

CRS Report for Congress

Immunities Accorded to Foreign Diplomats, Consular Officers, and Employees of International Organizations Under U.S. Law

Updated January 28, 2008

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Prepared for Members and
Committees of Congress

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Summary

To conduct foreign relations and promote the interests of their nationals located abroad, diplomatic and consular officers must be free to represent their respective States (i.e., countries) without hindrance by their hosts. Recognizing this, States receiving foreign diplomats and consular officers have long accorded such persons with certain privileges and immunities on the basis of comity, reciprocity, and international agreement. As international organizations have become increasingly important for multilateral relations and cooperation, representatives to and employees of such organizations have occasionally been granted privileges and immunities similar to those traditionally accorded to diplomats or consular officials.

This report describes the privileges and immunities generally owed by the U.S. to foreign diplomatic, consular, and international organization personnel under treaties and statutes. It does not discuss certain exceptions to these immunities that may apply to U.S. citizens and legal permanent residents who are employed by international organizations or foreign embassies or consulates. Among the pertinent legal authorities are the Vienna Convention on Consular Relations, the Vienna Convention on Diplomatic Relations, the International Organizations Immunities Act, the Convention on the Privileges and Immunities of the United Nations, and the Agreement Regarding the Headquarters of the United Nations. Included are charts that detail the specific types of jurisdiction and obligations from which various categories of diplomatic and consular personnel are immune under each of these authorities.

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Immunities Accorded to Foreign Diplomats, Consular Officers, and Employees of International Organizations Under U.S. Law

Introduction

In order to conduct foreign relations and promote the interests of their nationals located abroad, States (i.e., countries) require secure means of communicating with their diplomats (i.e., representatives of a government who conduct relations with another government on its behalf) and consular officers (i.e., representatives of a government who promote the government's commercial interests and provide assistance to its citizens located in another country) stationed in other States. To ensure that such channels of communication are preserved, States receiving foreign diplomats and consular officers have long accorded such persons with certain privileges and immunities on the basis of comity, reciprocity, and international agreement.¹

As political and economic contacts between States have grown, customary practices regarding diplomatic and consular immunities have increasingly been codified via bilateral or multilateral agreement. These agreements not only describe the specific privileges and immunities to be accorded to foreign diplomats and consular officers by a receiving State, but also specify those privileges and immunities owed to other members of diplomatic and consular missions, as well as towards the family members of mission members.

In recent decades, international organizations have been viewed as a means by which States may conduct multilateral relations and cooperate on issues which are transnational in scope. In order to ensure the autonomy of such organizations and prevent any member State from unreasonably interfering with organizational functions, many international organizations and their employees have been accorded certain privileges and immunities by their member States. These privileges and immunities are typically similar in scope to those accorded to foreign diplomatic missions.

This report describes the privileges and immunities generally owed to foreign diplomatic, consular, and international organization personnel under U.S. law. It does not discuss certain exceptions to these immunities that may apply to U.S. citizens and legal permanent residents who are employed by international

¹ For background on the history of diplomatic immunity, see CRS Report RS21672, *Diplomatic Immunity: History and Overview*, by Michael John Garcia.

organizations or foreign embassies or consulates. The treaties and statutes discussed in this report are:

- the Vienna Convention on Diplomatic Relations (Diplomatic Convention);²
- the Vienna Convention on Consular Relations (Consular Convention);³
- the Agreement Regarding the Headquarters of the United Nations (Headquarters Agreement);⁴
- the Convention on the Privileges and Immunities of the United Nations (U.N. Convention);⁵ and
- the International Organizations Immunities Act.⁶

This report contains charts detailing the privileges and immunities provided by the legal authorities mentioned above, along with the personnel to whom such privileges and immunities apply.

It is important to note that the above-mentioned authorities are not exhaustive, and the scope of immunity due in any particular case may be governed in whole or in part by other instruments. For example, the United States is a party to many bilateral consular conventions that contain immunities provisions. In most instances, the other signatory is, along with the United States, a party to the Consular Convention. In these cases, the instrument affording greater protection to each State's consular officers is controlling.⁷ Some countries with which the United States has a consular treaty are *not* parties to the Consular Convention. The immunities accorded to consular personnel of such States are governed by the appropriate bilateral treaties, not by the authority discussed in this report. Furthermore, not all international organizations are covered by the International Organizations Immunities Act (IOIA), or, as is the case with the United Nations, are covered not only by the IOIA but also by a number of international agreements.

Even where immunities are governed generally by the authorities cited in the relevant chart, individuals serving in similar positions for different countries may nevertheless enjoy different immunities. For example, the Diplomatic Relations Act, which effectively adopted the standards of the Diplomatic Convention for domestic application, provides that the President may, on the basis of reciprocal treatment,

² Vienna Convention on Diplomatic Relations, April 18, 1961, 23 U.S.T. 3227, T.I.A.S. No. 7502, 500 U.N.T.S. 95 [*hereinafter* "Diplomatic Convention"].

³ Vienna Convention on Consular Relations, April 24, 1963, 21 U.S.T. 77, T.I.A.S. No. 6820, 596 U.N.T.S. 261 [*hereinafter* "Consular Convention"].

⁴ Agreement Regarding the Headquarters of the United Nations, November 21, 1947, 61 Stat. 3416, T.I.A.S. No. 1676, 11 U.N.T.S. 11. [*hereinafter* "Headquarters Agreement"], P.L. 80-357 (1947).

⁵ Convention on the Privileges and Immunities of the United Nations, February 13, 1946, 21 U.S.T. 1418, T.I.A.S. No. 6900, 1 U.N.T.S. 15 [*hereinafter* "U.N. Convention"].

⁶ International Organizations Immunities Act, 22 U.S.C. §§ 288 *et seq.* [*hereinafter* "IOIA"].

⁷ *See* Consular Convention, art. 73.

specify immunities for individual countries that are more or less favorable than those under the Convention.⁸ Both the Diplomatic Convention and the Consular Convention allow the United States to apply immunities restrictively where a particular country has applied immunity rules restrictively towards American representatives.⁹ Similarly, the IOIA conditions certain immunities on the basis of treatment of American representatives abroad.¹⁰

It must be emphasized that the immunities provided to foreign diplomats, consular officials, and employees of international organizations may be waived by the sending State or the appropriate international organization, with or without the consent of the individual involved.¹¹ On the other hand, certain individual acts may lead to a waiver of immunity. For example, the initiation of civil proceedings by an otherwise exempt individual may preclude him from invoking immunity with regards to a directly-connected counterclaim.¹² Another example of this type of personal waiver is the relinquishment of all immunity by consular employees and staff who undertake private gainful employment in the receiving State.¹³ Still another example is when a foreign person accorded immunity wishes to become a lawful permanent resident of the United States, in which case the person must waive the rights, privileges, immunities, and exemptions he would otherwise accrue on account of his occupational status.¹⁴

Finally, note that even where an individual enjoys immunity from jurisdiction, a person harmed by the immune individual nevertheless may have recourse to compensation under one of two statutes. First, the Diplomatic Relations Act requires that (1) each diplomatic mission in the United States (including otherwise immune missions to international organizations), (2) members of these missions and their families, and (3) high ranking United Nations officials all meet liability insurance requirements relating to the operation of motor vehicles in the United States.¹⁵ Second, the Foreign Sovereign Immunities Act provides that a foreign State shall not, with limited exception, be immune from suit for money damages being sought against it for harm occurring in the United States and caused by a wrongful

⁸ 22 U.S.C. § 254c.

⁹ *See, e.g.*, Diplomatic Convention, art. 47; Consular Convention, art. 72.

¹⁰ *See, e.g.*, IOIA § 288d.

¹¹ *See, e.g.*, Diplomatic Convention, art. 32; Consular Convention, art. 45; U.N. Convention, §§ 14, 20; IOIA § 288d(b).

¹² *See* Diplomatic Convention, art. 32(3); *see also* Consular Convention, art. 45(3).

¹³ *See* Consular Convention, art. 57(2).

¹⁴ A foreign person with an occupational status entitling him to immunity generally enters the United States via a nonimmigrant visa. In order for the alien to adjust his status to legal permanent resident of the United States (i.e., to become an “immigrant”), the alien must submit an I-508 form, waiving the rights and privileges he would otherwise be accrued. This form may be viewed at [http://www.uscis.gov/propub/DocView/afmid/dat/I_508.pdf].

¹⁵ 22 U.S.C. § 254e.

nondiscretionary act of one of its officials or employees acting within the scope of duty.¹⁶

Overview of Applicable Statutes and Treaties

The following sections provide an overview of the statutes and agreements governing the privileges and immunities accorded to foreign diplomats, consular officials, employees of international organizations, and related personnel.

Vienna Convention on Diplomatic Relations

Pursuant to its treaty obligations under the Vienna Convention on Diplomatic Relations (VCDR), ratified in 1972, the United States accords certain privileges and immunities to designated categories of persons employed by other Convention parties' diplomatic missions, along with the household family members of certain mission employees. Persons entitled to certain privileges and immunities under the Diplomatic Convention include diplomatic agents and their immediate household families, the mission's administrative and technical staff and the immediate household families of those staff members; the mission's service staff; and private servants of members of the mission.

Under the Convention, the United States accords diplomatic agents (and members of their households) absolute immunity from its criminal jurisdiction and near-absolute immunity from U.S. civil and administrative jurisdiction. A diplomatic agent is also not obliged to give evidence as a witness.¹⁷ Below the rank of diplomat, the administrative, technical, and service staffs also are immune from criminal jurisdiction, but have more limited immunity from civil and administrative jurisdiction.¹⁸ The household family members of diplomatic agents and mission staff are also generally provided with the same privileges and immunities accorded to the diplomatic agent or mission staff member to which they are related.¹⁹ To varying degrees, persons covered by the Diplomatic Convention also receive immunity from taxes and customs duties, military and public service obligations, and alien registration requirements.

Congress passed the Diplomatic Relations Act to grant the privileges and immunities accorded under the Diplomatic Convention to all foreign diplomatic missions, personnel, and the families of such personnel, regardless of whether the sending State is a party to the Convention.²⁰ This extension is subject to the sending State's reciprocal treatment towards U.S. diplomatic missions, personnel, and

¹⁶ 28 U.S.C. § 1605(a)(5).

¹⁷ Diplomatic Convention, art. 31(2).

¹⁸ *Id.* art. 37.

¹⁹ *Id.* art. 37(1)-(2).

²⁰ 22 U.S.C. § 254c.

families of such personnel, along with other terms and conditions the President deems appropriate.²¹

Vienna Convention on Consular Relations

The Vienna Convention on Consular Relations (VCCR), which was ratified by the U.S. in 1969, accords certain privileges and immunities to consular officers (i.e., persons who exercise consular functions on behalf of the sending State, notably including the consular post) and their immediate household families; the post's administrative and technical staff and the immediate household families of those staff members; the post's service staff; and honorary consuls (i.e., consular officers other than career consular officers). These privileges and immunities are lesser in scope than those enjoyed by similarly-situated members of diplomatic missions and those members' household families. For example, while foreign diplomats and their family members receive full immunity from the criminal jurisdiction of the receiving State under the Diplomatic Convention, consular officers covered by the Consular Convention only receive immunity for actions they take in the course of their official functions,²² and their family members receive no immunity from the criminal jurisdiction of the receiving State. Family members of consular employees also receive no immunity from the receiving State's civil jurisdiction. Members of the consular post and their family members do receive varying degrees of immunity from the receiving State's taxes and custom duties,²³ alien registration requirements,²⁴ and military service obligations.²⁵

The privileges and immunities owed under the Consular Convention only apply between Convention parties. The privileges and immunities owed by the U.S. to the consular personnel of non-Convention parties are governed by applicable bilateral treaty. In the case that the U.S. and another Convention party also have a bilateral treaty governing consular relations, the instrument providing broader coverage is controlling.²⁶

International Organizations Immunities Act

The IOIA provides a significant number of privileges and immunities for international organizations designated by the President via executive order. Certain privileges and immunities are also accorded to employees, officials, and representatives to such organizations, along with members of their immediate families, though these are less than those accorded to the international organizations themselves. Officials, employees, and representatives to designated international organizations are accorded immunity pursuant to the IOIA following validated

²¹ *Id.*

²² Consular Convention, arts. 41, 43.

²³ *Id.* arts. 49-50.

²⁴ *Id.* art. 46.

²⁵ *Id.* art. 52.

²⁶ *Id.* art. 73.

notification to the Secretary of State of their organizational position. The terms “official,” “employee,” and “representative” are not defined by the IOIA. The United Nations was designated as an “international organization” for purposes of the IOIA immediately following the statute’s enactment.²⁷ Several dozen other international organizations have been designated as receiving coverage under the IOIA, including such organizations as the International Monetary Fund,²⁸ the International Committee of the Red Cross,²⁹ the Organization of American States,³⁰ the World Health Organization,³¹ and the World Trade Organization.³²

U.N. Convention on Privileges and Immunities

In the same year the IOIA was enacted, the U.N. General Assembly also adopted the Convention on the Privileges and Immunities of the United Nations, establishing *de minimus* standards for the immunities and privileges accorded to the United Nations and U.N. officials, Member State representatives, and experts working for U.N. missions. These immunities and privileges are largely similar to those accorded via the IOIA.³³ The United States ratified the Convention in 1970.

As with the IOIA, the U.N. Convention on Privileges and Immunities (UNCPI) does not define the term “employee” or “official,” though this is perhaps of little concern because the U.N. Convention provides immunity only to those categories of U.N. officials (beyond the U.N. Secretary-General and all Assistant Secretary-Generals) *designated* by the Secretary-General to receive protection under the Convention.³⁴ The Convention also does not define “experts on missions” who receive immunity under the U.N. Convention. However, an advisory decision by the International Court of Justice (which has ultimate authority to interpret the U.N. Convention),³⁵ found that the category of experts on U.N. missions includes, *inter alia*, persons entrusted by the United Nations with mediating disputes, preparing reports and studies, conducting investigations, or finding and establishing facts on

²⁷ Exec. Ord. No. 9698, February 19, 1946, 11 Fed. Reg. 1809.

²⁸ Exec. Ord. No. 9751, July 11, 1946, 11 Fed. Reg. 7713.

²⁹ Exec. Ord. No. 12643, June 23, 1988, 53 Fed. Reg. 24247.

³⁰ Exec. Ord. No. 10533, June 3, 1954, 19 Fed. Reg. 3289.

³¹ Exec. Ord. No. 10025, December 30, 1948, 13 Fed. Reg. 9361.

³² Exec. Ord. No. 13042, April 9, 1997, 50 Fed. Reg. 28301.

³³ Two notable differences are (1) the U.N. Convention provides for certain privileges and immunities for experts of U.N. missions, while the IOIA does not, and (2) the IOIA also accords certain privileges and immunities to employees of international organizations, while the U.N. Convention does not mandate such benefits.

³⁴ Accordingly, non-designated officials and all other U.N. employees are not granted immunity from a local State’s legal process via the *U.N. Convention*, though they may nevertheless receive immunity via the IOIA.

³⁵ U.N. Convention, §§ 29-30.

behalf of U.N. missions.³⁶ The Convention defines “representatives” of U.N. Member States as including all delegates, advisors, and secretaries of Member State delegations.³⁷

Besides granting an explicit set of privileges and immunities to designated persons, the U.N. Convention also specifies that certain designated individuals (i.e., U.N. representatives, the U.N. Secretary-General, all Assistant Secretary-Generals, and certain U.N. officials *designated* to receive protection under the Convention by the Secretary-General) are to receive most or all of the privileges and immunities accorded by a receiving State to diplomatic envoys. Accordingly, by reference to other statutes and treaties adopted by the receiving State, the U.N. Convention provides these U.N. officials and representatives with certain privileges and immunities beyond those explicitly described under the U.N. Convention. Generally speaking, the U.N. officials and representatives covered by the U.N. Convention are given the same privileges and immunities as those the U.S. accords to diplomats under the Diplomatic Convention. With respect to designated U.N. officials, however, Diplomatic Convention standards concerning immunity from criminal prosecution apparently are not so incorporated, as the U.N. Convention provides that such officials are immune only for official acts.³⁸

U.N. Headquarters Agreement

In 1947, the United States entered the Headquarters Agreement with the United Nations. The U.N. Headquarters Agreement (UNHQA) primarily concerns the privileges and immunities accorded to the United Nations and its headquarters in New York. However, the Agreement also provides certain privileges and immunities for specified U.N. representatives and related personnel *residing in the United States*. The Headquarters Agreement provides such persons with the full protections accorded to diplomatic envoys — a broader scope of immunity than that provided under either the IOIA or the U.N. Convention.³⁹ Representatives and related personnel of U.N. Member States whose governments are not recognized by the United States receive lesser privileges and immunities.⁴⁰

³⁶ See Applicability of Article VI, Section 22, of the Convention on the Privileges and Immunities of the United Nations, Advisory Opinion, 1989 ICJ Rep. 177 (December 15, 1989).

³⁷ U.N. Convention, § 16.

³⁸ *Id.* § 18(a).

³⁹ Headquarters Agreement, § 15.

⁴⁰ *Id.*

Charts of Privileges and Immunities Accorded to Persons Working for Foreign Embassies, Consulates, International Organizations

The following charts list the major privileges and immunities accorded to persons working for foreign embassies, consulates, or international organizations (including, specifically, the United Nations). When a treaty or international agreement makes reference to covered personnel receiving the same immunities accorded to persons covered by other treaties, the nature of such immunities is explained. Thus, for example, because the U.N. Convention on Privileges and Immunities provides that certain U.N. personnel are to receive the same immunities as the receiving State accords diplomatic envoys, the chart detailing the immunities provided under the U.N. Convention occasionally makes references to immunities provided to diplomats under the Vienna Convention on Diplomatic Relations.

It is important to note that the charts concerning the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations only discuss those immunities accorded to persons who are not U.S. nationals or permanent residents. Diplomatic and consular officers working on behalf of a foreign State who are U.S. nationals or permanent residents only receive immunity for official acts performed in the exercise of their functions, while other diplomatic or consular personnel or members of their household families receive no immunities if they are U.S. nationals or permanent residents. Persons who are employed by international organizations or are foreign representatives to such organizations are provided with immunity regardless of whether they are U.S. nationals or permanent residents.

Chart 1: Privileges and Immunities Accorded to Persons Under the VCDR

Provision	Diplomatic Agents	Household Family Members of a Diplomatic Agent	Administrative & Technical Staff	Household Family Members of Administrative and Technical Staff	Service Staff	Private Servants of Members of the Mission
Definition	Head of a mission or a member of the mission staff having diplomatic rank. VCDR, art. 1(d), (e).	Not defined by the VCDR.	Staff members employed in the administrative and technical service of the mission. VCDR, art. 1(f).	Not defined by the VCDR.	Staff members in the domestic service of the mission. VCDR, art. 1(g).	Persons who are in the domestic service of a member of the mission and who are not employees of the sending State. VCDR, art. 1(h).
Criminal Jurisdiction	Immune from jurisdiction. VCDR, art. 31(1).	Same as diplomatic agents. VCDR, art. 37(1).	Immune only for acts performed in the course of official duties. VCDR, art. 37(2).	Same as administrative and technical staff. VCDR, art. 37(2).	Immune with respect to acts performed in the course of duties. VCDR, art. 37(3).	No immunity under the VCDR. Jurisdiction to be asserted so as not to interfere unduly with the functions of the mission. VCDR, art. 37(4).

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Provision	Diplomatic Agents	Household Family Members of a Diplomatic Agent	Administrative & Technical Staff	Household Family Members of Administrative and Technical Staff	Service Staff	Private Servants of Members of the Mission
Civil Jurisdiction	Immune except for (a) certain actions relating to real property, (b) estate matters in which the agent is acting as private party, and (c) actions relating to private professional or commercial activities. VCDR, art. 31(1). Must have vehicle insurance under 22 U.S.C. § 254e.	Same as diplomatic agents. VCDR, art. 37(1); 22 U.S.C. § 254e.	Immune with respect to acts performed in the course of official duties. VCDR, art. 37(2). Must have vehicle insurance under 22 U.S.C. § 254e.	Same as administrative and technical staff. VCDR, art. 37(2); 22 U.S.C. § 254e.	Same as administrative and technical staff. VCDR, art. 37(3); 22 U.S.C. § 254e.	No immunity under the Convention. Jurisdiction to be asserted so as not to interfere unduly with the functions of the mission. VCDR, art. 37(4).
Judicial Process	Immune from obligation to give evidence. Immune from execution of judgments except in non-immune civil action where execution will not infringe on the inviolability of his person or residence. VCDR, art. 31(2), (3). Private residence deemed inviolable to same degree as diplomatic mission. VCDR, art. 30.	Same as diplomatic agents. VCDR, art. 37(1).	Generally immune to same degree as diplomatic agents, except immune from the execution in a civil judgment only if it concerns acts performed in the course of official duties. VCDR, art. 37(2).	Same as administrative and technical staff. VCDR, art. 37(2).	Immune with respect to acts performed in the course of duties. VCDR, art. 37(3).	No immunity under the VCDR. Jurisdiction to be asserted so as not to interfere unduly with the functions of the mission. VCDR, art. 37(4).

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Provision	Diplomatic Agents	Household Family Members of a Diplomatic Agent	Administrative & Technical Staff	Household Family Members of Administrative and Technical Staff	Service Staff	Private Servants of Members of the Mission
Taxes	Immune other than for (a) indirect taxes in the price of goods/services; (b) real property taxes/fees on private immovable property, unless held on behalf of sending State; (c) estate/ inheritance taxes on property which was not brought from sending State; (d) income tax on private income; (e) charges for services rendered; and (f) court, registration, or record fees, mortgage dues and stamp duty, with respect to non-mission, immovable property. VCDR, art. 34.	Same as diplomatic agents. VCDR, art. 37(1).	Same as diplomatic agents. VCDR, art. 37(2).	Same as diplomatic agents. VCDR, art. 37(2).	Exempt from dues and taxes on emoluments received by reason of their employment. VCDR, art. 37(3).	Same as service staff. VCDR, art. 37(4).

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Provision	Diplomatic Agents	Household Family Members of a Diplomatic Agent	Administrative & Technical Staff	Household Family Members of Administrative and Technical Staff	Service Staff	Private Servants of Members of the Mission
Customs	Immune from duties on articles for personal or official use. Exempt from inspection except where there are serious grounds to believe there are contraband articles or articles not for personal or official use. VCDR, art. 36.	Same as diplomatic agents. VCDR, art. 37(1).	Immune only from duties on articles imported at time of first installation. VCDR, art. 37(2).	Same as administrative and technical staff. VCDR, art. 37(2).	None, except to the extent that customs may relate to acts performed in the course of the duty. VCDR, art. 37(3).	No immunity under the Convention. Jurisdiction to be asserted so as not to interfere unduly with the functions of the mission. VCDR, art. 37(4).
Social Security	Exempt with respect to services rendered for the sending State. Not exempt with respect to personal servants who are U.S. nationals or permanent residents, or who are not covered by social security provisions of the sending State or a third State. VCDR, art. 33(1)-(2).	Same as diplomatic agents. VCDR, art. 37(1).	Same as diplomatic agents. VCDR, art. 37(2).	Same as diplomatic agents. VCDR, art. 37(2).	Same as diplomatic agents. VCDR, art. 37(3).	No immunity under the Convention. Jurisdiction to be asserted so as not to interfere unduly with the functions of the mission. VCDR, art. 37(4).

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Provision	Diplomatic Agents	Household Family Members of a Diplomatic Agent	Administrative & Technical Staff	Household Family Members of Administrative and Technical Staff	Service Staff	Private Servants of Members of the Mission
Military Service, Public Service	Immune from all public service and military obligations. VCDR, art. 35.	Same as diplomatic agents. VCDR, art. 37(1).	Same as diplomatic agents. VCDR, art. 37(2).	Same as diplomatic agents. VCDR, art. 37(2).	No immunity in Convention, but may be exempt under 50 App. U.S.C. App. § 456.	No immunity under the Convention. Jurisdiction to be asserted so as not to interfere unduly with the functions of the mission. VCDR, art. 37(4).
Immigration	No specific immunity under the Convention, but immune generally from civil and administrative jurisdiction under VCDR, art. 31.	Same as diplomatic agents. VCDR, art. 37(1).	Same as diplomatic agents, with respect to actions taken in course of official duties. VCDR, art. 37(2).	Same as administrative and technical staff. VCDR, art. 37(2).	Same as administrative and technical staff. VCDR, art. 37(3.)	No immunity under the Convention. Jurisdiction to be asserted so as not to interfere unduly with the functions of the mission. VCDR, art. 37(4).

Chart 2: Privileges and Immunities Accorded to Persons Under the VCCR

Provision	Consular Officer	Household Family Members of Consular Officer	Consular Employee	Household Family Members of Consular Employees	Service Staff	Honorary Consul
Definition	Any person, including the head of a consular post, entrusted in that capacity with the exercise of consular functions. VCCR, art. 1(d).	Not defined by the VCCR.	Any person employed in the administrative or technical service of a consular post. VCCR, art. 1(e).	Not defined by the VCCR.	Any person employed in the domestic service of a consular post. VCCR, art. 1(f).	Consular officer other than career consular officer of the sending State. VCCR, art. 1(2).
Criminal Jurisdiction	Immune from jurisdiction with respect to acts performed in the exercise of consular functions. Immune from arrest and detention pending trial, except in case of grave crime pursuant to a decision by a judicial authority. Criminal proceedings to be conducted so as not to interfere unduly with consular functions. VCCR, arts. 41, 43.	No immunity under the VCCR.	Immune from jurisdiction in respect to acts performed in the exercise of consular functions. VCCR, art. 43.	No immunity under the VCCR.	No immunity under the VCCR.	No immunity from arrest, detention, or prosecution, but proceedings are to be carried out expeditiously with as little interference with official functions as circumstances will allow. VCCR, art. 63.

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Provision	Consular Officer	Household Family Members of Consular Officer	Consular Employee	Household Family Members of Consular Employees	Service Staff	Honorary Consul
Civil Jurisdiction	Immune from civil and administrative jurisdiction with respect to acts performed in exercise of functions except (1) to degree that an action relates to private contract other than on behalf of sending State or (2) actions by 3 rd parties for vehicle-caused damage. VCCR, art. 43.	No immunity under the VCCR.	Same as consular officers. VCCR, art. 43.	No immunity under the VCCR.	No immunity under the VCCR.	Same as consular officers. VCCR, art. 58(2).
Judicial Process	Immune from contempt for failure to give evidence whenever called upon to do so. Evidence, when provided, may be given so as not to interfere with consular functions. VCCR, art. 44.	No immunity under the VCCR.	Immune only with respect to giving evidence concerning official functions or documents, or concerning expert testimony on sending State's law. VCCR, art. 44.	No immunity under the VCCR.	As members of consular post, have same degree of immunity as consular employees. VCCR, arts. 1(g), 44.	Same as consular employees. VCCR, art. 58(2).

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Provision	Consular Officer	Household Family Members of Consular Officer	Consular Employee	Household Family Members of Consular Employees	Service Staff	Honorary Consul
Taxes	Immune from taxes other than (a) indirect taxes in the price of goods/services; (b) real property taxes/fees on private immovable property, unless held for sending State; (c) inheritance and estate taxes on property not brought from sending State; (d) income tax on private U.S. income; (e) charges on specific services; and (f) court, registration, or record fees, mortgage dues and stamp duties on non-mission property. VCDR, art. 34.	Same as consular officers. VCCR, art. 49(1).	Same as consular officers. VCCR, art. 49(1).	Same as consular officers. VCCR, art. 49(1).	Exempt from dues and taxes on wages received for their services. VCCR, art 49(2).	Exempt from all dues and taxes on remuneration and emoluments received for performing consular functions. VCCR, art. 66.
Customs	Immune from duties on articles for personal or official use. Exempt from inspection except where there are serious grounds to believe there are contraband articles or articles not for personal or official use. VCCR, art. 50(1).	Same as consular officers. VCCR, art. 50(1).	Generally the same as consular officers with respect to articles imported at the time of fist installation. VCCR, art. 50(2). However, no immunity concerning personal inspection of baggage.	No immunity under VCCR.	No immunity under VCCR.	Immune only with respect to customs duties on certain consular office items. VCCR, art. 62.

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Provision	Consular Officer	Household Family Members of Consular Officer	Consular Employee	Household Family Members of Consular Employees	Service Staff	Honorary Consul
Social Security	Exempt with respect to services rendered for the sending State. Not exempt with respect to personal servants who are U.S. nationals or permanent residents, or are not covered by social security provisions of the sending State or a third State. VCCR, art. 48(1).	Same as consular officers. VCCR, art. 48(1).	Same as consular officers. VCCR, art. 48(1).	Same as consular officers. VCCR, art. 48(1).	Same as consular officers. VCCR, art. 48(1).	No immunity provision separate from that concerning taxes and dues on all emoluments and remuneration in respect to official functions. VCCR, art. 66.
Military Service, Public Service	Immune from all public service and military obligations. VCCR, art. 52.	Same as consular officers. VCCR, art. 52.	Same as consular officers. VCCR, art. 52.	Same as consular officers. VCCR, art. 52.	Same as consular officers. VCCR, art. 52.	Same as consular officers. VCCR, art. 67.
Immigration	Exempt from all laws regarding registration of aliens and residency permits. VCCR, art. 46.	Same as consular officials. VCCR, art. 46.	Exempt from registration and residency permit requirements if permanent employee of sending State and are not engaged in private gainful occupation in the United States. VCCR, art. 46.	Exempt only to same degree as principal consular employee. VCCR, art. 46.	No immunity under the VCCR.	Exempt from registration and residency permit requirements, unless also engaged in private gainful occupation in the U.S. VCCR, art. 65.

Chart 3: Privileges and Immunities Accorded to Persons Under the UNCPI and UNHQA

Provision	Resident Representatives of Member States	Representatives of Member States (generally)	Secretary General, Assistant Secretaries General, Their Spouses and Minor Children	Designated U.N. Officials	Experts on U.N. Missions
Definition	All delegates, deputy delegates, advisors, technical experts and designated by Member State with agreement, where relevant, of the U.N. or United States. UNHQA, § 15.	All delegates, deputy delegates, advisors, technical experts and secretaries of delegations. UNCPI, § 16.	Not expressly defined.	Individuals within categories of officials designated by the Secretary-General as entitled to immunities. UNCPI, §17.	Not expressly defined.
Criminal Jurisdiction	Same as diplomatic envoys. UNCPI, § 11(g); UNHQA, § 15. In U.S., full immunity from criminal jurisdiction. VCDR, art. 31(1).	Same as resident representatives (i.e., receive same immunities accorded to diplomatic envoys). UNCPI, § 11(g); VCDR, art. 31(1).	Same as representatives of U.N. Member States (i.e., receive same immunities accorded to diplomatic envoys). UNCPI, § 19; VCDR, art. 31(1).	Immune with respect to official acts. UNCPI, § 18(a).	Immune from personal arrest and detention. Immune with respect to official acts. UNCPI, § 22(a), (b).
Civil Jurisdiction	Same as diplomatic envoys. UNCPI, § 11(g); UNHQA, § 15. Immune except for (a) certain actions relating to real property, (b) estate matters in which the agent is acting as private party, and (c) actions relating to private professional or commercial activities. VCDR, art. 31(1).	Same as resident representatives (i.e., receive same immunities accorded to diplomatic envoys). UNCPI, § 11(g); VCDR, art. 31(1).	Same as resident representatives (i.e., receive same immunities accorded to diplomatic envoys). Must have vehicle insurance. UNCPI, § 19; 22 U.S.C. § 254e.	Immune with respect to official acts. UNCPI, § 18(a).	Immune with respect to official acts. UNCPI, § 22(b).

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Provision	Resident Representatives of Member States	Representatives of Member States (generally)	Secretary General, Assistant Secretaries General, Their Spouses and Minor Children	Designated U.N. Officials	Experts on U.N. Missions
Judicial Process	Same as diplomatic envoys. UNCPI, § 11(g); UNHQA, § 15. In U.S., immune from obligation to give evidence. Immune from execution of judgments except in non-immune civil action where execution will not infringe on the inviolability of his person or residence. VCDR, art. 31(2)-(3). Private residence deemed inviolable to same degree as diplomatic mission. VCDR, art. 30.	Same as resident representatives (i.e., receive same immunities accorded to diplomatic envoys). UNCPI, § 11(g); VCDR arts. 30, 31(2)-(3).	Same as resident representatives (i.e., receive same immunities accorded to diplomatic envoys). UNCPI, § 19; VCDR arts. 30, 31(2)-(3).	Immune with respect to official acts. UNCPI, § 18(a).	Immune with respect to official acts. UNCPI, § 22(b).

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Provision	Resident Representatives of Member States	Representatives of Member States (generally)	Secretary General, Assistant Secretaries General, Their Spouses and Minor Children	Designated U.N. Officials	Experts on U.N. Missions
Taxes	Same as diplomatic envoys. UNCPI, § 11(g); UNHQA, § 15. In U.S., immune from taxes other than (a) indirect taxes in the price of goods or services; (b) real property taxes and fees on private immovable property, unless held on behalf of sending State; (c) estate and inheritance taxes not attributable to property brought from sending State; (d) income tax on private income earned in U.S.; (e) charges levied for specific services rendered; and (f) registration, court or record fees, mortgage dues and stamp duty, with respect to immovable property, other than mission premises. VCDR, art. 34.	Same as resident representatives (i.e., receive same immunities accorded to diplomatic envoys), except with respect to excise duties and sales taxes. UNCPI, § 11(g); VCDR, art. 34.	Same as resident representatives (i.e., receive same immunities accorded to diplomatic envoys). UNCPI, § 19; VCDR, art. 34.	Immune from taxes on salaries and emoluments paid by the U.N. UNCPI, § 18(b).	No express immunity, beyond general immunity necessary for the independent exercise of their functions. UNCPI, § 22.

Provision	Resident Representatives of Member States	Representatives of Member States (generally)	Secretary General, Assistant Secretaries General, Their Spouses and Minor Children	Designated U.N. Officials	Experts on U.N. Missions
Customs	Same as diplomatic envoys. UNCPI, § 11(g); UNHQA, § 15. Immune from duties on articles for personal or official use. In U.S., exempt from inspection except where there are serious grounds to believe there are contraband articles or articles not for personal or official use. VCDR, art. 36.	Same as resident representatives (i.e., receive same immunities accorded to diplomatic envoys), except with respect to duties on goods imported other than personal baggage. UNCPI, § 11(g); VCDR, art. 36.	Same as resident representatives (i.e., receive same immunities accorded to diplomatic envoys). UNCPI, § 19; VCDR, art. 36.	Immune from duties on furniture and effects imported at the time of first taking post. UNCPI, § 18(g).	Same immunities as diplomatic envoys as to personal baggage. UNCPI, § 22(f). In U.S., exempt from inspection except where there are serious grounds to believe there are contraband articles or articles not for personal or official use. VCDR, art. 36.
Social Security	Same as diplomatic envoys. UNCPI, § 11(g); UNHQA, § 15. In U.S., exempt with respect to services rendered for the sending State. Not exempt with respect to personal servants who are U.S. nationals or permanent residents, or are not covered by social security provisions of the sending State or a third State. VCDR, art. 33(1)-(2).	Same as resident representatives (i.e., receive same immunities accorded to diplomatic envoys). UNCPI, § 11(g); VCDR, art. 33(1)-(2).	Same as resident representatives (i.e., receive same immunities accorded to diplomatic envoys). UNCPI, § 11(g); VCDR, art. 33(1)-(2).	No express immunity other than for taxes on U.N. salaries and emoluments. UNCPI, § 18.	No express immunity, beyond general immunity necessary for the independent exercise of their functions. UNCPI, § 22.

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Provision	Resident Representatives of Member States	Representatives of Member States (generally)	Secretary General, Assistant Secretaries General, Their Spouses and Minor Children	Designated U.N. Officials	Experts on U.N. Missions
Military Service, Public Service	Exempt, along with spouses, from national service obligations. UNCPI, § 11(d). Generally immune on same basis as diplomatic envoys. UNHQA, §. 15; UNCPI, § 11(g). In U.S., immune from all public service and military obligations. VCDR, art. 35.	Exempt, along with spouses, from national service obligations to same degree as resident representatives. UNCPI, § 11(d), (g); VCDR, art. 35.	Exempt, along with spouses, from national service obligations to same degree as resident representatives. UNCPI, § 19; VCDR, art. 35.	Exempt from national service obligations. UNCPI, § 18(c).	No express immunity, beyond general immunity necessary for the independent exercise of their functions. UNCPI, § 22.
Immigration	Exempt, along with spouses, from immigration restriction and alien registration requirements. UNCPI, § 11(d). Generally immune on same basis as diplomatic envoys. UNHQA, § 15; UNCPI, § 11(g).	Along with spouses, same as resident representatives. UNCPI, § 11(d), (g).	Exempt, along with spouses and dependent relatives, from immigration restrictions and alien restrictions. UNCPI, §§ 18(d), 19.	Along with spouses and dependent relatives, same as Secretary General. UNCPI, § 18(d).	No express immunity, beyond general immunity necessary for the independent exercise of their functions. UNCPI, § 22.

Chart 4: Privileges and Immunities Accorded to Persons Under the IOIA and Other Relevant Domestic Statutes

Provision	Foreign Representatives to, and Officials and Employees of, International Organizations
Definition	Not specifically defined by statute.
Criminal Jurisdiction	Immune with respect to official acts falling within their functions. IOIA, § 288d(b).
Civil Jurisdiction	Immune with respect to official acts falling within their functions. IOIA, § 288d(b).
Judicial Process	Immune with respect to official acts falling within their functions. IOIA, § 288d(b).
Taxes	Exempt from tax on compensation for official services except where employed by a foreign government that does not grant an equivalent exemption to U.S. government employees. 26 U.S.C. § 893.
Customs	Immune, along with immediate household family members, from duties with respect to baggage and effects imported in connection with the arrival of the owner. IOIA, § 288(b).
Social Security	Exempt from Social Security contributions related to employment in or representation to the international organization. 26 U.S.C. § 3121(b)(15).
Military Service, Public Service	No immunity under IOIA. Exemption from military service apparently depends on previous service abroad, applicable treaties, and immigration status. 50 App. U.S.C. § 456(a)(1).
Immigration	Exempt, along with immediate household family members, from immigration and alien registration requirements on same basis as officers and employees, respectively, of foreign governments and their families. IOIA, § 288d(a).

Chart 5: Privileges and Immunities Accorded to U.N. Representatives and Employees Under the IOIA, UNCPI, UNHQA, VCDR, and Related Statutes and Agreements

The United Nations and specified officials, employees, and representatives to the organization are accorded a number of privileges and immunities by a series of interrelated statutes and treaties. In some cases, the immunities accorded to the organization and specified officials, employees, and U.N. representatives are explicit; in other cases, they are established via cross-reference to other sources of law. This chart details the scope of such immunities, as governed by the International Organizations Immunities Act, the U.N. Convention on Privileges and Immunities, the U.N. Headquarters Agreement, and, by cross-reference, the Vienna Convention on Diplomatic Relations. Where appropriate, immunities provided by related U.S. statutes are also listed.

Provision	Resident Representatives of Member States	Representatives of Member States (generally)	Secretary General, Assistant Secretaries General, Their Spouses and Minor Children	Designated U.N. Officials	Non-designated U.N. Officials and U.N. Employees	Experts on U.N. Missions
Definition	All delegates, deputy delegates, advisors, technical experts and designated by Member State with agreement, where relevant, of the U.N. or United States. UNHQA, § 15.	All delegates, deputy delegates, advisors, technical experts and secretaries of delegations. UNCPI, § 16.	Not expressly defined.	Individuals falling within categories of officials designated by the Secretary-General as entitled to immunities. UNCPI, §17.	Not expressly defined.	Not expressly defined.
Criminal Jurisdiction	Same as diplomatic envoys. UNCPI, § 11(g); UNHQA, § 15. In U.S., accorded full immunity from criminal jurisdiction. VCDR, art. 31(1).	Same as resident representatives (i.e., receive same immunities accorded to diplomatic envoys). UNCPI, § 11(g); VCDR, art. 31(1).	Same as resident representatives (i.e., receive same immunities accorded to diplomatic envoys). UNCPI, § 19; VCDR, art. 31(1).	Immune with respect to official acts. UNCPI, § 18(a); IOIA, § 288d(b).	Same as designated U.N. officials. IOIA, § 288d(b).	Immune from personal arrest and detention. UNCPI, § 22(a). Immune with respect to official acts. UNCPI, § 22(b); IOIA, § 288d(b).

Provision	Resident Representatives of Member States	Representatives of Member States (generally)	Secretary General, Assistant Secretaries General, Their Spouses and Minor Children	Designated U.N. Officials	Non-designated U.N. Officials and U.N. Employees	Experts on U.N. Missions
Civil Jurisdiction	Same as diplomatic envoys. UNCPI, § 11(g); UNHQA, § 15. In U.S., immune except for (a) certain actions relating to real property, (b) estate matters in which the agent is acting as private party, and (c) actions relating to private professional or commercial activities. VCDR, art. 31(1).	Same as resident representatives (i.e., receive same immunities accorded to diplomatic envoys). UNCPI, § 11(g); VCDR, art. 31(1).	Same as resident representatives (i.e., receive same immunities accorded to diplomatic envoys). UNCPI, § 19; VCDR, art. 31(1). Must have vehicle insurance under 22 U.S.C. § 254e.	Immune with respect to official acts. UNCPI, § 18(a); IOIA, § 288d(b).	Same as designated U.N. officials. IOIA, § 288d(b).	Same as designated U.N. officials. UNCPI, § 22(b); IOIA, § 288d(b).

Provision	Resident Representatives of Member States	Representatives of Member States (generally)	Secretary General, Assistant Secretaries General, Their Spouses and Minor Children	Designated U.N. Officials	Non-designated U.N. Officials and U.N. Employees	Experts on U.N. Missions
Judicial Process	Receive same immunities as diplomatic envoys. UNCPI, § 11(g); UNHQA, § 15. Immune from obligation to give evidence. Immune from execution of judgments except in non-immune civil action where execution will not infringe on the inviolability of his person or residence. VCDR, art. 31(2)-(3). Private residence deemed inviolable to same degree as diplomatic mission. VCDR, art. 30.	Same as resident representatives (i.e., receive same immunities accorded to diplomatic envoys). UNCPI, § 11(g); VCDR, arts. 30, 31(2)- (3).	Same as resident representatives (i.e., receive same immunities accorded to diplomatic envoys). UNCPI, § 11(g); VCDR, arts. 30, 31(2)- (3).	Immune with respect to official acts. UNCPI, § 18(a); IOIA, § 288d(b).	Same as designated U.N. officials. IOIA, § 288d(b).	Same as designated U.N. officials. UNCPI, § 22(b).

Provision	Resident Representatives of Member States	Representatives of Member States (generally)	Secretary General, Assistant Secretaries General, Their Spouses and Minor Children	Designated U.N. Officials	Non-designated U.N. Officials and U.N. Employees	Experts on U.N. Missions
Taxes	Same as diplomatic envoys. UNHQA, § 15. Immune from taxes other than (a) indirect taxes in price of goods/services; (b) real property taxes/fees on private property, unless held on behalf of sending State; (c) estate or inheritance taxes on property other than that brought from sending State; (d) income tax on private U.S. income; (e) charges for specific services; and (f) registration, court or record fees, mortgage dues and stamp duty, with respect to non-mission, immovable, property. VCDR, art. 34.	Same as resident representatives (i.e., receive same immunities as diplomatic envoys), except with respect to excise duties and sales taxes. UNCPI, § 11(g).	Same as resident representatives (i.e., receive same immunities as diplomatic envoys). UNCPI, § 19.	Immune from taxes on salaries and emoluments paid by the U.N. UNCPI, § 18(b).	Immune from taxes on salaries and emoluments paid by the U.N. 26 U.S.C. § 893.	If employed by the U.N., immune from taxes on salaries and emoluments paid by the U.N. 26 U.S.C. § 893. Have general immunity necessary for the independent exercise of functions. UNCPI, § 22.

Provision	Resident Representatives of Member States	Representatives of Member States (generally)	Secretary General, Assistant Secretaries General, Their Spouses and Minor Children	Designated U.N. Officials	Non-designated U.N. Officials and U.N. Employees	Experts on U.N. Missions
Customs	Same as diplomatic envoys. UNCPI, § 11(g); UNHQA, § 15. Immune from duties on articles for personal or official use. In U.S., exempt from inspection except where there are serious grounds to believe there are contraband articles or articles not for personal or official use. VCDR, art. 36. Immediate household family members are immune from duties with respect to baggage and effects imported in connection with the arrival of the owner. IOIA, § 288(b).	Same as resident representatives, including with respect to immunities accorded to immediate household family members. UNCPI, § 11(g); VCDR, art. 36; IOIA, § 288(b).	Same as resident representatives, including with respect to immunities accorded to immediate household family members. UNCPI, § 11(g); VCDR, art. 36; IOIA, § 288(b).	Immune, along with immediate household family members, from duties with respect to baggage and effects imported in connection with the arrival of the owner. IOIA, § 288(b).	Same as designated U.N. officials. IOIA, § 288(b).	Same immunities as resident representatives with respect to personal baggage. UNCPI, § 22(f); VCDR, art. 36. If employed by U.N., experts and immediate household family members are immune from duties with respect to baggage and effects imported in connection with the arrival of the owner. IOIA, § 288(b).

Provision	Resident Representatives of Member States	Representatives of Member States (generally)	Secretary General, Assistant Secretaries General, Their Spouses and Minor Children	Designated U.N. Officials	Non-designated U.N. Officials and U.N. Employees	Experts on U.N. Missions
Social Security	Same as diplomatic envoys. UNCPI, § 11(g); UNHQA, § 15. Exempt with respect to services rendered for the sending State. Not exempt with respect to personal servants who are U.S. nationals or permanent residents, or are not covered by social security provisions of the sending State or a third State. VCDR, art. 33(1)-(2).	Same as resident representatives (i.e., receive same immunities as diplomatic envoys). UNCPI, § 11(g); VCDR, art. 33(1)-(2).	Same as resident representatives (i.e., receive same immunities as diplomatic envoys). UNCPI, § 19; VCDR, art. 33(1)-(2).	Exempt from Social Security contributions related to employment in or representation to the international organization. 26 U.S.C. § 3121(b)(15).	Same as designated U.N. officials. 26 U.S.C. § 3121(b)(15).	General immunity necessary for the independent exercise of their functions. UNCPI, § 22. If employed by U.N., same immunity as designated U.N. officials. 26 U.S.C. 3121(b)(15).

Provision	Resident Representatives of Member States	Representatives of Member States (generally)	Secretary General, Assistant Secretaries General, Their Spouses and Minor Children	Designated U.N. Officials	Non-designated U.N. Officials and U.N. Employees	Experts on U.N. Missions
Military Service, Public Service	Exempt, along with spouses, from national service obligations. UNCPI, § 11(d). Generally immune on same basis as diplomatic envoys. UNHQA, §. 15; UNCPI, § 11(g). In U.S., immune from all public service and military obligations. VCDR, art. 35.	Exempt, along with spouses, to same degree as resident representatives (i.e., immune on same basis as diplomatic envoys). UNCPI, § 11(g); VCDR, art. 35.	Exempt, along with spouses, to same degree as resident representatives (i.e., immune on same basis as diplomatic envoys). UNCPI, § 19; VCDR, art. 35.	Exempt from national service obligations. UNCPI, § 18(c).	No express immunity. Exemption apparently depends on previous service abroad, applicable treaties, and immigration status. 50 App. U.S.C. § 456(a)(1).	No express immunity, beyond general immunity necessary for the independent exercise of their functions. UNCPI, § 22. Exemption apparently depends on previous service abroad, applicable treaties, and immigration status. 50 App. U.S.C. § 456(a)(1).

Provision	Resident Representatives of Member States	Representatives of Member States (generally)	Secretary General, Assistant Secretaries General, Their Spouses and Minor Children	Designated U.N. Officials	Non-designated U.N. Officials and U.N. Employees	Experts on U.N. Missions
Immigration	Exempt, along with spouses, from immigration restriction and alien registration requirements. UNCPI, § 11(d). Other immediate household family members are also exempt from immigration and alien registration requirements on same basis as officers of foreign governments and their families. IOIA, § 288d(a).	Same as resident representatives (including with respect to immunities accorded to spouses and other immediate household family members). UNCPI, § 11(d); IOIA, § 288d(a).	Exempt, along with spouses and dependent relatives, from immigration restrictions and alien restrictions. UNCPI, §§ 18(d), 19. Other immediate household family members are also exempt from immigration and alien registration requirements on same basis as officers of foreign governments and their families. IOIA, § 288d(a).	Same as Secretary General (including with respect to immunities accorded to spouses, dependent relatives, and other immediate household family members). UNCPI, §§ 18(d), 19; IOIA, § 288d(a).	Exempt, along with immediate household family members, from immigration and alien registration requirements on same basis as officers and employees, respectively, of foreign governments and their families. IOIA, § 288d(a).	No express immunity, beyond that necessary for the independent exercise of their functions. UNCPI, § 22. If employed by U.N., exempt, along with immediate household family members to same degree as other U.N. employees. IOIA, § 288d(a).