

**UNITED STATES MISSION TO THE UNITED NATIONS
NEW YORK**

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HC-144-09

The United States Mission to the United Nations presents its compliments to the Permanent Missions to the United Nations and has the honor to refer to the circular diplomatic note number HC-60-02 of November 13, 2002 concerning the definition of family members.

As indicated in the referenced note, it has long been an accepted principle of international law that the privileges and immunities to which members of the mission are entitled extend, to a certain degree, to certain members of their families forming part of their households. The Vienna Convention on Diplomatic Relations (Article 37(1)) specifies the privileges and immunities which shall be accorded such “members of the family of a diplomatic agent forming part of [the] household” but does not provide a definition of the term “members of the family” for the purposes of the Convention. The drafters of the Convention recognized that the concept of “family” differs among the societies of the world and left the matter to be resolved according to the standards of the respective receiving States.

DI PLOMATI C NOTE

The Permanent Missions to the United Nations are informed that, in addition to the categories of individuals previously accepted as family members, the Department of State has determined that the definition of “family” forming part of the household of a diplomatic agent may include same-sex domestic partners (“domestic partners”) for purposes of the application of the Vienna Convention on Diplomatic Relations and Vienna Convention on Consular Relations in the United States. However, in accordance with guidance from the White House, the Department of State is not in a position to accept the accreditation of opposite-sex domestic partners as members of the family.

In order to be eligible for acceptance as a domestic partner of a member of a Permanent Mission to the United Nations, a domestic partner must not be a member of some other household, must reside regularly in the household of the principal, and must be recognized by the sending state as a family member forming part of the household of the principal, as demonstrated by eligibility for rights and benefits from the sending state. Therefore, when notifying the United States Mission of domestic partners of its mission members, the sending State is requested to submit appropriate documentation that it recognizes the domestic partner relationship, which could include evidence that the sending State provided the domestic partner with a diplomatic or an official passport or other documentation based on that status, or with travel or other allowances. Domestic partners of employees of a diplomatic (or consular) mission (and of miscellaneous

foreign government offices) accepted by the Department of State will be eligible for “A” or “G” visas. The new visa regulation is enclosed.

In addition, the Department of State intends to pursue the legal measures necessary to enable the United States to offer dependent employment to domestic partners, on a reciprocal basis, in the context of bilateral dependent employment agreements or arrangements. The Permanent Missions will be advised of any such developments as soon as it is possible to do so.

The attention of the Permanent Missions is also drawn to applicable provisions of international law in respect of the termination of status. As stated in previous circular notes, whenever any person who has been accorded status as a member of the family in the United States (other than a student attending boarding school or college) ceases to reside with the principal, such person immediately ceases to be a member of the family within the meaning of the Vienna Convention on Diplomatic Relations. Accordingly, all privileges and immunities, if any, to which such person previously had been entitled in the United States would terminate thirty days thereafter unless in a particular case a shorter time has been specified by the United States Mission.

The Permanent Missions are advised that until the Department of State publications and circular notes are revised explicitly to incorporate “domestic partners” as members of the family of a diplomatic or consular agent forming part of the

household, references to family members in the context of privileges and immunities and related matters other than dependent employment should be understood to include domestic partners as described herein.

It is emphasized that the standard set forth in this note is to define members of the family for the purposes of the Vienna Convention on Diplomatic Relations and is without prejudice to other definitions of family for other purposes which have an independent basis in international agreements or United States domestic law.

The United States Mission to the United Nations avails itself of this opportunity to renew to the Permanent Missions to the United Nations the assurances of its highest consideration.