

2 FAM 160

TRANSFER OF OFFICE

2 FAM 161 GENERAL POLICY

2 FAM 161.1 Definition of Transfer of Office

(TL:GEN-235; 09-26-1985)

The term "transfer of office," as used in these regulations, refers to the permanent or temporary transfer of the authorities and responsibilities vested in the principal officer for the management of the post and the conduct of its operations. A permanent transfer of office is effected whenever an officer relinquishes charge of a post and does not expect to resume charge of that post, or whenever directed by the Department. A temporary transfer is effected whenever an officer relinquishes charge of a post with the expectation of resuming charge of the post. The procedure required in the case of a temporary transfer (see section 2 FAM 164.2) is followed at the time the principal officer relinquishes charge and again at the time the officer resumes charge.

2 FAM 161.2 Designation of Officer in Charge

(TL:GEN-235; 09-26-1985)

a. The deputy chief of mission at a diplomatic post or the deputy principal officer at a consular establishment or U.S. interests section shall assume charge in the absence or incapacity of the principal officer.

b. In the absence of a deputy, the senior Foreign Service officer at a diplomatic mission, at a consular establishment, or at a U.S. interests section should normally assume charge of the post.

c. The principal officer at a diplomatic mission, a consular establishment, or a U.S. interests section may, however, at the principal officer's discretion, designate any officer with appropriate commissioned title to act in charge of the post. When such a designation is made, the principal officer should notify telegraphically, the appropriate geographic bureau in the Department and the servicing RAMC of the reporting post, of the action.

2 FAM 161.3 Charge d'Affaires ad interim Pay

(TL:GEN-235; 09-26-1985)

For regulations governing charge d'affaires ad interim pay, see 3 FAM 236.

2 FAM 162 TRANSFERS OF DIPLOMATIC MISSIONS

2 FAM 162.1 Arrival of New Chief of Mission

(TL:GEN-235; 09-26-1985)

a. A newly appointed chief of mission assumes charge of the mission for administrative purposes, including charge pay purposes, on the date of entry into country of assignment.

b. Ordinarily, the chief of mission is not formally recognized by the host government until presentation of credentials to the head of the foreign state or the foreign minister in accordance with local protocol. Arrangements are made for the presentation of credentials as soon after the arrival of the appointed chief of mission as feasible. Until the new chief of mission is formally recognized, diplomatic notes and other formal representations to the host government are made in the name of the charge d'affaires ad interim with the approval of the appointed chief of mission. Telegrams to the appropriate geographic bureau in the Department and to other posts are sent in the name of the appointed chief of mission from the time the appointed chief of mission has assumed administrative charge. Should local circumstances for any reason demand it, such telegrams may be sent in the name of the charge d'affaires ad interim.

2 FAM 162.2 Temporary Absence of Chief of Mission From Capital

(TL:GEN-235; 09-26-1985)

a. A chief of mission may not divest self of official status while in country of assignment. When temporarily absent from the capital, but within country of assignment, the chief of mission continues to be in charge of the mission, and does not, therefore, make a transfer of office under such circumstance (see 5 FAM 120.8). However, such absences from the capital are reported to the Department in accordance with section 2 FAM 164.4-4 .

b. In exceptional circumstances, such as a protracted period of serious illness during which the chief of mission remains in country of assignment, the

Department may instruct the temporary transfer of office. A chief of mission may request such action by the appropriate geographic bureau in the Department.

2 FAM 162.3 Departure of Chief of Mission From Country

2 FAM 162.3-1 Department's Permission Required

(TL:GEN-235; 09-26-1985)

Except in cases of emergency, a chief of mission does not absent self from country (countries) of assignment without the knowledge and permission of the appropriate Assistant Secretary in the Department (see section 2 FAM 164.4-3).

2 FAM 162.3-2 Temporary Absence

(TL:GEN-235; 09-26-1985)

A chief of mission leaving country of assignment for a temporary visit in another country (including another country to which the chief of mission is also accredited) makes a temporary transfer of office to the charge d'affaires ad interim in chief of mission's country of residence effective on the date of departure from the country. The chief of mission resumes charge on the date of return to the country of residence. In the event that a chief of mission is transferred, reassigned, or separated while temporarily absent from country of assignment, the charge d'affaires ad interim executes a certificate of transfer of office on the chief of mission's behalf, upon the arrival of a new chief of mission.

2 FAM 162.3-3 Permanent Departure

(TL:GEN-235; 09-26-1985)

A chief of mission departing from country of assignment for reassignment, or a chief of mission who for any other reason does not expect to return, makes a permanent transfer of office to the charge d'affaires ad interim, effective on the date of the chief of mission's departure from the country. If a retiring or resigning chief of mission remains in the country of assignment, that officer makes a permanent transfer of office effective on the date of relinquishment of duties.

2 FAM 162.4 Transfers at Missions Temporarily Without a Resident Chief of Mission

(TL:GEN-235; 09-26-1985)

When a chief of mission who is assigned to more than one country visits a country of assignment where not normally maintaining residence, a transfer of office will occur between the resident charge d'affaires ad interim and the chief of mission upon the latter's arrival and again upon departure from the country. Such a transfer will be the same as a temporary transfer described in section 2 FAM 164.2 except that the required notification to the Department need not be sent from the country being visited if the notification has been or will be sent from the chief of mission's country of residence in accordance with section 2 FAM 164.4-4 . If a charge d'affaires ad interim is succeeded by another charge d'affaires ad interim, there will be, as appropriate, a permanent or temporary transfer of office between the two charges.

2 FAM 163 TRANSFERS AT CONSULAR OFFICES OR U.S. INTERESTS SECTIONS

2 FAM 163.1 Arrival of Principal Officer

(TL:GEN-235; 09-26-1985)

The principal officer of a consular post or U.S. interests section assumes charge on the date of arrival at the post.

2 FAM 163.2 Temporary Absence of Principal Officer

(TL:GEN-235; 09-26-1985)

The principal officer makes a temporary transfer of office whenever departing temporarily from the district of assignment, or districts under the principal officer's supervision or from a U.S. interests section on leave, detail, consultation, or for any other reason. In addition, the principal officer may transfer office temporarily on occasions when because of illness or other absence from the office that officer will be unable to fulfill the responsibilities of office. In the event that a principal officer is transferred, reassigned, or separated while temporarily absent from the post of assignment, the acting principal officer executes a certificate of transfer of office on that officer's behalf, upon the arrival of the new principal officer.

2 FAM 163.3 Permanent Departure of Principal Officer

(TL:GEN-235; 09-26-1985)

When departing by reason of reassignment, or on other occasions when the principal officer does not expect to return, that officer makes a permanent transfer of office to the successor. Normally the transfer is effective on the day prior to the principal officer's departure; however, if public business necessitates, that officer may transfer the office at any time within 10 days before the date of departure. If the successor has not arrived by the time of the principal officer's departure, that officer, as the last official act at the post, effects a permanent transfer of office effective on the date of relinquishment of duties.

2 FAM 164 EXECUTING THE TRANSFER

2 FAM 164.1 Permanent Transfer

2 FAM 164.1-1 Certificate of Transfer

(TL:GEN-235; 09-26-1985)

Upon every permanent transfer of office, a certificate of transfer is executed in triplicate. The original is retained in the post files, and the incoming and outgoing officers each retain a copy for their personal files. The certificate of transfer is to be in the following form:

The undersigned jointly certify that on _____ at
(date)

_____, _____, _____,
(time) (name) (title)

relinquished charge of the _____ of the
(Category of post)

United States at _____ and that _____,
(city where located) (name)

_____ assumed charge.
(title)

(Officer relinquishing charge)

(Title)

(Officer assuming charge)

(Title)

2 FAM 164.2 Temporary Transfer

(TL:GEN-235; 09-26-1985)

The only formal action which the Department requires in the case of a temporary transfer is the appropriate notification prescribed in section 2 FAM 164.4 and any necessary briefing as prescribed in section 2 FAM 164.3. This does not preclude the execution of the certificate of transfer when at the discretion of either officer the circumstances warrant such action. The procedures required for a temporary transfer is followed at the time the principal officer relinquished charge and again at the time that officer resumes charge.

2 FAM 164.3 Briefing of Successor

(TL:GEN-235; 09-26-1985)

The officer relinquishing charge of an office in all cases assures that the successor has been adequately briefed on all pending or anticipated problems which require the successor's attention. The briefing should include, in addition to briefing on substantive program activities and matters of protocol at the post, a summary of post organization, assignments of responsibility, supervisory relationships, budget plans, and inspectors' recommendations. Those functional responsibilities vested in the principal officer by regulation or exercised by that officer at the post are transferred to the successor in accordance with pertinent regulations.

2 FAM 164.4 Notifications to Department

2 FAM 164.4-1 Reports Regarding Arrival and Recognition of New Chief of Mission

(TL:GEN-235; 09-26-1985)

The appropriate geographic bureau and PER/FCA/PAS in the Department are notified promptly of the date(s) on which an appointed chief of mission first enters the country of assignment and arrives at post. The same Department offices are notified again when the chief of mission has been formally recognized by the host government. A copy of the notification is sent to missions in any other countries to which the chief of mission is also assigned if there are officers in residence there.

2 FAM 164.4-2 Reports of Departure Under Orders

(TL:GEN-235; 09-26-1985)

The departure of a chief of mission from the country of assignment under Department orders is reported to the appropriate regional bureau at the time of such departure. A copy of the notification is sent to missions in any other countries to which the chief of mission is also assigned if there are officers in residence there. A copy of this notification is also sent to the Regional Finance Center servicing the post of assignment. The report contains the effective date of transfer of office and the name of the charge d'affaires ad interim in the chief of mission's assigned country of residence.

2 FAM 164.4-3 Requests for Permission to Leave Country (Applies Also to Charges d'Affaires ad interim)

(TL:GEN-235; 09-26-1985)

A chief of mission desiring to be absent from the country (countries) of assignment requests permission from the appropriate Assistant Secretary in the Department reasonably in advance of proposed departure. Each request contains anticipated dates of departure and return, name of the officer who will assume charge, and address(es) where the chief of mission may be reached in an emergency. If permission is granted and the chief of mission proceeds as planned, no other notification to the appropriate geographic bureau in the Department regarding transfer of office is required until the chief of mission returns and resumes charge. A copy of the notification to the appropriate geographic bureau in the Department of departure and return is forwarded to missions in any other countries to which the chief of mission is also assigned if there are officers in residence there.

In certain geographical areas where travel to neighboring countries does not place the chief of mission beyond easy rapid communication with the Department or post, the chief of mission may request standing permission from the appropriate geographic bureau in the Department to perform such short trips as may be necessary.

2 FAM 164.4-4 Reports on Travel Within Country (Countries) of Assignment

(TL:GEN-235; 09-26-1985)

Absences from the capital by the chief of mission traveling within the country (countries) of assignment, which place that officer beyond easy, rapid communication with the Department and/or the post, are reported to the appropriate geographic bureau in the Department. It is within the discretion of the chief of mission whether a particular absence from the capital will warrant

notifying the appropriate geographic bureau in the Department. Reports of such absences should contain the following information as appropriate: anticipated dates of departure and return, address(es) where the chief of mission may be reached in an emergency, and (if the chief of mission is proceeding to another country to which also accredited) the name of the officer who will assume charge in the country of residence.

2 FAM 164.4-5 Reports of Return to Capital

(TL:GEN-235; 09-26-1985)

Whenever the chief of mission returns to the capital after a reported absence, the date of arrival and the effective date of any transfer of office are reported to the appropriate geographic bureau in the Department.

2 FAM 164.4-6 Reports Regarding Transfers of Consular Offices

(TL:GEN-235; 09-26-1985)

The appropriate geographic bureau in the Department is notified promptly of every permanent transfer of office occurring at a consular post (only the embassy is notified of a temporary transfer of office). The notification includes the following data, as appropriate: effective date of transfer of office, names and dates of arrival and/or departure of officers involved in transfer of office, and (if temporary absence) anticipated period of absence.

2 FAM 164.4-7 Method of Transmission

(TL:GEN-235; 09-26-1985)

The notifications to the appropriate geographic bureau in the Department required under sections 2 FAM 164.4-1 through 2 FAM 164.4-6 are transmitted in the manner deemed most suitable by the post in each case.

2 FAM 164.4-8 Related Reports

(TL:GEN-235; 09-26-1985)

The reports required by this section are in addition to those prescribed in 3 FAM 482 (leave) and 6 FAM 126 (travel messages).

2 FAM 164.5 Notifications to Host Government

(TL:GEN-235; 09-26-1985)

The host government and, as appropriate, representatives of third countries are notified, in accordance with local protocol or custom, of any transfer of office.

2 FAM 165 THROUGH 169 UNASSIGNED