



NEW ZEALAND
FOREIGN AFFAIRS & TRADE

NZ INC OFFSHORE OPERATIONS GUIDE

Supporting and managing positions
and people internationally



WELCOME

This guide provides NZ Inc agencies with essential information and step-by-step processes on operating internationally in the context of diplomatic and consular relations.

It is intended for staff at NZ Inc agencies who are involved in or manage offshore operations, including:



Strategic footprint management teams



Posting and support teams



Agency staff members (being posted offshore)

The guide is not exhaustive and there are many situations that need to be treated on a case-by-case basis. If you cannot find here what you are looking for, you should contact the Ministry of Foreign Affairs and Trade's NZ Inc Operations team (NZInc.Operations@mfat.govt.nz).

The guide is divided into six sections, with an annex at the back. It is designed to be a reference and not necessarily to be read from beginning to end. Because some information applies to more than one section it has been repeated where necessary.

The guide also contains a section specific to New Zealand Trade and Enterprise (NZTE) and consulates-general managed by them. This section may also be useful for other agencies based in NZTE-managed consulates-general.

The diagram below shows what is covered in the following pages, as well as which agency staff are likely to be most interested in each section.



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SECTION ONE

New Zealand's diplomatic
and consular relations

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ANNEX

This section provides useful background information on New Zealand’s diplomatic and consular relations, and helps explain the processes described in later sections.

New Zealand has foreign relations with more than 150 countries. These are managed through diplomatic missions located either in the country of accreditation (a resident mission) or from a different country (a non-resident mission). There are also a number of consular posts that help manage New Zealand’s consular relations.



Key terms you need to know

Sending state:

This is the state which is represented in another country.

Receiving state:

This is the state that is hosting the sending state. For example, for the New Zealand High Commission in Canberra, New Zealand is the sending state and Australia is the receiving state.

The Vienna Conventions

There are two key documents that govern how New Zealand manages diplomatic and consular relations – the Vienna Convention on Diplomatic Relations 1961, and the Vienna Convention on Consular Relations 1963, referred to as the VCDR and VCCR respectively.

These set out the internationally agreed ‘rules’ for how countries manage their relations with each other. They cover everything from the approval to establish diplomatic relations, to the appointment of new staff in missions and posts, and the privileges and immunities those with diplomatic or consular status are entitled to.

We encourage all diplomatic staff going on an offshore posting to read the VCDR, and consular staff to read the VCCR. However, each receiving state may have a different way of implementing these conventions so you will need to check with MFAT on the local rules and processes.

The information and processes in this guide draw on key points from these conventions.



Links to these conventions are available online in the NZ Inc Operations Shared Workspace.

Types of missions, posts and offices

There are five main types of missions, posts and offices that New Zealand operates offshore:

1. Diplomatic missions
2. Permanent missions
3. Consular posts
4. Branches of a diplomatic mission or consular post
5. Non-diplomatic offices.

Diplomatic missions

These are the main representation of New Zealand in a foreign country. They are called embassies (when based in a non-Commonwealth country) or high commissions (when based in a Commonwealth country). Both are also both referred to as 'posts'. They work to promote friendly relations between New Zealand and the receiving state, protect the rights of New Zealand and New Zealanders, promote and deliver solutions to global challenges, and develop New Zealand's economic, cultural and social ties.

Diplomatic missions also deliver consular functions, which mean they help and protect New Zealand citizens abroad. This may involve helping New Zealanders in distress, such as when they are involved in an accident or are arrested or detained.

Diplomatic missions can be located only in the capital city of a country. Embassies are led by an ambassador, and high commissions are led by a high commissioner. Both can be referred to as head of mission (HOM). The building in which a diplomatic mission is housed is referred to as a chancery.



The Ministry of Foreign Affairs and Trade (MFAT) is the only New Zealand government agency that can open, close, or run a diplomatic mission.

Permanent mission


This is similar to a diplomatic mission but is attached to an international body rather than a receiving state. For example, a permanent mission to the United Nations in New York, or to the World Trade Organisation in Geneva.

Consular posts

The focus of a consular post, such as a consulate-general, is on exercising consular functions, including helping and protecting New Zealanders abroad and developing New Zealand's economic relations with the receiving state.

Consular posts are located outside the capital city and are formally recognised by the receiving state as representatives of diplomatic missions. Consular posts have a defined geographical jurisdiction that is often limited to the region in which they are located.

Consulates-general are led by a consul-general, sometimes also referred to as head of post (HOP). In addition to MFAT, New Zealand Trade and Enterprise (NZTE) lead a small number of consulates-general. The appointment of a consul-general must be made by, or in consultation with, MFAT. That is the only agency authorised to seek the formal approval of the New Zealand Minister of Foreign Affairs, the Governor-General of New Zealand, and the receiving state. All three approvals are required before a consul-general appointment is confirmed.



For more information on operating a consulate-general, including the process for appointing a consul-general, refer to section 6.


Branches or offices of a diplomatic mission or consular post

Other New Zealand Government agencies may be able to have an office that is formally part of a diplomatic mission or consular post — so they can maintain full diplomatic or consular status — but that is physically located in a different place. This could be because there is no space in the post or a different location better suits the agency's business needs.

Permission for this is granted only by the receiving state, which will also decide whether such branch or office can have diplomatic or consular status, including the usual privileges and immunities (such as being exempt from taxes). MFAT is the only agency that can seek the receiving state's approval to open a branch or office of a diplomatic or consular post. You should contact the NZ Inc Operations team if you want to look at this option.

Non-diplomatic offices

These are not recognised by the receiving state as part of a diplomatic mission and have no diplomatic or consular status. Depending on the rules of the receiving state, non-diplomatic offices may still be recognised as representing the New Zealand Government and may still be entitled to some benefits.



Contact the NZ Inc Operations team for more information.

Diplomatic status, titles, privileges and immunities

Diplomatic status

Under the Vienna Convention on Diplomatic Relations 1961 (VCDR), diplomatic status applies to a mission's premises and to staff working for the mission who have been identified as diplomatic staff (and to their officially recognised family members).

The process for granting diplomatic status involves an exchange of formal communications between the foreign ministries of the sending and receiving states. There may be additional processes involved depending on the receiving state.

Holding diplomatic status confers certain privileges and immunities under the VCDR which are described on page 10. Having diplomatic status, privileges and immunities comes with extra responsibilities such as ensuring you comply with both the laws of New Zealand and of the receiving state, and ensuring you act as a representative of New Zealand at all times.

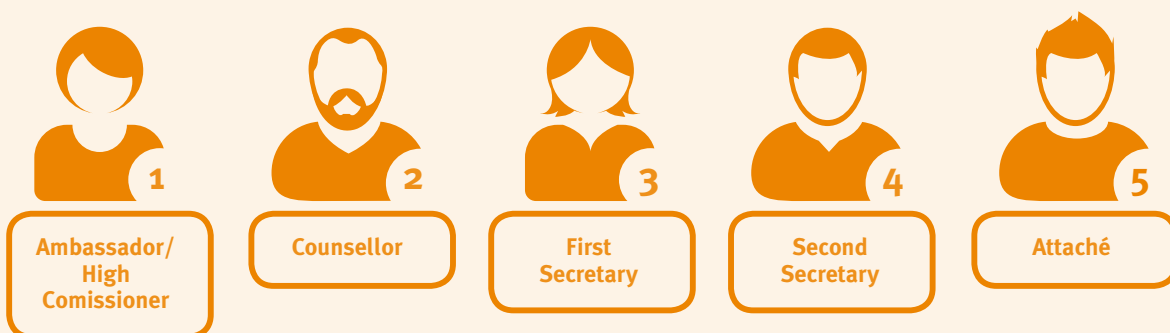
This section covers diplomatic status relating to individuals. Articles 22 to 28 of the VCDR cover the privileges and immunities relating to the diplomatic mission and its premises. For consular status, refer to page 11.

Diplomatic ranks

Diplomatic staff should hold an appropriate diplomatic rank. These ranks are usually recorded on the receiving state's diplomatic register.

The diplomatic ranks in use today differ slightly from those used traditionally and which are mentioned in the VCDR. New Zealand has also decided to not use some of the ranks that other countries still use. Ranks below the head of mission (ambassador/high commissioner) generally reflect the individual's seniority within their diplomatic career path and also within the diplomatic group of the receiving state.

Diplomatic ranks used by New Zealand:



Only those who have been approved by the Minister of Foreign Affairs and Governor-General of New Zealand can use the rank of ambassador or high commissioner. Ranks below these can be allocated to diplomatic staff from other agencies and typically reflect the hierarchy in that agency's management structure.

Additional terms are added in parentheses to clarify that the position represents an agency other than MFAT. For example, "Counsellor (Police)" would indicate a person is from the New Zealand Police, and "First Secretary (Customs)" indicates they are from the New Zealand Customs Service.

An agency can choose a preferred diplomatic rank for its staff and this will be formalised in consultation with MFAT.

There are other terms you need to be familiar with:

- 1. Chargé d'affaires/chargé d'affaires ad interim ("a.i."): These are separate titles used when someone (usually the deputy head of mission) is covering the duties of a head of mission when one is absent from the receiving state.**
- 2. Permanent representative:** This is the equivalent of an ambassador/high commissioner but is accredited to an international body rather than to a state.
- 3. Deputy head of mission/deputy high commissioner:** This is not a diplomatic rank but is a title commonly used to indicate someone is the deputy to the head of mission at the post. Depending on the size and set-up of the post, either the counsellor, first secretary or second secretary may use this title.

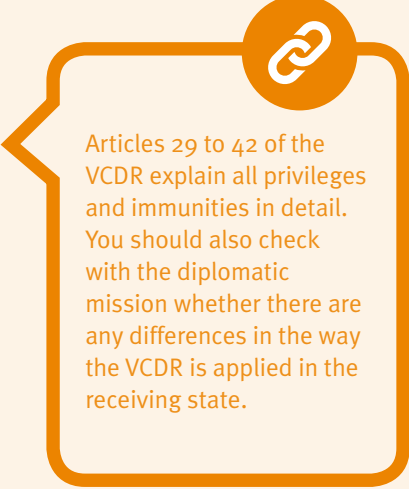
Diplomatic privileges and immunities

Diplomatic privileges and immunities are conferred to people with diplomatic status (such as diplomats and their recognised family members) but apply only in their countries of accreditation.

The purpose of diplomatic privileges and immunities are not to benefit individuals but to ensure the efficient performance of diplomatic missions as representing the New Zealand Government overseas. Anyone who is entitled to diplomatic privileges and immunities must respect the laws and regulations of the receiving state and must not interfere in its internal affairs. Diplomatic staff also must not practise any professional or commercial activity in the receiving state that is for personal or commercial profit.

The key privileges and immunities that apply to those holding diplomatic status are:

- 1. Personal inviolability:** Diplomats are immune from any form of arrest or detention. The receiving state must treat the individual with respect and take all appropriate steps to prevent any attack on their person, freedom, or dignity.
- 2. Criminal and civil jurisdiction:** Diplomats have immunity from the criminal and civil jurisdiction of the receiving state. However, diplomats and their families must comply with the laws of the receiving state. The New Zealand Government may waive this immunity and can also choose to prosecute a diplomat in New Zealand courts for criminal acts committed overseas. MFAT must be advised immediately in the event of a possible breach of receiving state laws.
- 3. Giving evidence as a witness:** Diplomats are not obliged to give evidence as a witness before local courts, either civil or criminal.
- 4. Inviolability of the residence:** Agents of the receiving state cannot enter the private residence of a diplomat without their consent.
- 5. Exemption from dues and taxes:** Diplomats are exempt from many dues and taxes, including customs duties, though there are exceptions, such as indirect taxes included in the price of goods and services (for example, the equivalent of New Zealand's GST).
- 6. Baggage inspection:** Under the VCDR, the personal baggage of a diplomat cannot be inspected unless there are serious grounds for suspecting it contains articles prohibited by the receiving state or articles that are not for personal use. However, in practice diplomats and their families should expect their baggage to be inspected in accordance with the airline, airport and/or biosecurity rules.



Articles 29 to 42 of the VCDR explain all privileges and immunities in detail. You should also check with the diplomatic mission whether there are any differences in the way the VCDR is applied in the receiving state.

Waiver of diplomatic immunity

It is important to note that the New Zealand Government may waive immunity from local, civil and criminal jurisdiction. It may also choose to prosecute a diplomat in New Zealand courts for criminal acts committed overseas. The decision to waive or maintain immunity cannot be made by the individual staff member or family and MFAT must be advised immediately in the event of a possible breach of receiving state laws.

Appointing diplomatic staff (other than the head of mission)

New Zealand can freely appoint the members of diplomatic staff to a New Zealand diplomatic mission, subject to conditions. These include:

1. **New Zealand citizenship:** Diplomatic staff should be New Zealand citizens. People with nationality or citizenship of the receiving state cannot be appointed, except with the consent of that state. Such consent can be withdrawn at any time.
2. **Persona non grata:** The receiving state can, at any time and without having to explain its decision, notify the sending state (New Zealand) that any member of the diplomatic staff is not acceptable. This is known as “persona non grata” and can happen before or after the person arrives in the receiving state.
3. **Size of the mission:** Without a specific agreement, the receiving state may require that the size of a diplomatic mission be kept within the limits considered by it to be “reasonable and normal”. New Zealand currently does not have any such agreements but does monitor the size of missions. Limiting the size is usually done on a reciprocal basis: for example, if New Zealand advised the Indian High Commission in Wellington that it needed to limit the size of the mission to 100 staff, the Indian Government may say the New Zealand High Commission in India must do the same.
4. **Defence staff:** Details of military, naval and air attaches should be provided to the receiving state in advance of the posting being confirmed. This usually involves the diplomatic mission providing the name and CV information to the receiving state for its approval.



The process of appointing diplomatic staff is described in section 3.

Notifying the receiving state


The receiving state must be notified of the appointment, arrival, and departure of any diplomatic staff, including when they will terminate their functions and when any other changes affecting their status take place.

Consular status, titles, privileges and immunities

Consular status

Under the Vienna Convention on Consular Relations 1963 (VCCR), consular status applies to both the consular premises itself and to the consular officers working within it.

A consular officer is any person, including the consul-general, who has been entrusted to carry out consular functions (as defined by Article 5 of the VCCR). When you hold consular status you are entitled to certain privileges and immunities. Accompanying family members have broadly the same privileges as the consular officer but do not have any immunity.



This section covers status relating to consular officers working in a consular post. Refer to section 6 for information on status, privileges and immunities for the consular premises.

Consular titles

Consular officers in a consulate-general hold one of the following titles:



Only those who have received an exequatur from the receiving state can use the title of consul-general.

Titles below consul-general can be used by consular officers from other agencies. Like diplomatic titles, additional terms are added in parentheses following the title to clarify that the position represents an agency other than MFAT.

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Consular privileges and immunities

Like diplomatic privileges and immunities, those for consular staff are not to benefit individuals but to ensure the efficient performance of consular posts on behalf of the New Zealand Government. Anyone who is entitled to consular privileges and immunities must respect the laws and regulations of the receiving state and must not interfere in its internal affairs.

Consular officers do not have the same privileges and immunities that are accorded to staff with diplomatic rank.

The key differences are:

1. Consular officers are immune from local, civil, and criminal jurisdiction **only** in regard to acts carried out as part of their official consular functions. They are **not** immune for acts done in their private capacity.
2. The accompanying family members of consular staff are **not** granted any form of immunity by the receiving state. This includes from arrest, detention, or the jurisdiction, though they may be entitled to some exemptions from dues and taxes. This is even when they have been formally recognised as officially forming part of the consular officer's household.

The key privileges and immunities for consular staff are:

1. **Personal inviolability:** Consular officers are immune from arrest or detention pending trial, except in the case of a grave crime and pursuant to a decision by a competent judicial authority.
2. **Immunity from jurisdiction:** Consular officers are generally immune from the civil and criminal jurisdiction of the judicial and administrative authorities of the receiving state in respect of acts performed in exercising consular functions.
3. **Giving evidence as a witness:** Consular officers may be called upon to give evidence as a witness in a court case. However, they are not obliged to give evidence concerning matters connected with the exercise of their consular functions, or as an expert witness with regard to law of their sending state. Although consular officers may not decline to give evidence about other matters, no coercive measure or penalty may be applied if they refuse to do so.
4. **Exemption from dues and taxes:** Consular officers, and members of their recognised families, are exempt from many dues and taxes, including customs duties. However, there are a few exceptions, such as indirect taxes included in the price of goods and services (for example, the equivalent of New Zealand's GST).
5. **Baggage inspection:** Under the VCCR the personal baggage accompanying consular officers and their families cannot be inspected unless there are serious grounds for suspecting it contains articles prohibited in the receiving state or articles that are not for personal use. However, in practice consular officers and their families should expect their baggage to be inspected in accordance with the airline, airport and/or biosecurity rules.



Articles 40-44 and 46-52 of the VCCR explain all privileges and immunities in detail. You should also check with the diplomatic mission whether there are any differences in the way the VCCR is applied in the receiving state.

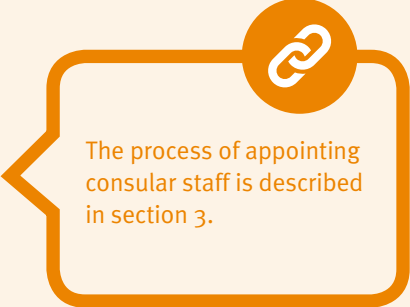
Waiver of consular immunity

It is important to note that the New Zealand Government may waive immunity from local, civil and criminal jurisdiction. It may also choose to prosecute a consular officer in New Zealand courts for criminal acts committed overseas. The decision to waive or maintain immunity cannot be made by the individual staff member or family, and MFAT must be advised immediately in the event of a possible breach of receiving state laws.

Appointing consular staff (other than the consul-general)

New Zealand can freely appoint consular officers to a consular post, subject to conditions. These include:

- 1. New Zealand citizenship:** Consular officers should be New Zealand citizens. People with nationality or citizenship of the receiving state cannot be appointed, except with the consent of that state. Such consent can be withdrawn at any time.
- 2. Persona non grata:** The receiving state can, at any time and without having to explain its decision, notify the sending state that any member of the consular staff is not acceptable. This is known as “persona non grata”, and can happen before or after the person arrives in the receiving state.
- 3. Size of the post:** Without a specific agreement, the receiving state may require that the size of a consular post be kept within the limits considered by it to be “reasonable and normal”. New Zealand currently does not have any such agreements but does monitor the size of posts. Limiting the size is usually done on a reciprocal basis: for example, if New Zealand advised the Indian High Commission in Wellington that it needed to limit the size of the mission to 100 staff, the Indian Government may say the New Zealand High Commission in India must do the same.



The process of appointing consular staff is described in section 3.

Notifying the receiving state

The receiving state must be notified of the appointment, arrival, and departure of any consular staff, including when they will terminate their functions and when any other changes affecting their status take place.

Diplomatic passports

New Zealand diplomatic passports are issued to people with New Zealand citizenship who meet the eligibility criteria set by MFAT. They are commonly issued to staff and recognised family members from across the New Zealand Government who are being posted offshore. The full eligibility criteria is available on the NZ Inc Operations Shared Workspace.

Diplomatic passports, in themselves, do not confer any diplomatic or consular status, privileges or immunities. Conferring diplomatic or consular status is a process of exchanging formal communication between the sending and receiving states. Evidence of diplomatic or consular status can be shown in the form of a diplomatic/consular visa and/or a diplomatic/consular identification card.

Diplomatic passports are the property of the New Zealand Government and must be returned to the Protocol Division of MFAT if required. Passports that are no longer required or have expired must be returned to MFAT for cancellation.

The Department of Internal Affairs is responsible for issuing New Zealand diplomatic passports, but they will not do so unless the application includes a “Letter of Eligibility” confirming the application meets the criteria.



Under no circumstances is a diplomatic passport to be used for travel to Taiwan. A standard passport must always be used in this case. There are also certain countries that before travelling to on a diplomatic passport you must notify MFAT’s Security Division. The list of these countries can change but it does include China, Russia, Saudi Arabia and Viet Nam. Please refer to the “notification of travel” document on the NZ Inc Operations Shared Workspace for the latest full list and instructions on notifying MFAT.

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SECTION TWO

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ANNEX

Types of positions to establish offshore

There are two types of positions that can be set up offshore: diplomatic or consular positions, and locally engaged positions.


Diplomatic or consular positions

These are filled by New Zealand citizens with diplomatic or consular status, privileges and immunities, and who work in the receiving state under a diplomatic visa or equivalent. People who fill these positions are seconded from New Zealand and employed under New Zealand employment laws, terms and conditions.


Locally engaged positions

Locally engaged positions can be filled by a New Zealander, a local receiving state citizen or, in some cases, a citizen of a different state, depending on the rules of the receiving state.

‘Locally engaged’ means the person is eligible to work in the receiving state through either meeting the local citizenship requirements, by obtaining a work visa or a resident’s visa, or by getting a special category visa, such as an official visa. In some cases the New Zealand diplomatic mission or consular post can support a work or special category visa, though the visa options and requirements differ across countries. People filling locally engaged positions can be sent from New Zealand (depending on the receiving state’s requirements) or sourced locally, but they must be contracted in line with local employment laws, terms and conditions.



If you want to establish a diplomatic or consular position, go to the next page.



If you want to set up a locally engaged position – go to page 23.



Both types of positions can exist in a diplomatic mission, permanent mission, consular post or branch of diplomatic mission/consular post, but a non-diplomatic office can have only locally engaged positions.

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Establishing a diplomatic or consular position

To establish a new diplomatic or consular position you will need to consult the Ministry of Foreign Affairs and Trade (MFAT). This is because New Zealand must seek prior approval from the receiving state to establish these positions and MFAT is the only agency authorised to seek this approval.



You should start the process of establishing a new diplomatic or consular position approximately 12 months in advance of when you want someone working in that position. This takes into account nine months to complete the process for establishing the position and a further three months to post someone to the new position.

To establish a new diplomatic or consular position there are processes that need to be completed in New Zealand as well as the receiving state. These processes include seeking ministerial or Cabinet approval in some cases, and seeking approval from the receiving state. The time it takes the receiving state to approve a new position varies so it's best to allow as much time as possible.

The process diagram on page 20 accounts for three months for the receiving state approval but you will need to be flexible (i.e. it could be shorter or longer).

Until the position is approved by the receiving state, you cannot:

- communicate publicly that the position has been established,
- post someone to the position, or
- send someone to officially act in the position under a standard passport and/or visa.

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Before seeking approval

Before asking MFAT to seek approval for the new position, there are a few points you should consider:

- 1. Consultation with NZ Inc:** You must consult NZ Inc partners, including MFAT, on your intention to establish the position. This is to ensure NZ Inc is aligned on changes to its offshore footprint, and to make sure the new position is in line with NZ Inc strategies, goals and objectives. It is also a chance to identify any opportunities for alignment with similar functions or positions.
- 2. Space requirements:** Before deciding to establish a new position you will need to check if there is enough space in the post or office to accommodate the position. If it is an MFAT post, ask the NZ Inc Operations team to find out if your needs can be met.
- 3. New Zealand approvals/endorsement:** All new diplomatic/consular positions require approval from the receiving state and some may also require prior approval or endorsement from the New Zealand Government. This could include from the Cabinet External Relations and Defence Committee even after being approved by your minister.
- 4. Timeframes for approval from the receiving state:** The time it takes the receiving state to approve a new position varies. It can take anywhere from one to six months and sometimes longer. The process diagram on the next page accounts for three months for this step, but you will need to be flexible (i.e. it could be shorter or longer). Approving a new diplomatic or consular position is at the discretion of the receiving state, and each one will be considered on a case-by-case basis.
- 5. Communication:** You cannot publicly announce the establishment of a new position until it has been approved by the receiving state.

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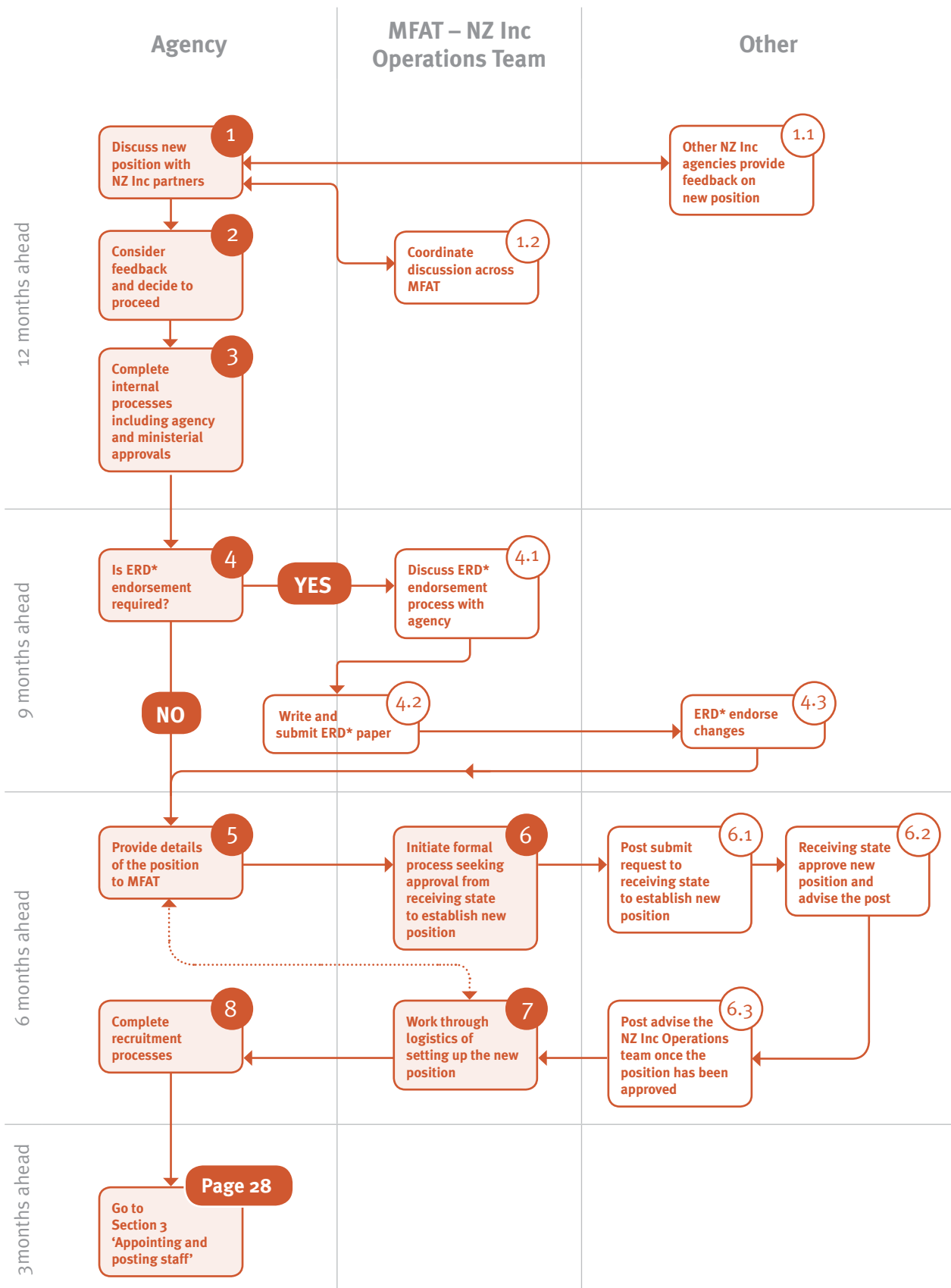
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ANNEX

Process for establishing a diplomatic or consular position

The diagram below shows the high-level process for establishing a new diplomatic or consular position. Further explanation of each step of the process is on the following pages.



*Cabinet External Relations and Defence Committee Simultaneous process



Notes with diagram on establishing a diplomatic/consular position

1. Discuss new position with NZ Inc partners

- You must consult with NZ Inc partners at the policy, strategic footprint management and operational levels on your intention to establish a new diplomatic or consular position.
- This is to ensure NZ Inc agencies are:
 - aligned on strategies, objectives and goals
 - given the opportunity to consider alignment of functions
 - aware of changes to the New Zealand offshore footprint
 - given the opportunity to raise any major operational considerations that need to be taken into account before proceeding.
- When consulting with MFAT, you should discuss your intentions with the NZ Inc Operations team. They will initiate a discussion across MFAT divisions and posts for feedback on the new position and give you a consolidated response.
- If you believe the position could be co-located with and/or supported by MFAT, the NZ Inc Operations team can provide cost information to inform your business case or approval processes.

2. Consider feedback and decide to proceed

- You should consider the feedback and information received from NZ Inc agencies and decide whether to proceed to seek formal approval.

3. Complete internal processes, including agency and ministerial approvals

- Complete any internal processes, including developing business cases, finalising position descriptions, gathering costings etc.
- Complete any approval processes required from within your agency and/or the relevant minister.

4. Is Cabinet External Relations and Defence Committee (ERD) endorsement required?

- Follow the ERD matrix in the annex at the back of this guide to determine if ERD endorsement is required.
- Depending on what other NZ Inc footprint changes are required to be endorsed by ERD, you may need to submit the Cabinet paper to ERD through your relevant minister. The NZ Inc Operations team will provide advice on this.



See pages 70 - 72 for full information on the ERD endorsement process.

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5. Provide details of the position to MFAT

- If the NZ Inc Operations team does not have information on the position by this stage, you will need to provide it in writing. Information they will need includes:
 - position title
 - preferred diplomatic/consular rank
 - brief description of the position (e.g. purpose/objectives)
 - location (the city where the position will be based)
 - office space required – i.e. will it be co-located with MFAT at the diplomatic mission/consular post or elsewhere?
 - expected start date
 - confirmation of any support services required from MFAT (e.g. IT network, dedicated administration support)
 - confirmation on whether you will be employing locally engaged staff to support the position (e.g. administration support, a driver).

6. Initiate formal process seeking approval from the receiving state to establish a new position

- The receiving state must approve any new diplomatic or consular positions.
- The exact process for approval varies across countries, and the NZ Inc Operations team will ask the relevant MFAT post to seek this approval following the local processes.
- The time it takes for approval to be granted varies greatly across countries. You should plan for at least three months to get this approval but you will need to be flexible (i.e. it could be shorter or longer).
- Once the position has been approved, the receiving state will provide a Third Person Note (TPN) to the New Zealand diplomatic mission confirming that the position has been approved, along with any particular conditions. The NZ Inc Operations team can provide you with a copy of the TPN for your records.
- Once the position has been approved by the receiving state you may formally or publicly announce the new position if required.



A Third Person Note (TPN) is an official note written in the third person and is the customary method of correspondence between countries. The note uses internationally recognised language and is printed on official paper headed with the national crest and seal of the country presenting the TPN.

7. Work through logistics of setting up the new position as required

- You will need to work with the NZ Inc Operations team on the remaining logistics of setting up the new position. Some of these logistics may have already been worked through during step 1 of this process when the position was discussed with NZ Inc partners.
- The amount of help you need from MFAT will depend on what the position is and where it is to be located. If it is to be co-located with MFAT then there are some factors to be worked through. They include:
 - **Office space:** Where in the office will the position be located? Is there enough room for an additional person? Is the physical environment suited to your needs or is some renovation work required? How much will it cost to sub-lease space from MFAT?
 - **Information technology (IT):** Will the position operate on the MFAT IT network or a separate one? What IT, if any, needs to be set up before the appointee arrives?
 - **Agency services:** Will the position require support or services from MFAT staff at post and can they be provided? What sort of fees might you have to pay for any support or services?
 - **Locally engaged staff support:** The type of locally engaged staff (LES) support will have to be determined: Do you want to consider using existing LES or hire new ones? Do you need administration support, a driver or domestic staff? Can you employ them directly or do you need the post to employ on your behalf?
 - **Vehicles:** Will the position require a dedicated vehicle or will it use an MFAT post vehicle? Is there a post vehicle available? What is the cost of using a post vehicle? Is a driver required or can you self-drive?

8. Complete recruitment processes

- Complete your own recruitment processes for the role. You may want to consider having an MFAT representative involved in the recruitment processes such as being on an interview panel. You should ensure:
 - the head of mission is aware that recruitment processes are underway
 - that you consider security clearances required for the role and the probability of your candidates to achieving the right level of clearance
 - the potential candidates are aware of any employment terms and conditions specific to operating offshore at a New Zealand diplomatic mission or consular post.



Next steps

Once the diplomatic or consular position has been approved and set up, you can move on to the process for posting someone to the position. This is covered in Section 3 of this guide – Appointing and Posting Staff.

What you need to know about maintaining operations offshore once your staff member has arrived at post is covered in Section 4.

The remainder of this section covers establishing a locally engaged position.

Establishing a locally engaged position

The processes and requirements for setting up locally engaged positions can vary across countries, and also depend on which agency is setting up the position and its formal status as an employer in that country



Establishing a locally engaged position does not always require approval from the receiving state but MFAT may still need to notify them.

Endorsement by the Cabinet External Relations and Defence Committee (ERD) may also still be required. Check the ERD matrix in the annex at the back of this guide, and if endorsement is required, be sure to allow an additional three months to complete the establishment process.

Locally engaged positions do not have any diplomatic or consular status, privileges or immunities. The employment terms and conditions for locally engaged positions are based on local employment laws and local labour market conditions.

If you want to set up a position offshore that is not a diplomatic or consular one, it will be a locally engaged position, regardless of whether the individual filling the role is:

- sent from New Zealand or sourced from the local market
- appointed to the role on a temporary/fixed-term basis or on an open tenure/permanent basis.

Locally engaged staff

People filling locally engaged positions are known as locally engaged staff (LES) and must be legally eligible to work in the receiving state. The eligibility to work may come from meeting the local citizenship requirements, obtaining a work visa, a residency visa, or a special category visa such as an official visa. In some cases, the New Zealand diplomatic mission or consular post can support a work or special category visa, though the visa options and requirements differ across countries.

LES can be local citizens, New Zealand citizens, or sometimes citizens of a different country, depending on the rules of the receiving state. Some countries may require you to explain why a New Zealand citizen is hired instead of a local citizen.

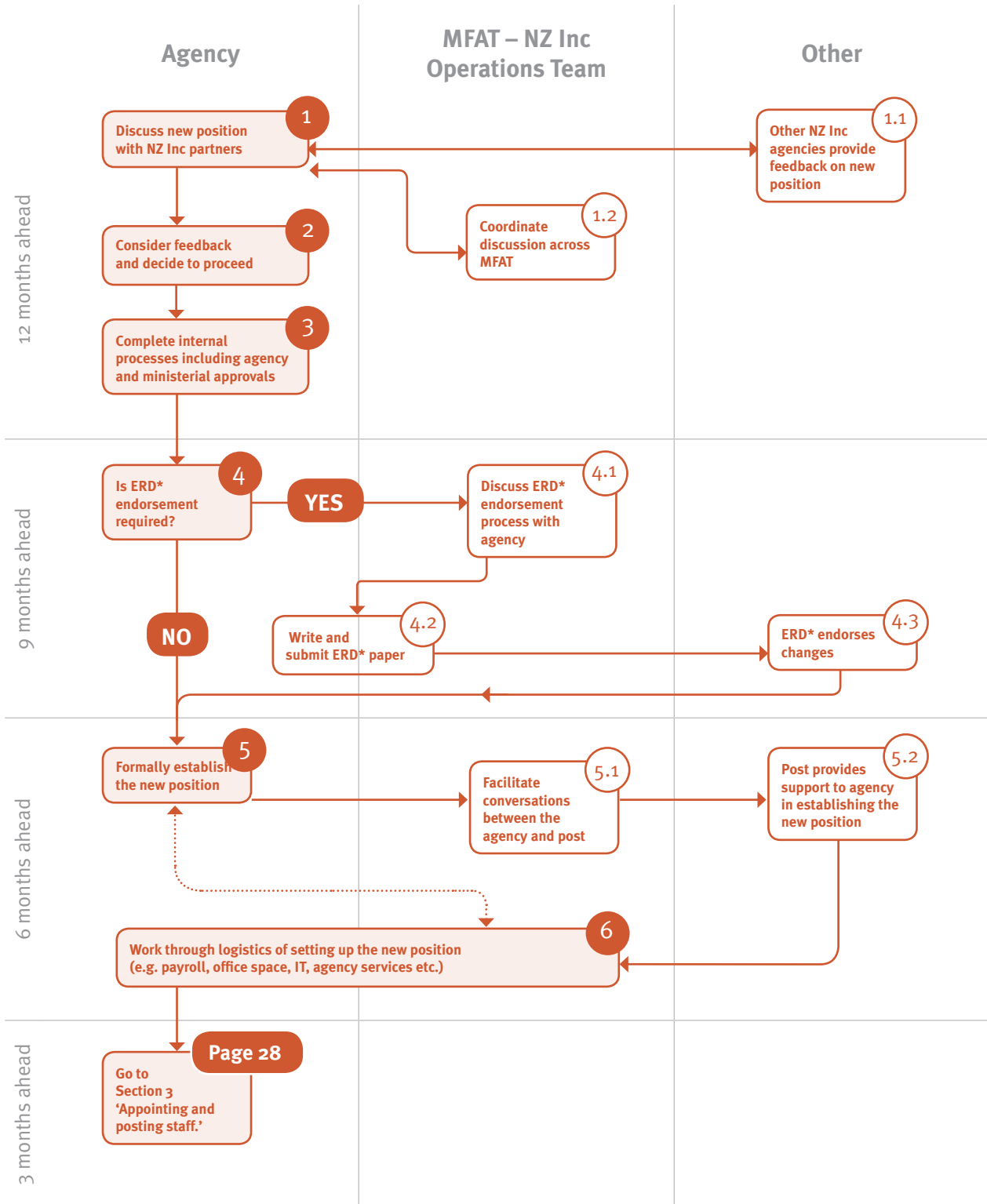
Section 3 of this guide provides more information on appointing LES.

Process for establishing a locally engaged position

In some countries, the New Zealand diplomatic mission or consular post is the only entity that can legally employ LES, while in others, New Zealand Government agencies can register for legal status as an employer and employ directly.

The diagram below shows the full process for establishing an LES position. Some of the steps may not be required, depending on the position you are establishing.

Further explanation of each step of the process is on the following pages.



*Cabinet External Relations and Defence Committee Simultaneous process

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Notes with diagram on establishing an LES position

1. Discuss new position with NZ Inc partners

- Depending on the type of LES position you may want to establish, you need to consult NZ Inc partners at the policy, strategic footprint management, and operational levels on your intention.
- Consultation is generally to ensure NZ Inc agencies are:
 - aligned on strategies, objectives and goals
 - given the opportunity to consider alignment of functions, including alignment of administrative or technical functions
 - aware of changes to the New Zealand offshore footprint
 - given the opportunity to raise any major operational considerations that need to be taken into account before proceeding.
- When consulting with MFAT you should discuss your intentions with the NZ Inc Operations team. They will initiate a discussion across MFAT divisions and posts for feedback on the new position and provide a consolidated response.
- If you believe the position would be co-located with and/or supported by MFAT, the NZ Inc Operations team can provide cost information to inform your business case or approval processes.

2. Consider feedback and decide to proceed

- You should consider the feedback and information received from NZ Inc agencies and decide whether to proceed to seek formal approval.

3. Complete internal processes, including agency and ministerial approvals

- Complete any internal processes, including developing business cases, finalising position descriptions, gathering costings etc.
- Complete any approval processes required from within your agency and/or the relevant minister.

4. Is Cabinet External Relations and Defence Committee (ERD) endorsement required?

- Follow the ERD matrix in the annex at the back of this guide to determine if ERD endorsement is required.
- If endorsement is required, contact the NZ Inc Operations team for advice on the process and on writing and submitting a paper.
- Depending on what other NZ Inc footprint changes are required to be endorsed by ERD, you may need to submit the Cabinet paper to ERD through your relevant minister. The NZ Inc Operations team can provide advice on this.



See pages 70 - 72 for full information on the ERD endorsement process.

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ANNEX

5. Formally establish the new position

- Your agency may already have knowledge and processes for formally establishing new locally engaged positions.
- Depending on your status as an employer in the receiving state, you may be able to set up the position on your own or you may need help from MFAT or another NZ Inc agency. If you're not sure, check with the NZ Inc Operations team who can organise contact between your agency and the New Zealand diplomatic mission.
- This step may include working with the mission, consular post or local employment lawyers to create contracts and ensure the position is in line with local labour laws.

6. Work through logistics of setting up the new position

- You will need to work on the remaining logistics of setting up the new position. If the position is to be co-located with MFAT, you'll need to work closely with the NZ Inc Operations team who will also talk to the post. If the position is going to be co-located with another agency, such as New Zealand Trade and Enterprise, you'll also need to involve them.
- Some of the factors to work through include:
 - **Office space:** Where in the office will the position be located? Is there enough room for an additional person? Is the physical environment suited to your needs or is some renovation work required? How much will it cost to sub-lease space from MFAT or another NZ Inc agency?
 - **Information technology (IT):** Which agency's IT network will the position use? What IT, if any, needs to be set up before the person starts?
 - **Agency services:** Will the position require support or services from MFAT staff at post? Can they be provided? What sort of fees might you have to pay for any support/services?
 - **Payroll:** Who will pay the staff member? Do they need to be paid from the diplomatic mission or consular post payroll, or will you pay them directly?



Next steps

Once the locally engaged position has been set up, you can move on to the process for appointing a locally engaged staff member to the position. This is covered in Section 3 of this guide – 'Appointing and posting staff'.

What you need to know about maintaining operations offshore once your staff member has arrived is covered in Section 4.

SECTION THREE

Appointing
and posting staff

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ANNEX

Appointing diplomatic or consular staff

There are three important points to consider in the early stages of recruiting and appointing someone to a diplomatic or consular position offshore. Each could affect the ability or willingness of preferred candidates to take up the role.

Citizenship and dual citizenship

Only New Zealand citizens can be appointed to diplomatic and consular positions.

If the person you appoint is to be accompanied by family, they do not have to be New Zealand citizens. But if they are not then they will not be entitled to a New Zealand diplomatic passport and may not be entitled to diplomatic status, privileges and immunities. If the person you appoint and/or their family members are dual citizens of New Zealand and the receiving state, they may need to relinquish the citizenship of the receiving state in order to be awarded diplomatic status, privileges and immunities.

Relinquishing citizenship is not a decision to be taken lightly, and people applying for roles offshore should be aware of any implications early on in the recruitment process.



Talk to the NZ Inc Operations team if you have any questions relating to citizenship for a diplomatic or consular posting.

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ANNEX

Citizenships that frequently affect postings

Questions around citizenship and dual citizenship frequently come up with postings to Australia or the United Kingdom because many New Zealanders also hold Australian or British citizenship.

The rules for these two states are very different:

Australia

If you want to appoint someone to a New Zealand diplomatic or consular position in Australia and they have dual citizenship that includes Australian, they will need to relinquish the Australian citizenship in order to take up the posting. Diplomatic/consular status, privileges and immunities will not be awarded while the Australian citizenship is held.

If accompanying family members hold Australian citizenship they will need to either:

- a) relinquish their Australian citizenship in order to get diplomatic status, privileges and immunities, or
- b) accompany the staff member on the posting without diplomatic status, privileges and immunities.

Your agency and the staff member and family concerned should carefully consider the implications of each option before making a decision.

United Kingdom

The United Kingdom will allow New Zealanders who also hold British citizenship to retain that citizenship while on a diplomatic/consular posting, and will still grant diplomatic/consular status, privileges and immunities. However, this does not extend to family members who also hold British citizenship. Accompanying family members will need to either:

- a) relinquish their British citizenship in order to get diplomatic status, privileges and immunities, or
- b) accompany the staff member on the posting without diplomatic status, privileges and immunities.

Your agency and the staff member and family concerned should carefully consider the implications of each option before making a decision.

Security clearance

Staff filling diplomatic/consular positions may be required to hold a New Zealand National Security Clearance. This requirement and the level of clearance will depend on the level of classified information they will have access to on a regular basis. This may also be affected by the country of posting or the staff members' physical location in the post.

The New Zealand Security Intelligence Service (NZSIS) conducts vetting for New Zealand National Security Clearances when requested to do so by an agency. Vetting involves enquiries being made to establish a person's trustworthiness, loyalty and discretion. Based on the results of its enquiries, NZSIS will provide a recommendation as to whether a clearance should be granted.

When looking to appoint staff to positions that require a security clearance, you must complete pre-employment screening and background checks before requesting vetting by NZSIS. If the staff member cannot obtain the appropriate level of clearance required for the role you will need to re-think the role and/or the appointment.

Partner status and employment

Every receiving state differs on its requirements for who they will officially recognise as a spouse/partner of a staff member on a diplomatic/consular posting. Many states do not recognise unmarried or same-sex couples. Having no official recognition may affect a partner's ability to obtain a visa and to be awarded diplomatic status, privileges and immunities.

Employment opportunities for recognised partners may also be restricted, depending on the rules of the receiving state. Some will not allow partners to work at all, others will allow them to work but only if it is at a diplomatic mission, and some have very few or no restrictions. Depending on the receiving state's requirements, the partner's diplomatic visa and/or status may be affected if they choose to work.

It is important that potential candidates for offshore positions fully understand the country-specific rules around partner status and employment because this may impact on their decision to undertake a posting.



You can find information on each country's requirements on the NZ Inc Operations Shared Workspace in the document titled "Employment and status information for partners".

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ANNEX

Posting diplomatic or consular staff

Posting staff to a diplomatic or consular position offshore will require help from the Ministry of Foreign Affairs and Trade to facilitate various points in the process.

The NZ Inc Operations team at MFAT will provide or facilitate a Letter of Eligibility (LOE) for a diplomatic passport, a Third Person Note in support of a diplomatic visa, and will either notify or seek approval from the receiving state for the new appointment. The NZ Inc Operations team can also help by having discussions with the post for local input and advice and for organising arrival procedures.

In most cases, New Zealand just needs to notify the sending state that a new person has been appointed rather than seek formal approval for the appointment to be confirmed. This is provided the position itself has already been approved. There are also some exceptions to this such as consul-general appointments and some defence appointments of military, naval and air attaches/advisors.



If the posting is to a consulate-general led by New Zealand Trade and Enterprise (NZTE), you may also need to get in touch with NZTE's International Operations team for additional help.



You should notify MFAT of new appointments at least three months in advance of when you want the person to start their posting.

Posting information and resources

MFAT has a range of resources available for those considering or about to start a posting to an MFAT post offshore. It includes reports written by staff at the post on what it is like living in that country, and on-the-ground information ranging from an overview of the post, staff accommodation, and family information, to health, transport, recreation, and tips on what to take with you from New Zealand.



These reports and other resources can be found on the NZ Inc Operations Shared Workspace.

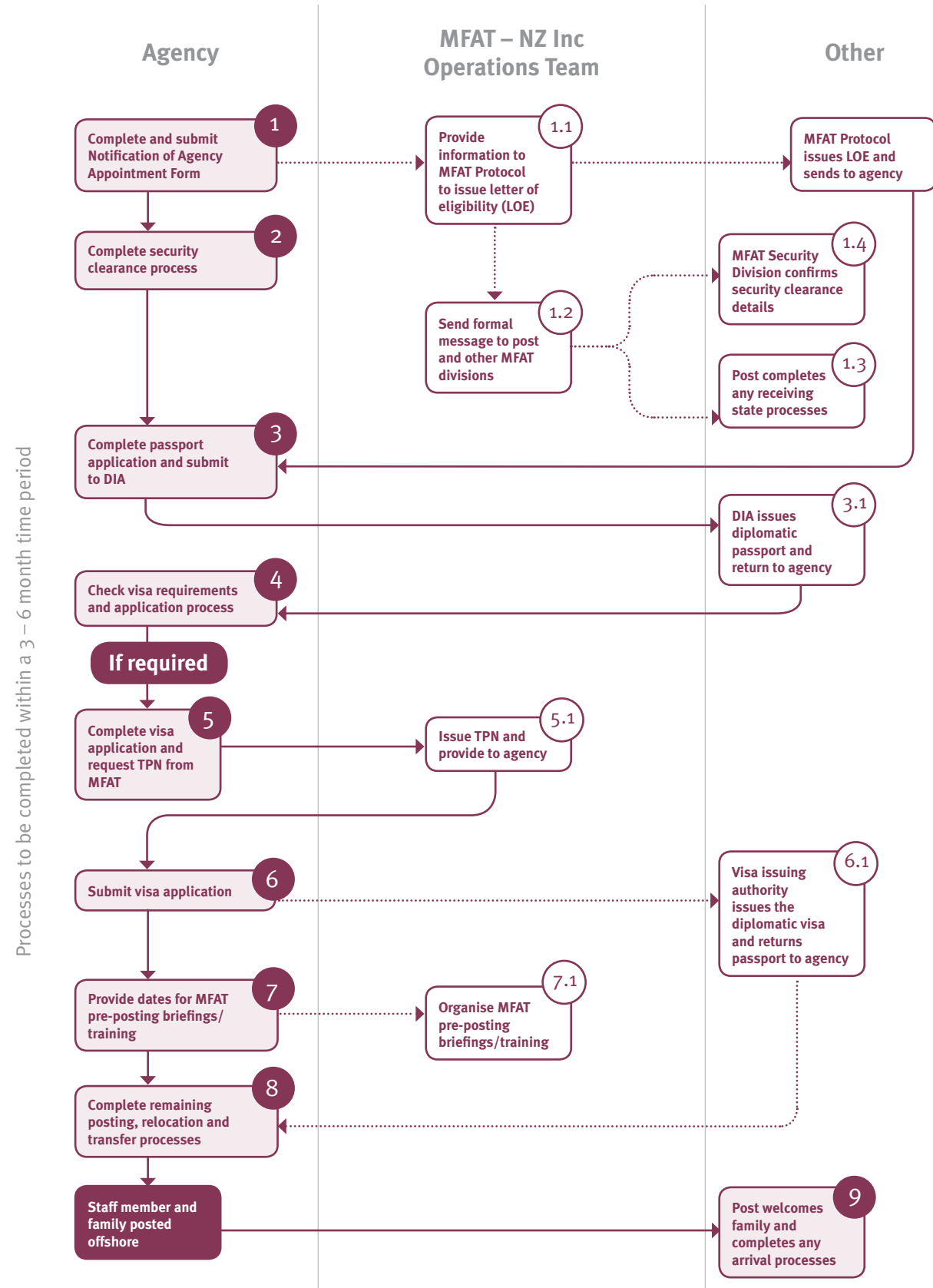
Agency responsibilities in the posting process

The overall responsibility for the process of posting staff offshore remains with the agency employing the staff. While MFAT can provide advice along the way and will facilitate some of the steps in the process, the employing agency will be responsible for ensuring their staff member and family are successfully posted offshore within the required timeframes.

The process map on the following page shows who is responsible for completing each task in the posting process.

Process for posting staff to a diplomatic or consular position

This diagram shows the process for posting someone to a diplomatic or consular position offshore. Further explanation of each step is on the following pages.



*Cabinet External Relations and Defence Committee Simultaneous process



Notes with diagram on posting staff to a diplomatic or consular position

1. Complete and submit Notification of Agency Appointment form

- This form is available on the NZ Inc Operations Shared Workspace and needs to be fully completed by the agency and the staff member. Be sure to include any additional information or attachments required by the form.
 - 1.1 Once the form has been submitted, the NZ Inc Operations team will ask MFAT's Protocol Division to issue a Letter of Eligibility (LOE) in support of the diplomatic passport application. The Protocol Division will send this letter back to you to attach with the passport application, as described in step 3.
 - 1.2 Using the information from the form, the NZ Inc Operations team will send a formal message to the MFAT post and other relevant divisions giving them details of the appointment. This ensures the relevant people can prepare their inputs into the process.
 - 1.3 Upon receiving the formal message, the post will complete any approval or accreditation processes required by the receiving state. For some countries nothing is required until the staff member arrives, but for others the post needs to formally notify or seek approval for the appointment in advance. The NZ Inc Operations team will work with the post to ensure the appropriate processes are completed and will let you know if there is anything further you need to do.
 - 1.4 After receiving the formal message, MFAT's Security Division will get in touch with your Chief Security Officer (CSO) to confirm the security clearance details for the staff member. This will include confirming the current (or applied-for) clearance level and ensuring it matches the minimum level required at the post. If any issues or concerns are raised, the NZ Inc Operations team will be in touch.



An LOE confirms eligibility for a New Zealand diplomatic passport. The Department of Internal Affairs (DIA) will not issue a diplomatic passport unless this letter is included with the application.

2. Complete security clearance processes

- If the staff member does not have a valid and appropriate security clearance they will need to apply for one. Talk to your CSO about how to go about this.
- You should apply for the security clearance as soon as possible after confirming the appointment. Depending on the level of clearance required, applications can take months to process. In some cases the staff member will be required to remain in New Zealand during the vetting and sometimes won't be able to join the post until the clearance has been approved. For advice on this you should check with your CSO in the first instance.

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3. Complete passport application and submit to DIA

- To apply for a new diplomatic passport your staff member (and accompanying family members) will need to fill out a standard application form. You should follow the instructions provided by the DIA.
- You will need the LOE from MFAT (covered in step 1) to include with the application so DIA know to process a diplomatic passport rather than a standard passport.
- Once you have all the relevant documents you can submit the application forms and supporting documentation, including the LOE, to DIA.

4. Check visa requirements and application process

- In most cases you will be applying for a diplomatic or consular visa for the staff member and their family. However, sometimes other visa categories may apply.
- You will need to check the requirements and application process for obtaining a visa for the staff member's particular circumstances and country of posting.
- As described on page 31, sometimes a staff member's partner's status can affect their eligibility for a diplomatic or consular visa, so this information should be checked as well.
- In most cases a diplomatic or consular visa will need to be issued before the staff member and family leaves New Zealand.
- Most diplomatic/consular visa applications need to be supported by a Third Person Note (TPN) from MFAT which you will need to request as part of completing the visa application (described in step 5).
- There are some countries that have 'visa waiver' schemes or slightly different processes that mean visas are issued on or after arrival. If you're not sure, you should check with the embassy, high commission or consulate-general of the receiving state. The NZ Inc Operations team may also be able to help.
- If a visa is not required to be issued before leaving New Zealand, talk to the NZ Inc Operations team about the in-country visa process – they will liaise with the post and ensure any actions are completed.



More information on the diplomatic passport application process is included on page 48 of this guide.

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5. Complete visa application and request TPN from MFAT

- The staff member (and family) will need to complete any required visa application forms and include any additional information that is requested in the visa process.
- You should check the visa requirements, but most diplomatic or consular visa applications need a TPN from MFAT to support the application.
- To request a TPN you should email the NZ Inc Operations team and provide the following information with your request:
 - a scanned copy of the biography page from each family member's diplomatic passport
 - a copy of the itinerary or information showing the date and port of arrival into the receiving state
 - confirmation of the posting length, position start date, and accompanying family members if any of this information has changed since the submission of the Notification of Agency Appointment form.
- Once the TPN has been prepared, the NZ Inc Operations team will give you the original copy which needs to be included with the visa application.

6. Submit visa application

- You should submit the visa application to the location specified in the application process, along with any required supporting documentation such as the TPN, original passports, photos, marriage certificate etc.
- Once the visa has been issued, it and/or other relevant documentation will be returned to the agency (not to MFAT) as per the country's visa application processes.

7. Provide details for MFAT pre-posting briefings/training

- MFAT will provide a series of pre-posting briefings and training for your staff member as part of the posting process. The range of briefings/training will depend on the position, location and the agency.
- As you work through any wider induction programme, you should set aside one to three days for MFAT briefings/training.
- You will need to provide the NZ Inc Operations team with date options for when the programme can be set up. The team will organise the programme and send you a copy for your staff member.



The NZ Inc Shared Workspace has guidance on what briefings will be required depending on the posting circumstances.

8. Complete remaining posting, relocation and transfer processes

- You should continue to work through any remaining posting, relocation and transfer processes as required under your internal processes.
- The NZ Inc Operations team can continue to provide advice as required, including organising discussions with the post. The post can generally provide good local knowledge on a range of issues such as schooling, housing, banking and general way of life at the post and in the country.

9. Post welcomes family and completes any arrival processes

- The post will be ready to welcome the staff member and family, and help with any remaining processes needed to get them set up.
- These processes will differ depending on the situation and level of service requested, but could include:
 - helping to clear personal effects from customs under diplomatic freight
 - clearing unaccompanied baggage
 - facilitating further visas
 - arranging diplomatic identification cards and diplomatic vehicle registration plates
 - arranging temporary and/or permanent housing and transport



MFAT post reports can also be a helpful source of this information - you can find these on the NZ Inc Operations Shared Workspace.



Next steps

Once you have posted your staff and they are operating offshore, you should refer to Section 3 – ‘Maintaining operations offshore’.

The remainder of this section covers the process for appointing locally engaged staff.

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ANNEX

Appointing locally engaged staff

In some countries, the diplomatic mission or consular post is the only New Zealand Government entity registered to legally employ locally engaged staff. If you are unable to employ such staff directly, you will need the post or another registered entity to do so on your behalf.

If an MFAT post employs locally engaged staff (LES) on your behalf, this will usually require an agency-to-agency agreement to cover off the roles, responsibilities and liabilities of each party involved. This will be managed at the post or in Wellington between head offices, depending on the situation.

The process for appointing LES differs in each country and depends on the agency's status as an employer in that country and the situation of the person you wish to appoint.

Defining locally engaged

If you are appointing someone to a role that is not a diplomatic or consular role, it will be a locally engaged role and the person filling it will be considered a locally engaged staff member. This is regardless of whether they are:

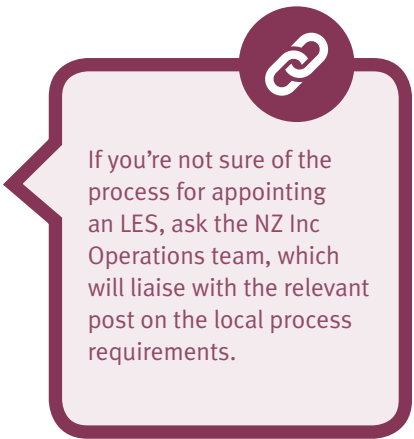
- sent from New Zealand or sourced from the local market, or
- appointed to the role on a temporary/fixed-term basis or on an open-tenure/permanent basis.

LES must be legally eligible to work in the receiving state. The eligibility to work may come from meeting the local citizenship requirements, obtaining a work, residency, or other category visa, such as an official visa. Some countries may require you to explain why a New Zealand citizen is hired instead of a local citizen.

LES contracts and other obligations

LES must be contracted in line with local employment laws, terms and conditions. You should check with a local employment lawyer and with the diplomatic mission if you want to offer terms and conditions that go over and above the country standards. You should ensure your contracts allow you to terminate the employment if the decision is made to close the mission or post as some countries' employment laws make it expensive to do so otherwise. MFAT posts may be able to provide templates for LES contracts.

Tax obligations for LES vary across countries, and you should find out what the obligations are before you employ. Some countries require staff to meet the equivalent of income tax obligations themselves while others follow a similar system to New Zealand and take tax from the income at source.




If you're not sure of the process for appointing an LES, ask the NZ Inc Operations team, which will liaise with the relevant post on the local process requirements.

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Appointing a New Zealander to an LES position

If you want to appoint a New Zealander to an LES position based at a New Zealand mission or post, they will need to have the right to legally work in the receiving state. If they don't already have this right through citizenship then they will need an appropriate visa.

Each country differs on its rules for the type of visa it will issue to a New Zealander wanting to work in an LES position at a New Zealand embassy, high commission or consulate-general. In some cases the post can support or sponsor a work or other visa, however some countries may also require you to explain why you are hiring a New Zealander instead of a local citizen.



Check with the NZ Inc Operations team for advice on your situation.

Visa examples

Below are some examples of countries that issue work or other category visas to New Zealanders looking to work in LES positions at a New Zealand diplomatic or consular post.

United States of America and the A2 Visa

The United States of America (USA) has a visa category known as A2. These visas are issued to LES (and family) who are officially recognised as working at a New Zealand diplomatic mission or consular post and are not citizens of the USA. Individuals become 'officially recognised' when MFAT provides a formal letter or TPN to the USA authorities confirming this. Holders of A2 visas can be New Zealanders or different state citizens so long as MFAT supports the appointment with a letter or TPN. A2 visas can be issued into a New Zealand standard passport or a passport of a different country (but not the USA).

China and residence permits

In China only Chinese or New Zealand citizens can work in a New Zealand diplomatic mission or consular post. If a New Zealander is looking to fill an LES position, they will need a residence permit, which is essentially a work permit. The application for this permit needs to be supported by the New Zealand embassy or consulate-general before it will be issued.

Japan and official visas

Japan has a visa category known as an "official visa" which differs from a diplomatic visa and is for people (and recognised family members) who engage in official business of foreign governments, or international organisations recognised by the Government of Japan. Official visas need to be supported by MFAT and can be issued for different periods of stay from 15 days to three years.

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ANNEX

SECTION FOUR

Maintaining
operations offshore

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ANNEX

This section covers the management and maintenance of operations offshore once positions have been set up and your staff are in place.

Much of the information in this section is also covered in your agency's Memorandum of Understanding relating to the cooperation between NZ Inc agencies in the context of their offshore operations (MOU). You should also refer to that document for more information on maintaining operations offshore.

Information in this section includes:

- The role of the head of mission
- Agency responsibilities
- MFAT agency services
- Agency fee schedules
- Diplomatic mail
- Diplomatic passports
- Diplomatic/consular visas

The role of the head of mission

The head of mission (HOM) leads New Zealand diplomatic missions and is the most senior New Zealand Government representative in the receiving state. The HOM has responsibility for:

- managing the overall relationship with the receiving state
- speaking on behalf of the New Zealand Government in relation to any issues or queries
- ensuring that all New Zealand Government agencies operate in a coherent and aligned way, creating an effective New Zealand environment.

At a diplomatic mission, the HOM also has responsibility for the overall administration, security and good conduct of the post. At a consular post, the head of post also holds this responsibility, though the HOM has overall responsibility and accountability for all New Zealand staff in that country.

Where other New Zealand Government agency staff are co-located at a diplomatic mission they must keep the HOM (or the HOM's representative) informed on any matters that may affect the overall running or administration of the post, including anything that would adversely affect the relationship with the receiving state.

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Agency responsibilities

Though the head of mission is ultimately responsible to the receiving state for all New Zealand Government staff posted to that country, your staff are still subject to the management and control of your agency while on posting overseas.

Your agency is also responsible for ensuring its staff have appropriate security clearance and abide by the security rules, regulations and procedures of the post. It is also responsible for ensuring your staff comply with receiving state laws and are aware that their posting or employment may be terminated in the event of their involvement in:

- a serious violation
- professional or personal misconduct
- controversy or dispute with the authorities of the receiving state
- non-compliance with the laws of the receiving state
- any action that may bring the New Zealand Government or its staff into disrepute.

If there are any issues or concerns with agency staff behaviour, the head of mission will consult the agency on the appropriate action to take.

Code of conduct

Where NZ Inc agency staff are located at a post led by the Ministry of Foreign Affairs and Trade (MFAT), they will need to abide by MFAT's code of conduct as well as their own agency's code of conduct, or equivalent.

Before staff are posted offshore they may be required to sign an acknowledgement of receipt and understanding of the MFAT code of conduct as part of the pre-posting briefing programme.

Insurance

NZ Inc agencies are responsible for arranging their own insurance cover for their business, staff and assets offshore. MFAT insures its own business and staff, including travel, vehicles, public liability, material damage for owned assets, and business interruption. It also self-insures for medical incidents.

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Asset management

NZ Inc agencies are generally responsible for sourcing and managing their own assets offshore. This includes purchasing properties, vehicles, furniture and artworks as required. Any agency-owned assets should be accounted for on the agency's asset register and included in the agency's insurance cover.

Under the MOU and the services that MFAT provides to agencies, you may be able to use existing MFAT assets rather than purchasing your own. For example, occupying office space in a premises already owned or leased by MFAT, or using an MFAT post vehicle on a casual basis. If you use MFAT's assets, they will be managed by MFAT and provided under the provisions of the MOU or a separate agreement.

MFAT agency services

Renting office space

You may rent office space from a premises owned or leased by MFAT provided there is space available and MFAT agrees to accommodate you. The terms and conditions for renting MFAT office space are covered in your MOU.

When you rent MFAT office space, the space dedicated only to your agency, such as desk areas or exclusive meeting rooms, is referred to as "dedicated space". You may also occupy "shared space" which is space shared by two or more agencies but not by everyone. You will be charged based on the actual square metres of dedicated space and for any shared space based on the agreed percentage of occupancy across the sharing agencies.

You will not be charged for the use of "common space" such as kitchens, conference rooms and bathrooms.

The charges for renting MFAT office space are shown on your agency fee schedules under the heading "shared premises". Page 45 of this guide includes a breakdown of the contents of the agency fee schedule and includes more information about how costs for office space are calculated.



The NZ Inc Operations team can provide more information for agencies considering this option. The "MFAT agency services" section below also provides more information about using MFAT assets and services.

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ANNEX

Using staff services at post

If required and agreed between MFAT and your agency, you may be able to use a range of services provided by MFAT to support your staff or operations offshore. These services include:

- general administration services
- banking and financial services (including processing payments, invoices and receipts. This service is common where agencies do not have bank accounts established offshore)
- travel bookings and arrangements
- administering and processing payroll for locally engaged staff.

MFAT staff at post will also help your staff with diplomatic facilitation services such as helping them to obtain diplomatic or consular identification cards after arriving, and assisting with any other engagements with the foreign ministry of the receiving state.

Services provided by MFAT staff at post are agreed on a case-by-case basis and will depend on staff capacity and availability to provide the required services.

You will be charged for these services based on the amount of time spent by MFAT staff providing them. A percentage of time spent per year is agreed between the MFAT and agency staff at post as part of MFAT's annual budgeting process. That percentage of time is used to calculate the service fees and the costs are included on the agency fee schedule under the title "MFAT staff time". Page 46 of this guide includes a breakdown of the contents of the agency fee schedule and includes more information about how costs for using MFAT staff time are calculated.

Using IT services

NZ Inc agencies co-located at an MFAT post may be able to use MFAT's IT services based on the provisions in the MOU. Depending on the agency staff member's security clearance they may be able to operate off MFAT's IT network and use MFAT hardware such as laptops and hand-held mobile devices. The MOU contains information on when IT services can be provided and under what conditions.

Arranging IT services for your staff is usually covered as part of the process of establishing new positions or posting people to positions as described in Sections 2 and 3 of this guide.

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If you are already based at an MFAT post and want to alter the services you receive from MFAT, contact the NZ Inc Operations team.



The NZ Inc Operations team can provide further information.

Agency fee schedules

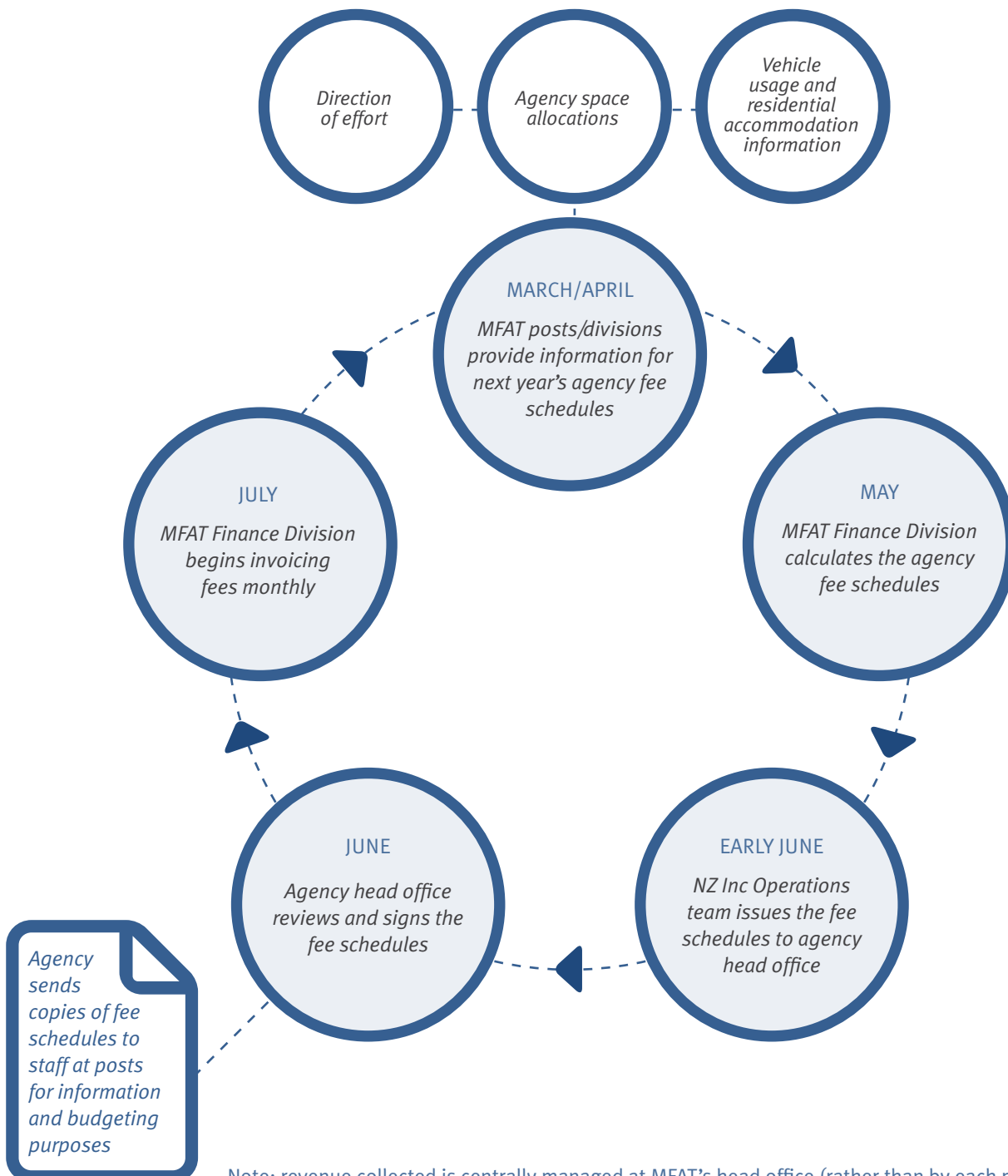
An agency fee schedule (AFS) is a financial document issued by MFAT to NZ Inc agencies that rent or use MFAT office space, staff services, vehicles or residential property.

AFS's are issued by MFAT's head office every year in approximately early June and are sent to your agency's head office. The AFS's apply for the upcoming financial year (1 July - 30 June) and one AFS is issued for each agency at each post.

Any questions on the contents of the AFS or the fees should be directed to the NZ Inc Operations team. Staff at MFAT posts provide information to calculate the AFS's but do not always have oversight on the final AFS issued.

The diagram below shows the general process for creating and issuing an AFS.

An AFS is not an invoice. The amounts on it are annual fees which will be invoiced each month at their monthly equivalent.



Note: revenue collected is centrally managed at MFAT's head office (rather than by each post)

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Contents of the agency fee schedules

The AFS contains three sections that make up the fees for the year: MFAT staff time, Shared Premises, and Other. These and the information used to calculate the fees in each section are shown in the diagram below.

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MFAT staff time

(Time spent by MFAT staff on providing services to agency staff at post)

The agreed direction of effort percentage is applied against the staff cost.

The staff cost depends on whether the time you are using is from a seconded staff member or an LES.

The staff cost for seconded staff is made up of:

- base salary at 102% market median
- an average share of routine operating costs

The staff cost for LES is made up of:

- average annual salary
- an average share of routine operating costs

If you use more than 75% of an MFAT staff member's time (seconded or LES), the staff cost will also include:

- the costs associated with that staff member's dedicated space.



Shared premises

(The dedicated and shared space occupied by an agency at the post)

For dedicated space the costs are charged based on the actual square meters occupied against a cost per square metre. For shared space the costs are charged based on the agreed percentage of occupancy across the sharing agencies, against a cost per square metre.

For both dedicated and shared space, the cost per square metre is made up of:

- rent (leased rent for leased premises or market rent for owned premises)
- utilities
- rates, taxes and communal charges



Other

MFAT vehicle use

(If an MFAT post vehicle is used on a regular basis)

The agreed annual percentage of use is applied against vehicle costs.

Vehicle costs are made up of:

- running costs
- depreciation
- capital charge

Residential accommodation

(Where the premises is owned by MFAT or the Crown)

Residential accommodation costs are charged based on market rental rates.

Residential accommodation costs are made up of:

- market rent
- utilities
- share of compound maintenance

Direction of effort

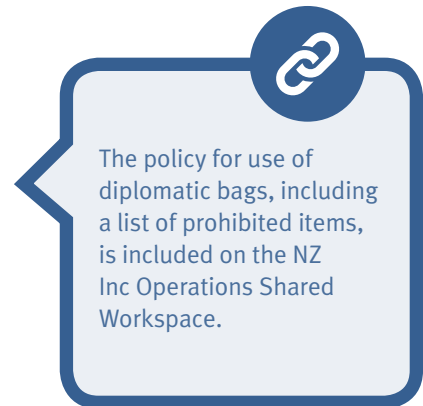
As described in the diagram, the information used to calculate the amount of MFAT staff time spent on providing services to agencies is decided through the “direction of effort” (DOE). This is an exercise run as part of MFAT’s annual budgeting process, where each MFAT staff member at the post explains how they spend their time, on a percentage basis, on outputs such as bilateral engagement, trade policy and services to other NZ Inc agencies. During this process, MFAT staff at post need to agree with NZ Inc agencies on how much time they spend providing services to them.

Before the DOE exercise is completed each year, MFAT and agency staff at post should negotiate the services to be provided and how much time will be needed. The percentage of time agreed on is put into the DOE and picked up by the MFAT finance team which completes the AFS. This process is also described in the diagram on page 45.

Diplomatic mail

The diplomatic mail service handles official material to and from New Zealand Government staff at diplomatic missions and consular posts.

NZ Inc agency staff can use this service, provided such use is in line with MFAT’s policy for use of diplomatic bags, and that any associated costs are met by the agency. The charges for using the service are set by the third-party provider.



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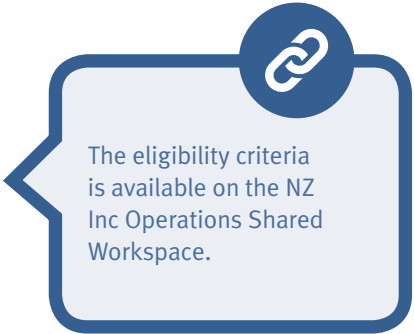
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Diplomatic passports process

New Zealand diplomatic passports are issued to people with New Zealand citizenship who meet the eligibility criteria set by MFAT. Diplomatic passports are commonly issued to staff (and their recognised family members) from across the New Zealand Government who are being posted offshore.

Diplomatic passports, in themselves, do not confer any diplomatic or consular status, privileges or immunities. Such status is a process of exchanging formal communication between the sending and receiving states. Evidence of diplomatic or consular status can be shown in the form of a diplomatic/consular visa and/or a diplomatic/consular identification card.



The eligibility criteria is available on the NZ Inc Operations Shared Workspace.



Under no circumstances is a diplomatic passport to be used for travel to Taiwan. A standard passport must always be used in this case. There are also certain countries that before travelling to on a diplomatic passport you must notify MFAT's Security Division. The list of these countries can change but it currently includes China, Russia, Saudi Arabia and Viet Nam. Please refer to the "notification of travel" document on the NZ Inc Operations Shared Workspace.

Applying for a first-time diplomatic passport

The application process for a diplomatic passport is the same as for a standard passport, with the exception that you will also need to include a Letter of Eligibility (LOE) from MFAT with your application. This letter confirms that the applicant meets the eligibility criteria. Without it the Department of Internal Affairs (DIA) will not issue a diplomatic passport.

You can hold both a standard and diplomatic passport at the same time. If you currently hold, or have previously held, a New Zealand standard passport then you can apply for a diplomatic passport by completing the "Adult Renewal" form. If you have never held a standard passport then you must complete an "Adult" application form. Children up to the age of 16 need to use the "Child" application form (there is no renewal form for children).

The process for requesting a diplomatic passport as part of a diplomatic or consular posting, including getting an LOE from MFAT, is covered in Section 3.

If the diplomatic passport is being requested for someone who is not going on a posting but meets the eligibility criteria, you will need to request an LOE from MFAT.



Forms can be found at www.passports.govt.nz

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To do this you should:

1. Make the request in writing on your agency’s letterhead. The request should include the reason for applying/how the person meets the eligibility criteria, details of where to return the LOE, as well as the person’s:
 - full name
 - date of birth
 - place of birth
 - citizenship(s)
 - job title
2. Sign the letter and send a hardcopy to MFAT’s Protocol Advisor (Passports). If the request is urgent you can send a scanned copy of the letter by email ahead of the hardcopy to PRD@mfat.govt.nz (or directly to the Protocol Advisor if you have their contact already).

Once you have received the LOE you should submit the diplomatic passport application to DIA. You should include a cover letter, the LOE, the passport application, and any other accompanying documents requested by DIA.

The timeframe for processing a diplomatic passport is the same as for a standard passport - up to 10 working days for standard service, or up to three working days using the urgent service at an additional cost.

Renewing a diplomatic passport

Diplomatic passports need to be renewed before they expire or when they run out of pages. Many countries will not let you enter unless you have at least six months’ validity remaining on your passport.

The process for renewing a diplomatic passport is the same as applying for one for the first time, unless you are applying from overseas and need the existing passport to remain valid while the new one is being processed (see the information below under “Keeping the existing passport valid”).

If you need to renew your diplomatic passport from overseas, you should work with your agency’s postings and support teams in New Zealand because the passport application still needs to be submitted to DIA in Wellington. Your agency’s New Zealand-based team can generally help to facilitate the application by submitting the documents, receiving the passport on your behalf, and sending the new passport to you overseas.

Keeping the existing passport valid

Once the application to renew your passport is received by DIA, the existing one is cancelled and cannot be used for travel. If you are applying to renew your passport from a posting overseas, you may need the existing one to remain valid while the new one is being processed. In this case, you will need to apply to renew your passport under a ‘PAS22’.

You’ll need to follow the same process set out under “Applying for a first-time diplomatic passport” on page 48, but when applying you need to make it clear you are applying under the PAS22 process. You should make this clear in a cover letter to DIA and also to MFAT when requesting the LOE. This will ensure DIA keeps your existing passport valid until they receive notification for it to be cancelled.

When the new passport is issued it will come with two forms which the passport holder needs to complete and return to DIA as soon as possible. Once they are received, DIA will validate the new passport and invalidate the old one.



Implications for your diplomatic/consular visa

If you renew your diplomatic passport part way through a posting you will need to consider the implications this will have on your diplomatic or consular visa. Because the visa would be attached to your old passport, you'll need to find out how to continue to satisfy the receiving state's visa requirements. Each country differs on the requirements, with some having a process to transfer the visa, others needing you to apply for a new visa under your new passport, and others allowing you to simply carry the old passport with the visa in it (along with the new passport) when travelling to and from the receiving state. You should check with the NZ Inc Operations team if you're not sure.

Diplomatic passports and personal travel

If you are on a posting it is recommended that once in the receiving state you use your diplomatic passport for all travel, including personal travel, for the duration of your posting.

If you undertake personal travel en-route to the country of your posting, you should use your standard passport until you enter the receiving state, at which point you use your diplomatic passport. Likewise, if at the end of a posting you travel to another country on the way to New Zealand, you should use your standard passport once you have left the receiving state.

If you are not on posting and hold a diplomatic passport for use during official travel, it must be used only for those official travel purposes and cannot be used for personal travel at any time.

Cancelling a diplomatic passport

When a passport expires or is no longer required it must be returned to MFAT's Protocol Division, which will manage the cancellation process.

If you would like to keep your cancelled passport you can ask for it to be returned once the process is complete.

Diplomatic/consular visas

The process for applying for a diplomatic or consular visa as part of a posting is covered in Section 3, "Appointing and posting staff".

If you are already on a diplomatic or consular posting and need to extend your visa, or need to apply for one to another country, the post can generally arrange this directly with the relevant receiving state.

If you require a visa to travel offshore for official government business, you should check the relevant country's visa options and requirements. If a Third Person Note is required to support the visa application, the NZ Inc Operations team can provide this for you. You will need to tell them the passport details of the individual requiring the visa, as well as travel particulars such as date of travel, port of arrival, length of stay and reason for travel.

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SECTION FIVE

Disestablishing
positions offshore

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If it is decided that an offshore position is no longer required, there are processes that must be followed to ensure it is formally and properly disestablished. In all cases it is important to liaise closely with the MFAT post because MFAT will need to formally notify the receiving state of the decision to disestablish a position.

The processes involved to disestablish a position will depend on the type of position being disestablished, which country the position is in, and whether some form of representation is being retained in the country or it is being withdrawn entirely.

The time it takes to disestablish a position will depend on your internal processes, the receiving state processes, as well as any legal processes that are required for affected staff.



You should allow approximately 12 to 18 months for the end-to-end process of disestablishing a position. This timeframe could be shorter if not all processes need to be completed. While it could take up to 18 months to disestablish a position, you may be able to remove affected staff earlier in the process.

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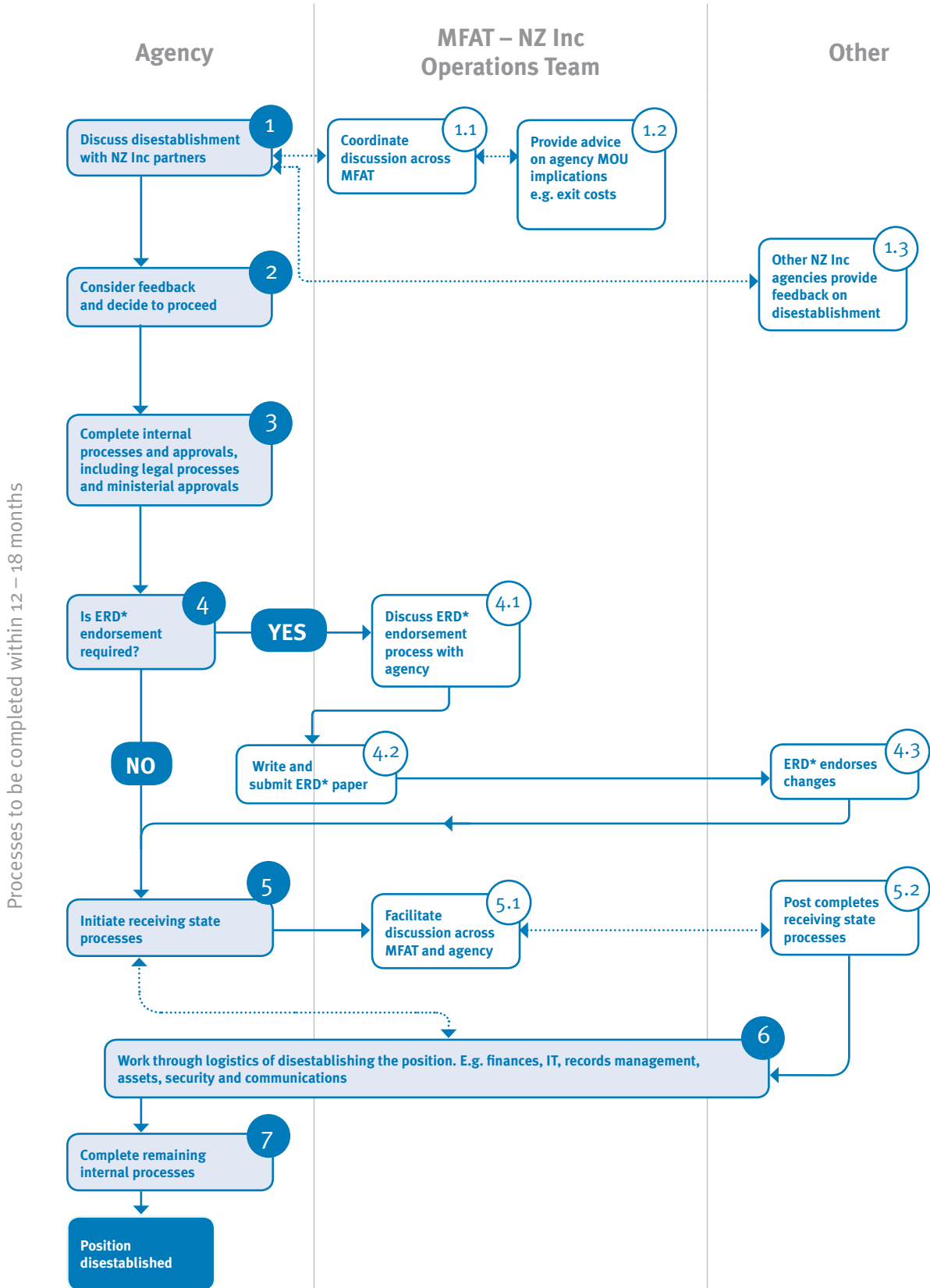
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Process for disestablishing positions

The diagram below outlines the general process for disestablishing positions offshore. This process applies to both diplomatic/consular and locally engaged positions. However, the level of detail and specific requirements involved will differ for each position being disestablished. You should contact the NZ Inc Operations team if you want to disestablish a position and they can provide advice specific to your situation.



*Cabinet External Relations and Defence Committee Simultaneous process

Notes with diagram on disestablishing positions offshore

1. Discuss disestablishment with NZ Inc partners

- Depending on the type of position you want to disestablish, you need to consult NZ Inc partners at the strategic footprint management, policy and operational levels on your intention.
- Consultation is generally to ensure NZ Inc agencies are:
 - aligned on strategies, objectives and goals
 - given the opportunity to consider alignment of functions
 - aware of changes to the New Zealand offshore footprint
 - given the opportunity to raise any major operational considerations that need to be taken into account before proceeding.
- When consulting with MFAT, you should discuss your intentions with the NZ Inc Operations team. They will initiate a discussion across MFAT divisions and posts for feedback on your intentions and provide a consolidated response.
- If the position is co-located with and/or supported by MFAT there may be additional points to consider, such as exit costs which may apply if you withdraw the need for office space or MFAT staff support and services.
- NZ Inc agencies may want to understand how the work will be managed in the absence of the position – i.e. will it be managed from a different location or is the work no longer required?

2. Consider feedback and decide to proceed

- You should consider the feedback and information received from NZ Inc agencies and then decide whether to proceed to disestablish the position.

3. Complete internal processes and approvals, including legal processes and ministerial approvals

- Complete any required internal processes such as developing and signing off business cases or seeking approval from your minister.
- Complete any required legal processes for affected staff such as redundancy or contract terminations.
- The NZ Inc Operations team can arrange for advice from the relevant diplomatic mission if required.

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4. Is Cabinet External Relations and Defence Committee (ERD) endorsement required?

- Follow the ERD matrix in the annex at the back of this guide to determine if ERD endorsement is required.
- If endorsement is required, contact the NZ Inc Operations team for advice on the process, and on writing and submitting a paper.
- Depending on what other NZ Inc footprint changes are required to be endorsed by ERD you may need to submit the paper to ERD through your relevant minister. The NZ Inc Operations team can provide advice on this.

5. Initiate receiving state process

- The receiving state may require formal notification of the disestablishment of a position depending on the type and nature of the position as well as other circumstances.
- You will need to initiate the process when you are ready by asking the NZ Inc Operations team to discuss the situation with the post.
- The relevant post will ensure the correct local processes are followed, based on your specific situation.

6. Work through logistics of disestablishing the position

- There are a number of processes that need to be worked through when disestablishing a position. You need to work with the NZ Inc Operations team on your specific circumstances.
- Some examples of things that may need to be covered are:
 - **Finance/budget considerations:** Is there any implication for the post's budget? Are there bank accounts that need to be closed or signatories changed? How will things such as credit card accounts, invoices, and security deposits be received after the disestablishment?
 - **MFAT IT:** If the position was operating on MFAT's IT network then access will have to be changed and hardware securely removed.
 - **Records management:** What happens to records/files stored on IT systems or in hardcopy at the post?
 - **Property and assets:** Is there an alternative use for the space previously occupied? Are there any exit costs? Are there any implications on leased residential accommodation (e.g. contractual arrangements, notice period)? Does there need to be a sale, transfer or disposal of assets? Do any items need to be shipped back to New Zealand securely? Do you need to update asset registers?
 - **Security:** All official material, security/access cards, locks etc. will need to be dealt with appropriately. Are there any other country-specific security considerations?



See pages 70 - 72 for full information on the ERD endorsement process

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7. Complete remaining internal processes

- This step is for you to complete any remaining internal processes that may still be required, such as:
 - finalising arrangements with affected staff
 - communicating the changes internally/externally
 - updating communications, websites, and other documents or records.

SECTION SIX

New Zealand Trade
and Enterprise
and consulates-general

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This section is intended for use by New Zealand Trade and Enterprise, which currently leads and manages a small number of New Zealand consulates-general offshore. Other NZ Inc agency staff working at NZTE-led consulates-general may also be interested in the information in this section.

In this section you will find essential technical and process information relating to:

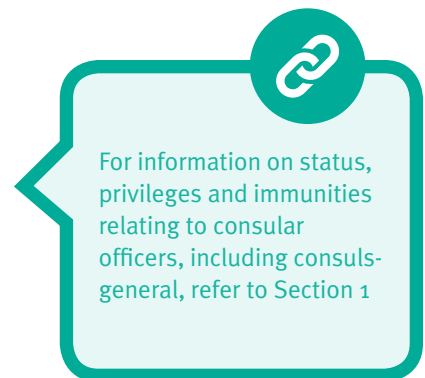
- privileges and immunities for the consular post
- the role of a consul-general
- seeking approval to appoint a consul-general
- posting a consul-general

This section does not cover information or processes for establishing or disestablishing a consular post. These actions are subject to a separate process managed by the Ministry of Foreign Affairs and Trade (MFAT), which is the only agency authorised to seek approval from the New Zealand Government and the receiving state to establish or disestablish a consular post.

Privileges and immunities relating to a consular post

The Vienna Convention on Consular Relations 1963, Articles 28 to 39, covers the privileges and immunities relating to consular posts and premises. Staff from New Zealand Trade and Enterprise (NZTE) and other NZ Inc agencies co-located at NZTE-led consulates-general should read these Articles to ensure they understand the privileges and immunities that apply to the post itself. You should also check with the diplomatic mission on whether there are any local rules or processes to consider for how the receiving state implements the VCCR.

If a post is found in a situation that challenges these privileges and immunities the head of post should always contact the diplomatic mission for advice.



Some of the key privileges and immunities are:

- 1. Inviolability of the consular premises:** The authorities of the receiving state may not enter the parts of a consular premises which are used exclusively for the work of the consular post except with the consent of the head of post (or a designate of), or of the head of the diplomatic mission (e.g. ambassador, high commissioner). The consent of the head of post may, however, be assumed in the case of a fire or other disaster that requires prompt protective action.
- 2. Exemption from taxation of consular premises:** The consular premises and the residence of the career head of post, if owned or leased by the sending state, are exempt from all national, regional or municipal dues and taxes of the receiving state.
- 3. Freedom of communication:** The receiving state must permit and protect freedom of communication of the consular post for all official purposes. The post may use all appropriate means of communication, including by way of diplomatic or consular couriers, diplomatic or consular bags, and sending messages in code or cipher.
- 4. Consular fees and charges:** The post may charge fees for consular acts carried out in the receiving state, as long as they conform with the sending state's laws and regulations. The money collected from such fees and charges are exempt from all dues and taxes in the receiving state. For example, New Zealand consular posts often charge people if they use the posts' legal and notarial services.

The role of the consul-general

The consul-general's role is to lead the consulate-general in exercising consular functions within his or her specific jurisdiction (as set out in the VCCR). This could include helping and protecting New Zealanders abroad and developing New Zealand's economic relations with the receiving state. The consul-general may also need to represent New Zealand at various functions and events, work with the diplomatic mission on organising ministerial visits, and respond to consular cases and crises/emergencies relating to or affecting New Zealanders offshore.

The consul-general is responsible to the head of mission (HOM) of the New Zealand diplomatic mission in the receiving state for the effective management, security and good conduct of the post. The HOM remains the senior New Zealand Government representative and has responsibility for managing the overall relationship with the receiving state and ensuring all New Zealand Government agencies operate in a coherent and aligned way. The HOM may exercise direction over any matters within the consul-general's area of responsibility that could affect New Zealand's relations with the receiving state.

When a new consul-general is appointed he or she will receive a letter of expectation from MFAT that outlines his or her roles and responsibilities and how to work in conjunction with the diplomatic mission and the head of mission.

Recruiting a consul-general

NZTE consuls-general could also hold the job title of trade commissioner or regional director, though not all that hold these job titles can be a consul-general. When recruiting someone as a trade commissioner or regional director who will also be the consul-general you should also consider the roles and responsibilities of the consul-general and factor this into your recruitment decisions.

You should also read the considerations for appointing staff outlined on pages 29 to 31 of this guide as they will also apply for appointing an NZTE consul-general.

Appointing a consul-general

The process and requirements for appointing a consul-general are different to those for appointing other consular officers. The appointment of a consul-general must be formally recommended by MFAT to the Minister of Foreign Affairs (MFA), then from the MFA to the Governor-General, before the appointment can be submitted to the receiving state for approval. Any offer of appointment made by NZTE to a consul-general position must be provisional until approvals have been confirmed in both New Zealand and the receiving state.

There are a number of requirements set out in the Vienna Convention on Consular Relations for how a consul-general will be appointed by the sending state and approved by the receiving state. This includes the requirement for a commission of appointment to be submitted and for the granting of an official authorisation, or exequatur.



A **commission of appointment** is a written authority from the sending state showing who they wish to appoint as a head of post. The commission certifies the capacity of the individual and includes their full name, consular rank, district and post. The commission is sent through diplomatic channels to the receiving state.

An **exequatur** is an official authorisation issued by a receiving state to a consular officer that permits them to perform their official duties. Exequaturs are issued in response to formal commissions of appointment.

The step-by-step process for seeking approval to appoint a consul-general is described on page 62 in this section.

Timeframes for appointing a consul-general

The time it takes to approve the appointment of a consul-general can vary because the end-to-end process relies on parties outside MFAT and NZTE. Though the MFAT and NZTE processes can be accelerated to a degree, the organisations have little influence over the priorities and timeframes of outside parties. For example, the travel schedules of the Minister of Foreign Affairs and the Governor-General can affect the time it takes for them to sign documents and return them to MFAT. Receiving states also have their own processes and timeframes for granting exequaturs.

You should allow as much time as possible for the process of seeking approval for a consul-general appointment. You should aim to start the process at least 10 months ahead of when you want someone officially working in the role at post.

When a new consul-general can start

A new consul-general should not begin duties until they have received an exequatur from the receiving state.

Pending the delivery of the exequatur, the receiving state may allow the consul-general designate to be admitted on a provisional basis; however, this is up to the receiving state.

In the absence of a head of the consular post

If the consul-general is unable to carry out their functions, or if the position of consul-general is vacant, an acting head of post can be appointed.

An acting head of post can be another consular officer at the post or a diplomatic staff member from a diplomatic mission. Appointing someone who is not either of these will be subject to the receiving state's approval.

The details of the acting head of post should be provided to the receiving state in advance by the diplomatic mission in the receiving state.

Consular case management training

NZTE consuls-general, and consular officers being posted to an NZTE-led consulate-general, will be required to complete Consular Case Management Training prior to departing New Zealand. This training is essential to understand how to manage consular cases offshore.

This training is held over two full days at set times throughout the year to align with when groups of staff are being posted offshore. The training is usually held near the start, middle and end of the year (e.g. February, July, and November) but you will need to check with the NZ Inc Operations team to find out the timing of the next training course.

There will also be a range of other MFAT briefings required for outgoing consuls-general, depending on the location of posting and personal circumstances of the staff member. This is covered in step 8 on page 66 of this guide.

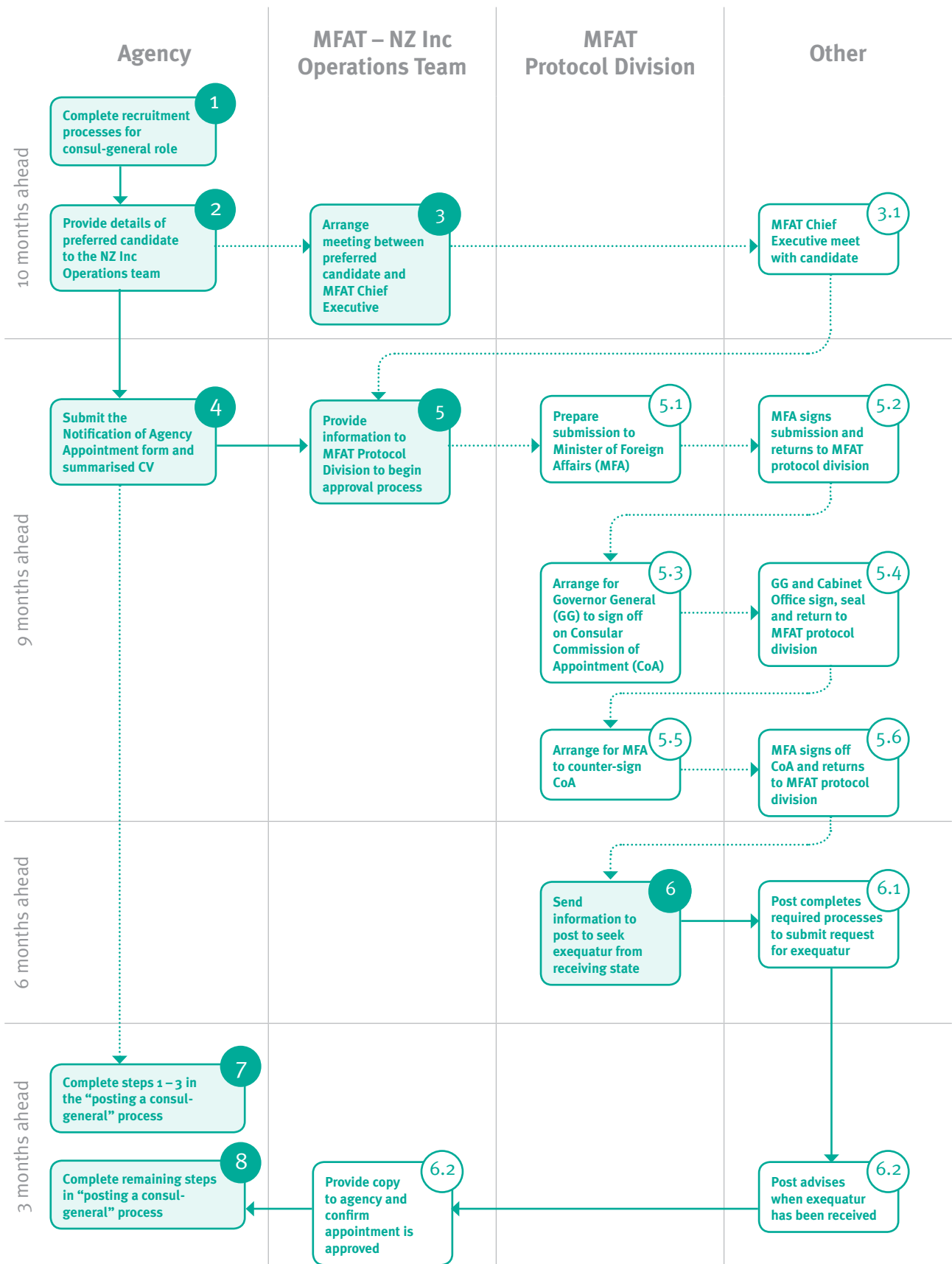


If a temporary or acting head of post is required, the consular post should contact the diplomatic mission in the first instance.

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Process for seeking approval to appoint a consul-general

The diagram below shows the process for seeking approval to appoint a consul-general. Much of this process is managed by MFAT. Further information on each step is on the following pages.



Notes with diagram on seeking approval to appoint a consul-general

1. Complete recruitment process for consul-general role

- Complete your own recruitment processes for the role, but consider having MFAT involved in the process, such as asking an MFAT representative to be on the interview panel. You should ensure the head of mission is aware that recruitment processes are under way.

2. Provide details of preferred candidate to the NZ Inc Operations team

- When you have selected a preferred candidate you should advise the NZ Inc Operations team as soon as possible. If you have completed a Notification of Agency Appointment form you should submit this because it includes all the relevant information. Otherwise, at a minimum, the team will need a copy of the candidate's Curriculum Vitae, as well as:
 - full name
 - citizenship of the individual and their accompanying family members
 - job title (e.g. Trade Commissioner)
 - expected or preferred start date at post
 - name of any MFAT staff involved in the recruitment process

3. Arrange meeting between preferred candidate and MFAT Chief Executive

- The NZ Inc Operations team will work with NZTE to arrange a time when the preferred candidate can meet the MFAT Chief Executive (CE).



The time it takes to complete this step will depend on the CE's travel schedule and availability. The NZ Inc Operations team will do their best to schedule a meeting as soon as possible but it could take between two and four weeks before one can be arranged.

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- The purpose of this meeting is to ensure the CE is comfortable with the appointment before it is submitted to the MFA for approval. The CE will ensure the candidate is aware of their roles and responsibilities as a consul-general, in particular in relation to exercising consular functions and assisting New Zealanders offshore.
- Following the meeting, the CE will communicate to the NZ Inc Operations team approval or otherwise for the appointment to proceed to the next stage. If any issues arise during the meeting, or if the CE is not comfortable with the appointment, the NZ Inc Operations team will work with NZTE to resolve them.

4. **Submit the Notification of Agency Appointment form and provide summarised CV**

- If you haven't already submitted this form you will need to ensure it is completed and sent to the NZ Inc Operations team. You will also need to provide a 1–2 page summarised version of the candidate's CV to present to the MFA.

5. **Provide information to MFAT Protocol Division to begin approval process**

- The NZ Inc Operations team will provide the MFAT Protocol Division with a copy of the Notification of Agency Appointment form, the candidate's summarised CV, and confirmation that the CE is comfortable with the appointment.
- The MFAT Protocol Division will then complete the formal processes involved in seeking approval from the MFA and the Governor-General. These processes are described on the process diagram in steps 5.1 to 5.6.



The time it takes to gain the approval of the Minister of Foreign Affairs and the Governor-General will depend on their travel schedule and availability. You should allow for approximately three months for this step to be completed, but you will need to be flexible (i.e. it could be shorter or longer).

6. Send information to post to seek exequatur from receiving state

- Once the appropriate approvals have been obtained from the MFA and the Governor-General, MFAT Protocol Division will send the documentation to the diplomatic mission which will seek approval in the form of an exequatur from the receiving state.
- The mission will advise the NZ Inc Operations team once approval has been received, and will provide NZTE with a copy of the exequatur.



The time it takes for a receiving state to consider the appointment and grant an exequatur varies for each state, and MFAT has very little influence on the timeframes. You should plan for approximately three months for this step to be completed but you will need to be flexible (i.e. it could be longer or shorter).

7. Complete processes 1 to 3 in the “posting a consul-general” process

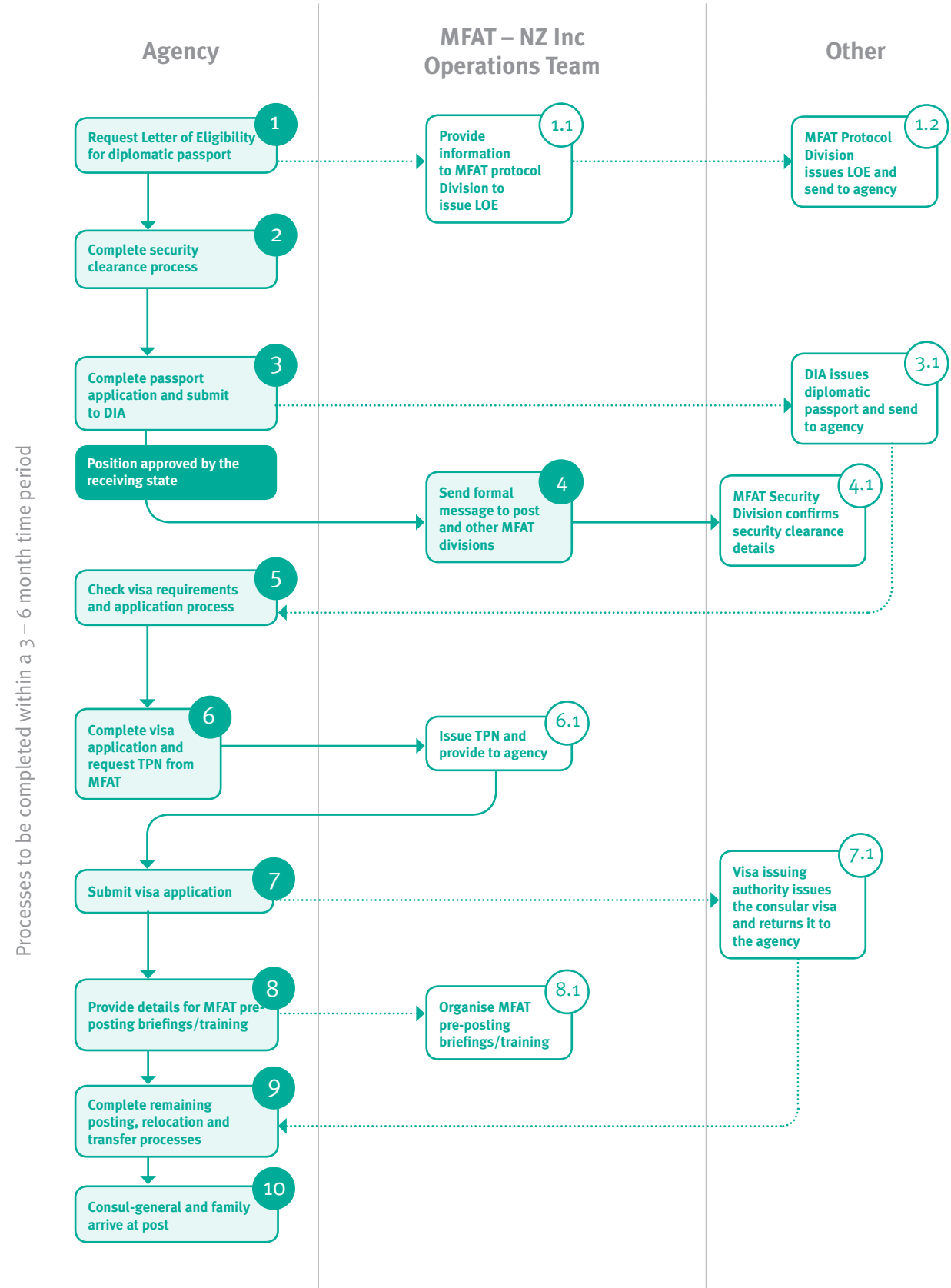
- Steps 1 to 3 of the process “posting a consul-general” can generally be completed while you wait for the approvals from New Zealand and the receiving state. Refer to the process diagram on the following page to complete these steps.

8. Complete remaining steps in the “posting a consul-general” process

- Once approval has been received you can continue with the process of “posting a consul-general” and complete any remaining steps.

Process for posting a consul-general

The diagram below shows the process for posting a consul-general once the staff member has been approved by the receiving state. Further information on each step is included on the following pages.



Notes with diagram on posting to a consul-general position

1. Request Letter of Eligibility for diplomatic passport

- Request a Letter of Eligibility (LOE) from the NZ Inc Operations team. They will provide the information collected during the “seeking approval to appoint a consul-general” process to MFAT’s Protocol Division who will issue the LOE and return it to you.

2. Complete security clearance process

- If the staff member does not have a valid and appropriate security clearance they will need to apply for one. Talk to your Chief Security Officer (CSO) about this.
- You should apply for the security clearance as soon as possible after selecting a preferred candidate. Depending on the level of clearance required, applications can take months to process. In some cases, the staff member will be required to remain in New Zealand during the vetting and will not be able to join the post until clearance has been approved. For advice on this, check with your CSO in the first instance.

3. Complete passport application and submit to Department of Internal Affairs

- To apply for a new diplomatic passport, your staff member (and accompanying family members) will need to follow the information and processes set out on pages 48 to 49 of this guide. The LOE to support the diplomatic passport was covered in step 1 above. Once you have all the required documents submit your application to DIA.

4. Send formal message to post and other MFAT divisions

- Once the appointment has been approved by the receiving state and an exequatur issued, the NZ Inc Operations team will send a formal message to the post and relevant MFAT divisions confirming details of the new consul-general and their accompanying family members.
- When MFAT’s Security Division receives this formal message they will contact your CSO to confirm the staff member’s security clearance details. This will include confirming the current (or applied-for) clearance level and ensuring it matches the minimum level required at the post. The NZ Inc Operations team will contact you if there are any issues or concerns.

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ANNEX

5. Check visa requirements and application process

- Check the requirements and application process for obtaining the necessary consular visa for the staff member (and their family) for the particular circumstances and country of posting.
- In most cases, a consular visa will need to be issued before the staff member (and family) leaves New Zealand.
- Most consular visa applications need to be supported by a Third Person Note (TPN) from MFAT which you will need to request as part of completing the visa application (described in step 6 below).
- Some countries have 'visa waiver' schemes or slightly different processes that mean visas are issued on or after arrival. If in doubt, check with the embassy, high commission or consulate-general in New Zealand of the receiving state.



If a visa is not required to be issued before leaving New Zealand, talk to the NZ Inc Operations team about the in-country visa process – they will liaise with the post and ensure any actions are worked through.

6. Complete visa application and request TPN from MFAT

- The staff member (and family) will need to complete any required visa application forms and include any additional information that is requested in the visa process.
- You should check the visa requirements, although most consular visa applications need a TPN from MFAT to support them.
- To request a TPN you should email the NZ Inc Operations team and provide the following information with your request:
 - a scanned copy of the biography page from each family member's diplomatic passport
 - a copy of the itinerary or information showing the date and port of arrival into the receiving state
 - confirmation of the posting length, position start date, and accompanying family members, if any of this information has changed since the submission of the Notification of Agency Appointment form.
- Once the TPN has been prepared, the NZ Inc Operations team will give you the original copy which needs to be included with the visa application.

7. Submit visa application

- Submit the visa application to the location specified in the application process, along with any required supporting documentation, such as the TPN, original passports, photos, marriage certificate etc.
- Once the visa has been issued, it and/or other relevant documentation will be returned to the agency (not to MFAT) as per the country's visa application processes.

8. Provide details for MFAT pre-posting briefings/training

- MFAT will provide a series of pre-posting briefings and training for your staff member as part of the posting process. The range of briefings and training will depend on the position, location and the agency.
- Two days will need to be set aside by NZTE consuls-general prior to departure to attend the Consular Case Management Training provided by MFAT. This course is provided only at certain times of the year (generally February, June/July, October/November), so you will need to work with MFAT on scheduling.
- A further one or two days will need to be set aside for MFAT briefings and training in addition to the Consular Case Management Training. You will need to provide the NZ Inc Operations team with date options for when the programme can be set up. The team will organise the programme and send you a copy for your staff member.

9. Complete remaining posting, relocation and transfer processes

- Continue to work through any remaining posting, relocation and transfer processes as required under your internal processes.

10. Consul-general and family arrive at post

- When the consul-general and family arrive at the consular post, they may need assistance from the diplomatic mission with certain receiving state processes. This will depend on the post and location but may include:
 - helping to complete paperwork to clear personal effects and unaccompanied baggage from customs
 - facilitating further visas or consular identification cards.
- If assistance is required, the consul-general should work with the diplomatic mission to arrange this. The NZ Inc Operations team can facilitate discussions if required.

ANNEX

ERD process

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ANNEX

This annex covers information on the Cabinet External Relations and Defence Committee (ERD) process for endorsing NZ Inc offshore footprint changes.

About ERD

ERD is a Cabinet committee that considers policy and other matters relating to foreign affairs, international trade, development assistance, and defence. It generally meets fortnightly during Parliament sitting weeks.

For more information visit the DPMC website - <http://www.dPMC.govt.nz/cabinet/committees/erd>

Endorsing NZ Inc footprint changes

On 24 February 2010, ERD agreed that any proposals from NZ Inc agencies to open or close posts, or for significant increases or decreases in resources offshore, must be endorsed by ERD.

At the time of the decision, ERD noted that New Zealand's external footprint needed periodic review and that improved coherence of NZ Inc offshore needed to be matched by improved planning, coordination, and efficiency among NZ Inc agencies onshore.

ERD endorsement process

We recommend allowing three months for the ERD endorsement process. This takes into account the time it takes to prepare the paper and scheduling for it to be tabled with ERD, as well as a contingency timeframe, because papers can often be deferred to the next meeting.

An ERD endorsement 'matrix' has been developed to help identify when ERD endorsement is required and to provide consistency and transparency for the process. The matrix is for all NZ Inc agencies and helps to interpret what constitutes 'significant increases and decreases' in resources offshore.

If ERD endorsement is required you need to get in touch with the NZ Inc Operations team at MFAT because your offshore footprint change will need to be included in a paper submitted to ERD ahead of one of their meetings.

The NZ Inc Operations team maintains oversight on the ERD process for all of NZ Inc and needs to be aware of any NZ offshore footprint changes. It can also provide advice on the process and timelines, and have Cabinet paper templates and examples.

If there are changes to MFAT's offshore footprint to be endorsed at the same time as yours then MFAT will lead on the paper and submit your changes on your behalf through the Minister of Foreign Affairs. You will still need to ensure your own minister is fully aware of the changes.



If there are no MFAT changes required in the same period as yours, you may need to submit the paper to ERD via your own minister. The NZ Inc Operations team can let you know the exact process based on your circumstance and what other changes are required.

ERD endorsement matrix

Below you will find two matrices that can help you identify when ERD endorsement is required. The first is a high-level summary providing a snapshot of when endorsement is generally required. The second is a detailed matrix outlining each key action/change and whether endorsement is required.



While the matrices may indicate ERD approval is not required, there may be other forms of approval required before the change can take place, such as approval from NZ Inc agencies, MFAT and/or the receiving state.

Refer to Sections 2 and 3 for more information on establishing positions offshore and appointing and posting staff.

Summary ERD matrix

Action/change	New/opening in country	Additional in country where already represented	Moving cities within the same country	Removing/closing in country
Diplomatic mission/consular post	✓	✓	X	✓
Non-diplomatic/non-consular office	✓	X	X	✓
Offshore positions	✓	X	X	✓

KEY	✓ ERD endorsement required	X ERD endorsement not required
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Detailed ERD matrix

Action/Change		MFAT	Other NZ Inc Agency
Opening or closing a diplomatic mission or consular post	Opening a new embassy or high commission	✓	N/A
	Opening a new consulate-general	✓	✓
	Closing an embassy or high commission	✓	N/A
	Closing a consulate-general	✓	✓
	Relocating a consulate-general to a different city within the same country	X	X
Opening or closing a non-diplomatic/non-consular office	Opening a new non-diplomatic/non-consular office	N/A	✓
	Closing a non-diplomatic/non-consular office	N/A	✓
	Converting a non-diplomatic/non-consular office to an embassy, high commission, or consulate-general	N/A	✓
	Relocating a non-diplomatic/non-consular office to a different city within the same country	N/A	X
Increasing or decreasing positions offshore	Establishing a new position in a country where you are not already represented	N/A	✓
	Increasing the number of positions in a country where you are already represented	X	X
	Moving a position to a different city within the same country	X	X
	Decreasing positions within a country where you will still have at least one position remaining	X	X
	Removing all position(s) from a country completely	N/A	✓

KEY	✓ <i>ERD endorsement required</i>	X <i>ERD endorsement not required. However this may generate a “note” to ERD if there are already other changes to be endorsed.</i>	N/A <i>Not applicable</i>
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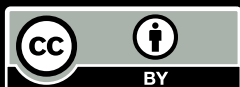
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ISBN: 978-0-477-10244-5

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