

3 FAM 3700 APPENDIX A TRAVEL TO POSTS UNDER AUTHORIZED OR ORDERED DEPARTURE AND TO UNACCOMPANIED POSTS

*(TL:PER-495; 04-01-2004)
(Office of Origin: HR/ER/EP)*

Scope

a. Department policy on official and personal travel to posts under Authorized or Ordered Departure, as well as travel to Unaccompanied posts.

b. This appendix codifies the policies and procedures in the telegram STATE 103796 (04/23/03) and provides clarification on several issues, in particular unequivocally prohibiting personal travel by employees to posts in evacuation status and to unaccompanied posts. Under the Diplomatic Security Act 22 U.S.C. 4802, this policy applies to all employees from all agencies.

Definition

For purposes of this section, unless otherwise indicated, the term "employee" includes foreign and civil service direct-hire, PSC, PSA, TCN and locally-hired personnel, except DOD employees under the command of the area military commander.

Background

a. The decision to approve Authorized or Ordered Departure status affects the operations of the Mission and the lives of personnel and family members for a particular post. The Department considers such decisions based on Chief of Mission request and geographic bureau recommendation regarding the seriousness of the security situation and other circumstances. The Department's paramount concern is the security and personal safety of all U.S. citizens abroad, and we share with post staff the responsibility for ensuring the security of members of the entire official American community.

b. Congress maintains a high level of interest in the process and associated costs of the administration and efficiency of evacuations. The Department must retain the confidence of the Congress with respect to our policies and decisions in order to maintain flexibility and funding levels.

Official Travel to Posts Under Authorized or Ordered Departure

a. All official travel by an employee or family member to a post in evacuation status, including TDY travel by locally engaged staff (other than those permanently resident in the restricted location), requires the formal approval of M. As stated below (see Personal Travel To Posts Under Authorized Or Ordered Departure And To Unaccompanied Posts), non-official travel to posts in evacuation status must also be approved in a waiver of the general prohibition on such travel. In limited circumstances, the Secretary has delegated to the Chief of Mission whose post is under Authorized Departure the authority to approve the personal and official (i.e., R&R, home leave, annual leave, etc.) travel to and from post for permanently assigned employees and family members who do not elect Authorized Departure. This authority does not extend to posts under Ordered Departure. (M, however, must approve travel to post for employees, and family members and members of household who were away from post when Authorized Departure was approved, and for employees arriving to begin an assignment (PCSing). It is longstanding Department policy not to allow family members to PCS to posts under Authorized Departure.)

Those Away From Post When Authorized Departure is Approved

Employees who are away from post when Authorized Departure is approved ("caught out") must submit a formal request, through the Mission and with the geographic bureau executive director's recommendation, and obtain M approval to return to post. Typically, return travel is approved for personnel who perform emergency functions at post, but these decisions are made on a case-by-case basis. Family members and members of household who are away from post when an Authorized Departure is approved must also submit requests to M, through the Mission and geographic bureau executive director, making clear that the intention of the travelers is to remain at post and not immediately elect Authorized Departure.

Those Away From Post When Ordered Departure is Approved

Employees away from post when an Ordered Departure is approved must submit a formal request, with Mission concurrence and geographic bureau executive director's recommendation, and obtain M approval to return to post. Typically, M approves requests to return to post for

employees that perform emergency functions as designated by the Chief of Mission. Family members and members of household are not permitted to return if they are away from post when an Ordered Departure is approved.

Unaccompanied Posts

The Director General of the Foreign Service, based on post and bureau recommendation, is responsible for designating posts in imminent danger areas or in areas with severe hardships as "Unaccompanied." Unaccompanied means no family members or members of household are allowed to reside at post or only certain categories of family members or members of household (e.g., adults only or adults and small children) are authorized to reside at post. (FYI: The availability of family visitation travel from Unaccompanied posts is explained in 3 FAM 3730.) Travel of family members and members of household to Unaccompanied posts is limited to adults over the age of 21 years, consistent with Standardized Regulations (SR040) and 6 FAM 111.3-1, and requires Chief of Mission approval.

Personal Travel to Posts Under Authorized or Ordered Departure and to Unaccompanied Posts

a. USG Employees, and their family members and members of household must not visit posts or countries that are in Authorized Departure, Ordered Departure, or Unaccompanied status, except as defined in this policy. This prohibition is based on the Secretary of State's legal authority under 22 U.S.C. 4802 to establish policies and programs for the protection of U.S. Government employees abroad and their accompanying dependents. It applies to all U.S. Government employees of any Federal agency whether or not affiliated with the Mission, other than those under the command of the area military commander, regardless of their point of travel origin, whether domestic or abroad. It is inconsistent with Chief of Mission and Department authority and responsibility for the security of employees abroad to permit personal travel to countries/areas that the Department has determined to be dangerous enough to warrant an evacuation or Unaccompanied designation, with resultant expenditure of resources. Travel Warnings, issued by the Bureau of Consular Affairs, routinely urge private U.S. citizens to consider leaving countries where Authorized or Ordered Departure is in effect or where our posts are Unaccompanied.

b. Waivers: In unusual or compelling circumstances, employees may appeal to the Under Secretary for Management (M) for an exception to this travel ban. Such appeals must be made via the executive director of the regional bureau with authority over the post the employee, or family member or member of household is requesting to visit. The regional bureau executive director must concur with the request before forwarding it

to M for decision. Approvals for such travel can be revoked at any time by M.

Travelers in Transit

Transit of a country in which the U.S. Mission is under Authorized or Ordered Departure, as well as Unaccompanied posts, should be avoided. Should there be an instance where a transit is unavoidable (e.g., a USG employee, family member, or member of household transiting a country in which the U.S. mission is under evacuation via a direct connecting flight with no intention to exit the airport), post should be informed of the party's transit. M does not, however, need to approve such cases. If the individual is required to stay overnight at the transfer point, the person must obtain M approval, with the recommendation of post and the relevant geographic bureau. While this may seem burdensome, approval ensures that the Department and the host mission are aware of the employee's presence and location should further emergencies arise.

Houseguests

At posts under Authorized or Ordered Departure and at Unaccompanied posts, the Chief of Mission may determine that occupancy of USG properties will be limited to USG employees, and, as appropriate, family members on official orders, members of household, and domestic staff. The presence of houseguests could strain already reduced post resources during a critical time and send a mixed signal to the private U.S. citizen community, whom we would be urging to depart.

Enforcement/Discipline

All employees shall take every appropriate effort to ensure that their family members and members of household comply with this policy. Any employee not complying with the restrictions/prohibitions contained in this policy may be subject to disciplinary action by the Department of State, or referral for disciplinary action to their parent agency. While employees cannot be disciplined for the actions of their family members or members of household, if family members or members of household violate this policy, depending on circumstances, employees may be referred to the Director General for involuntary departure/curtailment of assignment. In extreme cases, the Department has the authority to revoke the passports of offending individuals.