

7 FAM 100 WELFARE AND WHEREABOUTS OF U.S. NATIONALS ABROAD

7 FAM 110 INTRODUCTION

*(CT:CON-101; 02-10-2005)
(Office of Origin: CA/OCS/PRI)*

7 FAM 111 SUMMARY

(CT:CON-101; 02-10-2005)

- a. This chapter outlines the Department policies, guidance, and procedures for locating U.S. citizens or nationals, determining their general welfare and/or assisting them when they encounter difficulties. Our most important function as consular officers is to protect and assist U.S. citizens or nationals traveling or residing abroad. The Department of State and the U.S. Congress place a high priority on our performing these protective services with sensitivity, tact, and the utmost proficiency. Conducting welfare and whereabouts inquires and providing other services on behalf of U.S. citizens or nationals who may be suffering from mental illness is addressed in 7 FAM 300.
- b. What Welfare Whereabouts Work Encompasses: Consular assistance to U.S. citizens or nationals in welfare and whereabouts matters includes, but is not limited to:
 - (1) Locating persons abroad who have lost touch with concerned parties in the United States;
 - (2) Locating persons abroad who are overdue for scheduled travel;
 - (3) Locating missing persons;
 - (4) Coordinating with host country and U.S. officials in search and rescue cases;
 - (5) Passing emergency family messages;

- (6) Reporting on the general welfare of U.S. citizens or nationals, subject to the Privacy Act; and
 - (7) Providing emergency temporary refuge in limited cases.
- c. Scope: During the course of other consular ACS work, such as arrest visits, emergency medical cases and child abuse cases, you will also use your welfare and whereabouts skills.
- d. Limitations on you in handling welfare and whereabouts cases are as follows:
- (1) You cannot compel a U.S. citizen/national to return to the United States, except when assisting law enforcement authorities to extradite a U.S. citizen/national fugitive;
 - (2) You cannot force a U.S. citizen/national to speak to or meet with you; and
 - (3) You cannot require a U.S. citizen/national to provide a reason for refusing to sign a Privacy Act waiver.
- e. Welfare and Whereabouts Tools ...

We developed some basic tools to assist you in welfare and whereabouts work. See:

- (1) CA Internet Home Page Welfare and Whereabouts Feature: The Consular Affairs Internet home page welfare and whereabouts feature, Consular Welfare and Whereabouts Services for U.S. Citizens Abroad, provides further explanation about the limitations on consular officers conducting welfare and whereabouts inquiries;
 - (2) ACS System Welfare and Whereabouts Feature; and
 - (3) Welfare and Whereabouts Checklist, 7 FAM Exhibit 111.
- f. Contact CA/OCS For Help ...We recognize that it is not possible to plan for every type of assistance request and encourage you to send seek guidance and assistance from CA/OCS at any time.

Whom Should You Call on For Help?

- **Welfare and Whereabouts matters are the responsibility of CA/OCS/ACS, the Office of American Citizens Services and Crisis Management.**

- **For questions related to the welfare and whereabouts of children in a parental child abduction case, contact CA/OCS/CI, the Office of Children’s Issues, which coordinates closely with CA/OCS/ACS.**
- **For questions about Crime Victim Assistance, the Privacy Act and interpretation of U.S. laws, regulations or treaties, consult CA/OCS/PRI, the Office of Policy Review and Interagency Liaison (ASKPRI@state.gov)**

7 FAM 112 AUTHORITIES

(CT:CON-101; 02-10-2005)

- a. Authority for protection of U.S. citizens or nationals abroad and performance of welfare and whereabouts inquiries is found in a variety of treaties, laws, regulations and Executive Orders.
- b. Treaties: You should be aware of which consular treaties apply in the host country. See Treaties in Force on the Department of State Internet site.
 - (1) The Vienna Convention on Consular Relations (VCCR) provides the basic authority for consular protection of nationals. If the VCCR is in force in the host country, you should be familiar with the provisions of the treaty related to consular protection of nationals.

Article 5 of the VCCR provides that consular functions include ...

“(a) Protecting in the receiving State [host country] the interests of the sending State [the United States] and its nationals within the limits permitted by international law;

“(e) Helping and assisting nationals;

“(h) Safeguarding within the limits imposed by the laws and regulations of the receiving State [host country], the interests of minors and other persons lacking full capacity who are nationals of the sending State [the United States], particularly where any guardianship or trusteeship is required with respect to such persons”

Article 36 of the VCCR provides that ...

“1. With a view to facilitating the exercise of consular functions relating to nationals of the sending State [the United States]:

(a) Consular officers shall be free to communicate with nationals of the sending State [the United States] and to have access to them. Nationals of the sending State [the United States] shall have the same freedom with respect to communication with and access to consular officers of the sending State [the United States]”

- (2) The VCCR addresses not only your authority as consular officers, but also the responsibilities of the host country.

Article 37 of the VCCR provides that ...

“If the relevant information is available to the competent authorities of the receiving State [host country], such authorities shall have the duty:

(b) To inform the competent consular post without delay of any case where the appointment of a guardian or trustee appears to be in the interests of a minor or other person lacking full capacity who is a national of the sending State [the United States]. The giving of this information shall, however, be without prejudice to the operation of the laws and regulations of the receiving State [host country] concerning such appointments.

(c) If a vessel, having the nationality of the sending State [the United States], is wrecked or runs aground in the territorial sea or internal waters of the receiving State [host country], or if an aircraft registered in the sending State [the United States] suffers an accident on the territory of the receiving State [host country], to inform without delay the consular post nearest the scene of the occurrence.”

- (3) **Bilateral Consular Conventions:** There are also bilateral consular conventions with certain countries. You should be familiar with whether there is any bilateral consular treaty between the United States and the host country addressing this issue. See Treaties in Force on the Department of State Internet site. You will find the texts of most bilateral consular conventions on the CA/OCS Intranet treaties feature.

- c. U.S. Laws, Regulations and Executive Orders
 - 22 U.S.C. 1731 Protection of Naturalized Citizens
 - 22 U.S.C. 3904(1) Functions of Service
 - 22 CFR 71.1 Protection of Americans Abroad

7 FAM 113 SERVICE TO THE PUBLIC

(CT:CON-101; 02-10-2005)

- a. How consular officers render assistance to a U.S. citizen or national strongly influences that individual's perception of the Department of State and the U.S. government. You should provide prompt, courteous, and sympathetic service with as little "red tape" as possible, consistent with established procedures and regulations.
- b. If you are unable to provide the assistance requested, a sympathetic "no," combined with an explanation of the reasons for that decision and possible suggestions for alternative solutions, generally evokes a more positive response than an abrupt, although efficient and correct, refusal.
- c. If a Foreign Service national employee normally handles certain inquiries, but the U.S. citizen or national insists on speaking with a U.S. Foreign Service officer, make yourself available to respond to the U.S. citizen. However, if the U.S. citizen or national exhibits violence or behavior that indicates the person may be a danger to consular personnel, take appropriate precautions. (See 7 FAM 300.)
- d. Always be prepared to identify yourself by name and title in conversations with U.S. citizens/nationals about American Citizen Services (ACS) issues.
- e. Consular supervisors should instruct the consular staff in the proper manner of dealing with the public in general and U.S. citizens and nationals in particular.
- f. If a post receives complaints concerning the handling of a case, the post should review the matter thoroughly and respond to the complainant.

7 FAM 114 CONGRESSIONAL INQUIRIES

(CT:CON-101; 02-10-2005)

- a. Often, U.S. citizens or nationals contact their congressional

representatives to obtain information or assistance. Whenever possible, the Department handles these requests or inquiries, drawing when necessary upon information from various posts. If an inquiry is such that a particular post should conduct specific inquiries, or if the request asks for updated information, the Department (CA/OCS) forwards the inquiry by telegram or email to the appropriate post for action. Suggestions to help you prepare responses to congressional inquiries follow.

- b. Prepare a cogent and informative reply, insuring that the Department, the congressional caseworker, and the constituent can understand your response.
- c. Anticipate that the congressional caseworker will provide a copy of your reply to the constituent, who in turn may distribute it to others. Make sure that your response conveys concern and helpfulness.
- d. Have more senior, experienced officers, review replies to ensure accuracy, responsiveness, and consistency with the Department's responsibility to provide appropriate services to the U.S. public abroad.

7 FAM 115 ENTITLEMENT TO CONSULAR EMERGENCY WELFARE AND WHEREABOUTS SERVICES

(CT:CON-101; 02-10-2005)

- a. All persons seeking emergency or protective services from the U.S. Government must first establish that they are U.S. citizens or nationals. Evidence to establish U.S. citizenship may consist of the following:
 - (1) A valid U.S. passport;
 - (2) A naturalization certificate;
 - (3) A certificate of citizenship;
 - (4) A Consular Report of Birth Abroad; or
 - (5) The basic documentary evidence sufficient to obtain any of the above citizenship documents (see 22 U.S.C. 2705 (Documentation of Citizenship); 22 CFR 51.43 (Person Born In The United States Applying For A Passport For The First Time) 22 CFR 51.44 (Person Born Abroad Applying For A Passport For The First Time); 7 FAM 1100 (Acquisition of Citizenship), 1300 (Passport Services and 1400 (Reports of Birth).

- b. Clear the person's name through the Consular Lookout and Support System (CLASS) name check process. This will help to establish whether the person requesting the service is the subject of any outstanding federal warrants, and whether there is any other possible basis for denial of services.
- c. If a person is unable to provide adequate evidence of citizenship or nationality, the officer may use the Passport Information Electronic Records System (PIERS) and American Citizens Services System (ACS) to try to verify the person's citizenship and previous consular case history. A PIERS image record of a person's last passport application may be considered proof of citizenship.
- d. If you need assistance from the Department (CA/OCS/ACS) to verify the person's citizenship, include:
 - (1) The applicant's full name;
 - (2) Any previous or other names used by the individual (passport records might be in those names);
 - (3) Date of birth;
 - (4) Place of birth;
 - (5) Date and place of issuance of last passport; and
 - (6) Any other information that would facilitate the Department's verification. Social security numbers are especially useful, and often generate more detailed information in the name check system than does basic biodata. Mother's maiden name can be useful to establish identity.
- e. If a person is unable to provide satisfactory evidence of U.S. citizenship or nationality and is in dire need of service, you may use discretion and good judgment in deciding whether, and to what extent, to provide services, pending a reply from the Department (CA/OCS/ACS).
- f. In general, the Department recommends that you err on the side of providing services to someone with a probable claim, rather than refusing assistance and placing the applicant at a severe disadvantage. This may be necessary in cases where the person is a victim of crime and has lost evidence of citizenship and in cases of hospitalization where the post or the Department may need to make further inquiries to verify the person's status.

Remember ...

- **Verify the person's citizenship**
- **Clear the name in CLASS**
- **Review ACS System for previous case history**
- **When in doubt, ask CA/OCS/ACS for help**

7 FAM 116 IDENTIFY LOCAL RESOURCES

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Every post should maintain a contact list of people and positions that may affect the post's performance of emergency and welfare whereabouts. Resources should be noted using the Welfare/Whereabouts Case Checklist available at 7 FAM Exhibit 111. Checklists should include local resources such as:

- (1) Police;
- (2) Immigration;
- (3) Airlines;
- (4) Ground transportation;
- (5) Customs;
- (6) Hospitals;
- (7) Coroner/Morgues;
- (8) Accommodations (hotels, pensions, hostels, ashrams);
- (9) Universities;
- (10) American Community;
- (11) Media; and
- (12) Other emergency contacts and services.

For Example ...

LOCAL RESOURCES		
Entity	Contact	Phone/EMail

7 FAM 117 DUTY OFFICER INSTRUCTIONS

(CT:CON-101; 02-10-2005)

- a. Many welfare and whereabouts cases received by the post outside of working hours cannot be deferred until the next working day. For example, emergency messages often require immediate action by the person for whom the message is intended. Accordingly, the post Duty Officer Manual must contain sufficient instructions to ensure that such a request is identified and handled in a timely manner.
- b. 2 FAM 115 requires every Foreign Service Post to have an officer available at all times outside of normal working hours to identify and act on matters that cannot wait until the opening of business. At most posts, consular and non-consular officers serve on the duty roster and handle both consular and non-consular emergencies. 2 FAM 113.11 requires that every post maintain a duty book with concise instructions, advice and references covering situations the duty officer might encounter. It is the responsibility of the consular section chief to ensure that the consular portions of the duty book are current and sufficiently clear and comprehensive to allow non-consular officers to provide critical consular services after hours.
- c. Guidance on how to organize the consular component of a duty book is now available on CA/OCS's Intranet home page. The post duty book instructions should be sufficiently detailed so that the duty officer will be able independently to take the steps necessary to perform the required service.
- d. The key steps are to:
 - (1) Identify the request as a welfare and whereabouts case;
 - (2) Evaluate the nature of the request to determine whether it must be acted upon immediately; and

- (3) Take whatever action is necessary to perform the service in a timely manner.
- e. Post duty officers may also contact the ACS Chief at the post for guidance. Post ACS Chiefs may prefer to handle notification of critical emergencies. The CA/OCS duty officer is also available to provide guidance.

7 FAM 118 REPORTING ON WELFARE AND WHEREABOUTS CASES

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- a. In all cases involving welfare and whereabouts of a U.S. citizen/U.S. non-citizen national abroad, consular officers should inform the Department (CA/OCS/ACS) of all significant developments. Likewise, the Department will inform the post of any significant developments that come to its attention. Within these general guidelines there are natural intervals when a post should report the status of the search. For instance:
- (1) After the post checks its files and the addresses of contacts provided by the inquirer, the post should report the results of these checks and the next steps it intends to take.
 - (2) After contacting the local police and immigration officials, the post should inform the Department of these contacts and the results or date the consular officer expects to have results.
 - (3) The post must inform the Department of all steps, contacts, and results. As long as the local authorities are pursuing an investigation, the post should periodically inquire about the status of the search and report this information.
- b. Such periodic contacts not only enable the post to monitor the efforts of the local authorities but also keep them aware of the post's continued interest. The Department (CA/OCS/ACS) will also need status reports to respond to inquiries by friends and family of the missing person and to congressional interest.

7 FAM 119 UNASSIGNED

7 FAM EXHIBIT 111 WELFARE WHEREABOUTS CHECKLIST

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WELFARE AND WHEREABOUTS CHECKLIST
Name of The Post/Officer (Embassy/Consulate, City, Country)
Date Local Resources List Revised:
SUBJECT OF SEARCH: NAME(S) DATE OF BIRTH PLACE OF BIRTH PASSPORT NUMBER DATE/PLACE OF ISSUANCE OTHER IDENTIFYING DATA PHYSICAL DESCRIPTION

Inquirer:
Relationship to Subject:
Home Phone:
Office Phone:
Cell Phone:
Email:
Email:
Address:
Date of Inquiry:

Congressional Inquirers:
Other Inquirers
Subject's Last Known Location:
Circumstances of Disappearance:

Persons to Contact During Search:		
AIRLINES SERVING HOST COUNTRY		
Name of Carrier	Contact	Phone/Email
1.		
2.		
3.		
4.		
5.		

GROUND TRANSPORTATION		
Company	Contact	Phone/EMail
1.		
2.		
HOST GOVERNMENT ASSISTANCE		
Police	Contact	Phone/EMail
1.		
2.		
3.		
4.		
IMMIGRATION		
Section	Contact	Phone/EMail
1.		
2.		

CUSTOMS SERVICE		
Section	Contact	Phone/EMail
1.		
2.		
HOSPITALS		
Location	Contact	Phone/EMail
1.		
2.		
3.		
4.		
CORONER/MORGUES		
Location	Contact	Phone/EMail
1.		
2.		
3.		
4.		
OTHER EMERGENCY SERVICES		
Location	Contact	Phone/EMail
1.		
2.		
3.		

ACCOMMODATIONS		
Location	Contact	Phone/EMail
First Class Hotels		
Second Class Hotels		
Low Priced Hotels		
Pensions		
Youth Hostels		
Universities		

Charitable Sleeping Arrangements		
Camp Grounds		
Missionaries		
Other		
LOCAL TOURIST ATTRACTIONS (HOW TO CONTACT THEM)		
Location	Contact	Phone/EMail
1.		
2.		
3.		
4.		

CAR RENTALS		
Location/Company	Contact	Phone/EMail
1.		
2.		
3.		
LOCAL AMERICAN COMMUNITY		
Location/Entity	Contact	Phone/EMail
1.		
2.		
3.		
RADIO BROADCASTS (FREE EMERGENCY ANNOUNCEMENTS)		
Entity	Contact	Phone/EMail