEEDS

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Many requests for assistance involve obtaining a deed in the foreign country or other foreign public record showing evidence of ownership by a U.S. citizen. You may be able to obtain the name and address of a foreign office or establishment where records are maintained through your local official contacts. The information may be helpful when you are trying to be responsive to an inquiry about real property. See 22 CFR 92.79 regarding consular assistance in procuring copies of foreign public documents.

7 FAM 663 INHERITING PROPERTY IN ANOTHER COUNTRY

(CT:CON-104; 05-02-2005)

- a. **Consular Notification:** 22 CFR 71.3 provides that you should protect the interests of U.S. citizens claiming foreign estates and inheritances when permitted by treaty provisions, local law or established usage. Article 5(g) of the Vienna Convention on Consular Relations (VCCR) recognizes that consular officers may safeguard the interests of their nationals with respect to estates and inheritance in the host country, within the limits imposed by the laws and regulations of the host country. Notify the Department (CA/OCS/ACS) if post becomes aware of a case involving inheritance of real property in which a U.S. citizen/non-citizen national may have an interest. We will provide case specific guidance about appropriate action, in consultation with CA/OCS/PRI as necessary.
- b. **Taxes, Duties, Fees and Actual Use:** You may receive inquiries about whether the host country would impose a tax, duty or other fee against the estate to be transferred from the United States to a beneficiary in the host country, or whether any limitations would be imposed under local law regarding the receipt or actual use of the proceeds of the estate by the beneficiary. Your inquiries to local authorities may provide some answers to these questions. See Inter-Country Transfer of the Proceeds of an Estate on the Consular Affairs Internet Home Page.

7 FAM 664 ESTATES OF DECEASED U.S. CITIZENS ABROAD

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See 22 CFR Part 72 and 7 FAM 260 for questions concerning estates of deceased U.S. citizens, and 22 CFR 71.4 concerning real property of deceased U.S. citizens.

7 FAM 665 THROUGH 669 UNASSIGNED