5-09/270.00 - Diplomatic and Consular Officials - Immunity

Diplomatic immunity, a principle of international law, is broadly defined as the freedom from local jurisdiction accorded to duly accredited diplomatic officers, their families and servants. Diplomatic officers shall not be arrested or detained for any offense, and foreign career, consular officers shall not be arrested or detained pending trial except for the commission of a grave crime (felony offense) pursuant to a warrant. However, consular officials of certain countries may enjoy higher levels of immunity on the basis of special bilateral agreements. Family members of diplomatic officers, their servants, and employees of a diplomatic mission are entitled to the same immunities under current U.S. law (22 USC 252), if they are not nationals of, or permanent residents in, the receiving state. Diplomatic passports and diplomatic visas do not provide conclusive evidence of immunity.

Associated with this personal diplomatic immunity is the inviolability enjoyed by the premises of the mission of the sending state and the private residence of a diplomatic agent, his property, papers, and correspondence. Consular offices are also inviolable, but the residence of a consular may be entered subject to ordinary procedures.