

ACTIVITIES OF DIPLOMATIC CONSULARS

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Abstract: A consulate is a type of diplomatic mission — a representation of a country based in another sovereign state. This paper concerns about diplomatic consulates and its activities and roles.

Keywords: consular, diplomatic mission, consular office, diplomatic service staff, consular employees, consulate.

A consulate is a type of diplomatic mission — a representation of a country based in another sovereign state. It is similar to an embassy, but performs fewer functions and is not home to the ambassador. Consulates are usually buildings where the staff represent the foreign nation and offer consular services to their citizens living or traveling in the host country. Consular diplomacy can be defined as the diplomacy conducted via consulates and consular representatives, focused on the classical activities of visa functions, citizen services, representation and issues of trade tourism and investment promotion between countries, localities, organisations, and individuals.

Individuals who plan to visit the country to which the consulate belongs can usually obtain assistance and information by visiting the mission. Diplomatic missions also provide public services for their nationals, including acting as a notary public, providing electoral registration issuing passports and papers for military conscription, referring injured or sick nationals to local physicians and lawyers, and ensuring nondiscriminatory treatment for those charged with or imprisoned for crimes.

Consular Officers

Consular officers are those members of consular posts who are recognized by both the sending and the host country as fully authorized to perform the broad array of formal consular functions. They have only official acts or functional immunity in respect of both criminal and civil matters, and their personal inviolability is quite limited. Consular officers may be arrested or detained pending trial only if the offense is a felony and that the arrest is made pursuant to a decision by a competent judicial authority (e.g., a warrant issued by an appropriate court). They can be prosecuted for misdemeanors, but remain at Liberty pending trial or other disposition of charges. Property of consular officers is not inviolable.

Consular officers are not obliged to provide evidence as witnesses in connection with matters involving their official duties, to produce official documents, or to provide expert witness testimony on the laws of the sending country. Absent a bilateral agreement, the family members of consular officers enjoy no personal inviolability and no jurisdictional immunity of any kind. As indicated, official acts immunity pertains in numerous different circumstances. No law enforcement officer, U.S. Department of State officer, diplomatic mission, or consulate is authorized to determine whether a given set of circumstances constitutes an official act. This is an issue which may only be resolved by the court with subject matter jurisdiction over the alleged crime. Thus, a person enjoying official acts immunity from criminal jurisdiction may be charged with a crime and may, in this connection, always be required to appear in court (in person or through counsel). At this point, however, such person may assert as an affirmative defence that the actions complained of arose in connection with the performance of official acts. If, upon examination of the circumstances complained of, the court agrees, then the court is without jurisdiction to proceed and the case must be dismissed. Law enforcement officers are requested to contact the Department of State before arresting a consular officer, or, if not possible, immediately after arrest consular officers who are full-time practitioners of consular functions are referred to as “career” consular officers. These officers are normally nationals of the sending country who are sent to the United States to perform these functions for a specific period and then are transferred to a further assignment. Career consular officers are prohibited by international law from engaging in professional or commercial activities outside the scope of their official consular functions.

Consular Employees

Just Consular employees perform the administrative and technical support services for the consular post. They have no personal inviolability, only official acts immunity, and enjoy immunity from the obligation to provide evidence as witnesses only in respect of official acts. Their family members enjoy no personal inviolability or jurisdictional immunities of any kind.

Consular Service Staff

Consular service staff do not enjoy personal inviolability or jurisdictional immunity of any kind, but they do have immunity from the obligation to provide evidence as witnesses in respect of official acts. Their family members enjoy no personal inviolability or jurisdictional immunity of any kind.

Types of consulates and its functions.

•Consulate general

Diplomatic mission located in a major city, usually other than the capital city, which provides a full range of consular services.

•Consulate Diplomatic mission

That is similar to a consulate general but may not provide a full range of services.

• **Consular mission**

Office of a consulate

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