

The 2011 Global Congress on Legal, Safety, and Security Solutions in Travel

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When Problems Arise: What To Expect from Consulates and Embassies

Guanqiao Chen, Chinese Consulate in Houston

Consular Assistance in Case of Emergency

When Traveling Abroad

——*A Perspective from Chinese Practice*

When you are travelling abroad, enjoying yourself and relaxing is the first thing on your mind. But in the unlikely event of things going wrong, it's nice to know there is help on hand in a foreign land from your own government.

I. What is Consular Assistance?

Consular Assistance is derived from many years of practice in international relations and has the legal basis in international law taking the concrete form of *Vienna Convention on Consular Relations* which is ratified widely, now by more than 170 countries. Article 5 of the Convention specifically authorized the consular post of the sending country to protect and assist its nationals in various circumstances. Consular assistance is normally extended by the country of which the subject is a national. However, the Lisbon Treaty in late 2009 established joint consular protection for EU citizens which means if there's no home-country consulate in a foreign country, EU citizens can turn to the consular post of another EU country for help.

II. What Assistance you can normally get

- If your passport is lost or stolen, Embassies or Consulates can replace it with a new one or issue a particular travel document. Bear in mind that a fee will be charged.
- If you become the victim of a crime, Consular Assistance can help arrange medical help if you need it, and they can put you in touch with local lawyers if you wish to take legal action.
- If you are admitted to hospital they can help contact your next of kin in your home country. If the situation is serious, they can also assist you in returning to a hospital in his/her own country (in most of the cases, you or your insurance company are supposed to pay the medical bills).
- If you run out of money, Consular Assistance can offer you a lifeline by providing details of how to transfer money from your home country.

- If you are arrested, it can be a frightening position to be in. Get in touch with Consular Assistance for reassurance. They can't get you out of prison, but they can put you in touch with lawyers and interpreters to argue your case.

III. What you should not expect from your Embassy or Consulate

- Intervene in any private business (e.g. matters related to travelling, banks, insurance, etc) and pay your bills (hotel, medical bills, fines, legal aid, etc);
- Intervene in court operation and police if you have infringed the local Laws (e.g. it cannot arrange for you to be released from prison or intervene in the judicial proceedings);
- Provide legal advice for any reason whatsoever;
- Find accommodation for you, or help you to find a job or obtain a work permit;
- Obtain an extension of your visa, residence or work permit;
- Obtain preferential treatment for you in hospitals during imprisonment/detention or during a visit (as a tourist), than the one offered to the nationals of the host country.

IV. Highlights of Chinese Consular Assistance Mechanism

1. Establish and improve the mechanism by way of legislation, institution building, coordination, etc.
2. In order to prepare its citizens before travelling abroad, the Ministry of Foreign Affairs website has a designated version for those travelers. It provides the country profiles which include safety situation, weather, transportation, basic laws and customs, etc. It also has special alerts for certain countries in a certain period to warn its citizens the dangers they might run into, such as recent internal conflict in Libya.
3. Evacuating Chinese citizens in most serious situations, such as 2008 in Thailand, 2010 in Kyrgyzstan and this year from Libya.
4. Alert the local government and request for better protection of Chinese travelers where they were constantly targeted.
5. Establish close ties with local governments, NGOs and Chinese Communities in order to draw help in case of emergency.

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Perspectives from Chinese, Mexican, and Columbian, Consulates of Houston

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What is Consular Assistance?

- Consular Assistance Has its Legal Basis in International Law
- *Vienna Convention on Consular Relations* Which is Ratified by More than 170 Countries

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What is Consular Assistance?

- Article 5: Authorizes the Consular Post of the Sending Country to Protect and Assist its Nationals
- Lisbon Treaty of 2009: Established Joint Consular Protection for EU Citizens

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What Assistance Can One Normally Get?



- Lost or Stolen Passport: Embassies or Consulates can Replace it with a New One or Issue a Particular Travel Document
- Victimized While Abroad
 - Medical Help
 - Contacting Next of Kin
 - Finding/Hiring a Lawyer
 - Getting you to a Hospital in your Home Country

What Assistance Can One Normally Get?



- Run out of Money: Consular Assistance can Provided Details of How to Transfer Money from your Home Country
- If you are Arrested: Can Put you in Touch with Lawyers and Interpreters to Argue your Case

What you Should Not Expect From your Embassy or Consulate?



- × Intervention in Any Private Business Matter
- × Pay your Bills (Hotel, Medical, Fines, Legal Aid, etc);
- × Intervention in Police Operations if you Have Infringed the Local Laws
- × Legal Advice

What you Should Not Expect From your Embassy or Consulate?



- × Find Sleeping Accommodations, Jobs, or Work Permits
- × Obtain an Extension of your Visa, Residence or Work Permit
- × Obtain Preferential Treatment for you in Hospitals Greater than that Offered to the Nationals of the Host Country
