



OREGON YOUTH AUTHORITY
Policy Statement
Part I – Administrative Services



Subject:

Foreign Nationals and Consular Notification/Contact

Section – Policy Number:

E - Information Management: 7.0

Supersedes:

I-E-7.0 (12/13)

Effective Date:

09/30/2016

Date of Last

Review:

9/30/2020

Related Standards and References:

- [ORS 419A.255\(3\)](#) (Maintenance; disclosure; providing transcript; exceptions to confidentiality)
- [OAR 416-150](#) (Interviews with Offenders)
- [Consular Notification and Access Manual 2016](#): U.S. Department of State, Bureau of Consular Affairs
- American Correctional Association, *Standards for Juvenile Correctional Facilities*; 4-JCF-3A-26 (Detainer)
- [OYA policy](#): I-E-2.3 (Requests for Youth Information and Records)
 I-E-6.0 (Contact with Bureau of Immigration and Customs Enforcement)
 II-F-3.0 (Youth Mail in OYA Facilities)
 II-F-3.6 (Youth Legal Assistance - Facilities)
 II-F-1.0 (Youth Rights - Facilities)
 II-F-3.4 (Youth Use of Telephones)
 III-B-4.0 (Youth Rights and Grievances- Community)
 III-A-2.1 (Youth Legal Assistance - Community)
- [OYA form](#): Consular Notification (YA 1540)

Related Procedures:

- [FAC I-E-6.0](#) DOC Youth: Contact with ICE; Documenting Foreign National Status

Policy Owner:

Deputy Director

Approved:


 Fariborz Pakseresht, Director

I. PURPOSE:

This policy provides OYA staff with general standards for consular notification and consular contact with foreign nationals in OYA custody.

II. POLICY DEFINITIONS:

Consular official or consul: An official of a foreign government accredited by the Department of State and authorized to provide assistance to the foreign government's citizens in the United States. Different from "counsel," which is an attorney authorized to provide legal advice. Consuls are not authorized to practice law.

DOC youth: A person in the legal custody of the Department of Corrections and the physical custody of OYA in an OYA facility.

Foreign national: A person residing in the United States who is not a citizen of the United States, as determined by appropriate federal executive or judicial branch officials.

Youth: A person in the legal and physical custody of the OYA, either in an OYA facility or placed in the community under supervision; or a person in the legal custody of the Department of Corrections and the physical custody of the OYA in an OYA facility.

III. POLICY:

OYA staff must treat youth equally, regardless of race, ethnicity, religious beliefs, national origin, gender, physical or mental disabilities, sexual orientation or gender identity. OYA provides youth programs and services necessary to promote personal reformation and development while addressing criminogenic needs and case plan goals. These services are designed to maintain a youth's physical and psychological wellbeing and are equally available to all youth.

Youth who are foreign nationals or claim to be foreign nationals have the right to contact their consular officials by telephone, mail, or in person. OYA provides opportunity for confidential communication between foreign nationals in its custody and consular officials.

Refer to OYA policy I-E-6.0 (Contact with Bureau of Immigration and Customs Enforcement (ICE)) for OYA standards on contacting ICE regarding a youth.

IV. GENERAL STANDARDS:

A. DOC youth

The Department of Corrections has a process to establish whether DOC youth are foreign born.

OYA's Facility Services statewide population manager must ensure a JJIS population group of "DOC Sensitive Designation," subgroup "Foreign National Status" is entered for each DOC youth who is determined to be foreign born.

B. OYA's consular liaison is designated by the Office of Inclusion and Intercultural Relations (OIIR).

C. Facility access and visitation privileges of consular officials

1. Staff must give consular officials visiting a foreign national the same access privileges as attorneys visiting a client. Consular officials are required to adhere to the same visitation guidelines, rules, and regulations as attorneys.

See OYA policy II-F-3.6 (Youth Legal Assistance), and [OAR 416-150-0020](#) (Attorney Interview).

2. Consular officials must have proper identification to gain facility access. They should carry identification cards issued by the Department of State.

If staff have reason to doubt the authenticity of the identification card, staff may call the Department of State to verify at (202) 647-1985 or after hours at (571) 345-3146 or (866) 217-2089.

D. Youth mail

Mail sent to or received from a consular official or diplomat is considered official correspondence.

Staff must handle official correspondence according to OYA policy II-F-3.0 (Youth Mail in OYA Facilities).

E. Youth telephone calls

Staff must handle a telephone call to or from a consular official in the same way as an attorney telephone call.

See OYA policies II-F-3.6 (Youth Legal Assistance - Facility), and III-A-2.1 (Youth Legal Assistance - Community).

F. Death, serious injury, or serious illness of a foreign national in close custody

1. In addition to any policy or procedure followed regarding a youth's death, serious injury, or serious illness, when a foreign national dies, is seriously injured or becomes seriously ill, the treatment manager or camp counselor must notify the nearest consulate of the foreign national's country immediately or as soon as reasonably possible.

2. The notification must be by fax, if possible, or by telephone if not. Staff must use the sample fax sheet available at https://travel.state.gov/content/dam/travel/cna_pdf/CNA%20Fax%20Sheet_DeathOrInjury.pdf

Staff must then mail the faxed notification document to the consulate that same day, and retain a copy in the youth's case file.

3. Consulate contact information may be found on the U. S. Department of State, Bureau of Consular Affairs' website at <https://travel.state.gov/content/travel/en/consularnotification.html>.

V. LOCAL OPERATING PROTOCOL REQUIRED: NO