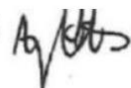


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**Effective Date: 03/07/2020**

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## 1. OBJECTIVE

To provide Diplomatic Missions and International Organizations accredited in Colombia and their staff with clear and effective directives on procedures to be followed with the Ministry of Foreign Affairs of Colombia and public entities in matters related to Diplomatic Ceremonial and the application of Prerogatives, Privileges and Immunities.

## 2. SCOPE

The Protocol Department applies this document to diplomatic missions and international organizations accredited in Colombia. It begins with matters regarding the usage of diplomatic ceremonial, and ends with a statement of the privileges and immunities of Diplomatic Missions, consulates and international organizations accredited in Colombia and their staff.

## 3. BASIS IN LAW

- United Nations 1946 Convention New York Convention on Privileges and Immunities
- The 1961 Vienna Convention on Diplomatic Relations (Law 6/1972) (CDR)
- The 1963 Vienna Convention on Consular Relations (CCR)
- Constitution of Colombia Articles 13 and 129
- Bilateral agreements that provide privileges and immunities to aliens accredited to the government in Colombia.
- Bilateral or multilateral Seat Agreements, as applicable
- Law 1581/2012 "General provisions on the personal data project protection"
- Law 1712/2014, the Law of Transparency and the Right to National Public Information and other matters
- Law 1755, Article 24, Regulating the right to petition (restricted information and documents)
- Legislative Decree 2535/1993. Regulations on firearms, ammunition and explosives
- Decree 2148/1991, establishing rules applicable to the importation of vehicles, household and personal effects by embassies or offices, diplomatic and consular agents, and agents of International Organizations accredited in Colombia, and Colombian officials returning at the end of their missions.
- Decree 1091/1948. Office of Dean of the Diplomatic Corps
- Decree 1066/2015 Decree of uniform regulations of the Administrative Sector of the Interior
- Current Decree modifying the structure of the Ministry of Foreign Affairs
- Customs legislation and related laws, decrees and resolutions and regulations and amendments
- Current Decree modifying the structure of the Ministry of Foreign Affairs
- Decree of uniform regulations for the administrative sector of foreign affairs, and related regulations and amendments.
- Regulatory Decree 1074/2015, Uniform regulations for Trade, Industry and Tourism"<sup>1</sup>
- Decree 2107/2001, Regulations on the issue of visas, control and regularization of aliens in migration

<sup>1</sup> Compiled and amended by Decree 1377/2013



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policy

- Decree 834/2013, Regulations on migration for the Republic of Colombia
- Decree 244/2020 (February 18) amending Articles 2.2.1.11.4.4 and 2.2.1.11.4.7 Section 4 Chapter II Title I Part 2 Book 2 of Decree 1067/2015
- Customs legislation and related laws, decrees and resolutions and regulations and amendments
- Legislation establishing regulations on migration in the Republic of Colombia.
- Resolution 510 of 7/4/2016 UAEMC Migración Colombia
- Resolution 10535/2018 (December 14), "Regulation on visa exemptions, repeal of Resolution 1128/2018 and 6397/2018".
- Resolution 510 of 7/4/2016 UAMC Migración Colombia.
- Resolution 6705/2019 Ministry of Transport, "Adapting regulations for the adoption of the technical definitions of Uniform National Plates for vehicles of Diplomatic and Consular Service and Special Missions accredited to the Government of Colombia, and other matters."
- Aeronautical regulations of Colombia ("RAC")

## 4. DEFINITIONS

- **PROTOCOL PROCEDURES PORTAL.** An online system, in which requests for implementation, documents, and procedures related to vehicles and personal effects of Diplomatic Missions and International Organizations accredited in Colombia and their staff, are processed.
- **SICOF:** The official correspondence system
- **SITAC:** The integrated citizen procedures system
- **DIAN:** The customs and tax authority.
- **RECIPROCITY.** Equal treatment in a certain matter granted to the respective citizens of two or more States
- **CDR:** The 1961 CDR
- **CVLC:** The 1963 Vienna CCR
- **ID ("Identification"):** a number automatically provided by the Protocol Procedures Portal to an officer who has been accredited, Also covers "Digital Identification", the platform that allows diplomatic agents and international officials accredited in Colombia to access identification documents issued by the Protocol Department such as driving licenses, ownership cards and Alien Identity Cards.
- **LETTERS OF CREDENCE.** A formal letter sent by one State to another, giving formal diplomatic accreditation to an individual (usually a diplomat), to be its ambassador in the country of the Head of State receiving the letter.
- **TRUE COPIES:** Copies of Letters of Credence
- **CEREMONY.** A formal act organized as ceremonial of the State or performed by custom.
- **LETTERS PATENT.** Credentials which a State delivers to its consuls for them to perform their functions abroad. They carry the signature of the Head of State and the endorsement of the Minister of Foreign Affairs.
- **PROVISIONAL RECOGNITION.** The endorsement given to a Consul General to perform his functions until delivery of Letters Patent for the issue of the exequatur.
- **SIA:** Customs agency
- **PREFERENTIAL VISA.** Authorization granted to an alien to enter and remain in Colombia. Issued to foreign officials arriving in the country on an official mission and duly accredited before the Protocol Department.

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- **COURTESY VISA.** Authorization granted to an alien to enter and remain in Colombia. Issued to a foreign career diplomat or consular officer or a diplomat who comes to engage in activities alien to his status, academic participants in ICETEX education programs and visitors under international cooperation treaties.

## 5. ASSOCIATED DOCUMENTS

- DP-PD-29 Development of Foreign Policy / Visas, ID Cards, Driver's Licenses, Ownership Cards
- DP-PT-78 Processing of Diplomatic Visas
- DP-PT-79 Processing of Vehicles (Diplomatic, Administrative, International Bodies), household effects and consumer goods
- DP-PT-80 Security of Diplomatic Missions
- DP-PT- 81 Protocol activities in airports
- DP-PT-169: Opening of Honorary Consulates in Colombia /Appointment of Honorary Consuls / Closure of Honorary Consulates /Termination of mission of Honorary Consuls
- DP-PT-171: Accreditation of Diplomatic, Consular and Administrative Officers in Diplomatic Missions and International Organizations accredited in Colombia, term of missions.
- DP-PT-172: Renewal of Identity Documents and driving licenses for diplomatic and administrative personnel.
- Ministry of Foreign Affairs and Revolving Fund Data Handling Policy
- DP-IN-20: Non-conforming products and returned documents (Alien IDs, driving licenses, preferential visas and vehicle ownership cards
- CO-PT-12 Videos and photographs

## 6. RECORDS

- Diplomatic Notes
- Diplomatic Notes
- Records on the Protocol Procedures Portal
- Records on the Comprehensive System for Citizen Processes

## 7. INFORMATION SYSTEMS AND OTHER ELECTRONIC MEDIA

- Portal Platform for Protocol Procedures
- SITAC Platform
- SICOE Platform
- Electronic mails
- Databases

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## 8. OPERATING POLICIES

The public servants of the Ministry of Foreign Affairs responsible for the collection, use, processing, storage, suppression and in general handling of data supplied by a holder will be managed strictly in accordance with the provisions of Law 1581/2012 - General Regime for the Protection of Personal Data - and the guidelines indicated by the entity for this purpose, through its various rules and procedures.

### 8.1 PRIVACY NOTICE ON THE HANDLING OF PERSONAL DATA ON THE PROTOCOL PROCESSES PORTAL

In the pursuit of its mission, the performance of its legal obligations and the proper rendering of its services the MINISTRY needs to obtain the following personal data, amongst others; identification, full name, demographic information, information on birth, residence, contacts, academic formation, biometrics(fingerprints, photos, signature) to meet the requirements of one or another procedure or process in a range of rules and regulations relevant to each matter, conducted physically or electronically through the Procedures Portal ("THE PORTAL") and subsequent communications arising from them from other media.

The MINISTRY therefore uses purpose-created channels in the Portal to capture and store these data when entered by their owner or the owner's representative ("THE USER")

The MINISTRY will give the User authorization in advance to have the credentials required to enter the Portal and process the information required there on the basis of compliance with requirements set by the PROTOCOL DEPARTMENT, as the officed responsible for the custody. Confidentiality, processing and administration of the data supplied.

**THE USER will input the precise data required to comply fully with the requirements of each process handled through THE PORTAL and accepts the terms and conditions described here by continuing to provide all the information requested by THE PORTAL**

The MINISTRY notes that the request for data indicated in Point (1) of this PRIVACY NOTICE is designed solely to comply with legal requirements and rules and regulations specified in and limited to the processes related to accreditation conferred in International diplomatic officers on the staff of Embassies, consular offices and accredited international organizations recognized by the Colombian government.

The MINISTRY will handle all personal data as required by Law 1581/2012" providing general regulations on the protection of personal data", its regulatory decrees and the provisions of applicable international instruments, including:

The 1961 Vienna Convention on Diplomatic Relations

The 1963 Vienna CCR

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The Convention on the Privileges and Immunities of Specialized Agencies

Seat Agreements

The Ministry's current Protocol Manual

The information of personal data entered, remitted, processed and authorized virtually through THE PORTAL will occur in the provision of services such as:

- i. Accreditation of the owner and if appropriate, the owner's dependents;
- ii. Management of privileges and immunities linked to the Vienna Conventions on Diplomatic Relations (1961) and Consular Relations (1963).
- iii. Follow-up of reciprocal treatment to Colombia's Embassies and Consulates abroad; and
- iv. Processing or products you may need as a member of a Diplomatic Mission, Consular Office of permanent representation of an International Organization accredited in Colombia.

All the foregoing is without prejudice to additional procedures or steps that may be required to comply with the regulations in force, or another matter.

THE USER, where not the owner of the data supplied, may exercise rights under Law 1581/2012 and its regulatory decrees by writing to Protection of Personal Data, Ministry of Foreign Affairs, Carrera 5 No. 9-03 Bogotá D C Colombia or email <http://www.cancilleria.gov.co>.

## 8.2 UNPLANNED CHANGES IN THE HANDLING OF PROCESS

If unforeseen changes arise for longer than one day due to a fault in the SITAC platform, or the network is not available at the time of using a process that diplomatic missions or international organizations are preparing to generation on-line requests the Director General of Protocol or the Coordinator of the Internal Working Group for Privileges and Immunities will send an email with relevant information to explain the unforeseen changes in the webpage and social networks to the Ministry's Internal Working Group for Press and Corporate Communications and Internal Working Group for Comprehensive Citizen Service – CIAC- to make the unforeseen changes known to users receiving their service by telephone.

The Coordinator of the Internal Working Group on Privileges and Immunities will be responsible for sending email advices to diplomatic missions and international organizations on any change affecting the normal working of the SIKTAC platform or lack of availability of the network for any event lasting longer than one day.

All incoming and outgoing correspondence is subject to the application of the policy for "zero paper" and communications efficiency and will be managed on virtual channels at [privilegios@cancilleria.gov.co](mailto:privilegios@cancilleria.gov.co) and [direccionprotocolo@cancilleria.gov.co](mailto:direccionprotocolo@cancilleria.gov.co)

Diplomatic Notes - Circulars sent to all Diplomatic Missions or International Organizations accredited to the Colombian Government current to date may be consulted at <https://www.cancilleria.gov.co/circulares>

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Based on the criterion of self-management that is a prime feature of the Portals and webpages for processes and requirements of the Protocol Department, it is the responsibility of each Diplomatic Mission and International Organization to supply and update contact information for effective and prompt communications.

## **9 SECTION I. DIPLOMATIC CEREMONIAL**

### **10. ARRIVAL OF THE HEAD OF A DIPLOMATIC MISSION**

The arrival in Colombia of the designated Head of a Diplomatic Mission designated will be communicated to the Protocol Department of the Ministry of Foreign Affairs by Diplomatic Note indicating the date, flight number, arrival time and persons accompanying the new Head of Mission.

If the arriving on a working day (Monday to Friday) between 8.00 a.m. and 6.00 p.m., the designated Head of Mission with the rank of Ambassador will be received by the Director-General of the Protocol or his representative. Otherwise, the Director-General of the Protocol will welcome the new arrival welcome subsequently.

The Protocol Department will cooperate with the Mission concerned in immigration and baggage clearance procedures of the designated Head of Mission.

For further information on the use of the Foreign Ministry's "Authorities" VIP Salon at El Dorado International Airport.

#### **10.1 PRESENTATION OF THE TRUE COPIES OF THE LETTERS OF CREDENCE TO THE MINISTER OF FOREIGN AFFAIRS**

As soon as the Protocol Department receives the request to do so, will agree with the Office of the Minister for Foreign Affairs to make the appointment for the new Diplomatic Representative to deliver the True Copies and the Letters of Credence for accreditation as Ambassador Extraordinary and Plenipotentiary to the Republic of Colombia, and advise the Mission of the appointment.

With regard to the presentation of True Copies, the Diplomatic Representative will be received by an Officer of the Protocol Department upon arrival at the Palace of San Carlos. A few minutes before the audience with the Minister of Foreign Affairs or his Delegate, the Director-General of Protocol, will welcome the Ambassador and explain the ceremony for presenting the True Copies to the Minister or his Delegate, and the Letters of Credence to the President of the Republic. The Director of Protocol Minister will then accompany the Ambassador to the Protocol Room to be received by the Minister or his Delegate.

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## 10.2 CEREMONIES IN THE PRESENCE OF THE PRESIDENT OF THE REPUBLIC

### 10.2.1 PRESENTATION OF LETTERS OF CREDENCE TO THE PRESIDENT OF THE REPUBLIC.

The Protocol Department will coordinate arrangements with the Office of the President, and inform the Mission by Diplomatic Note, well in advance of the date and time when the President, in a special ceremony, will receive the new Ambassador to the Republic of Colombia for the latter to present the Letters of Credence.

On the day set for the ceremony, the Ambassador should arrive at the meeting point in his vehicle twenty minutes in advance of the time set.

The ceremonial requires the party to enter through the *Plaza de Armas* to be received by the Director General or other officer of the Protocol Department, who will welcome the Ambassador and indicate the place where the ceremony starts. The steps are as follows:

1. The Officer commanding the guard of honor will give the order for the guard to form up, and for the Presidential Guard Band to play.
2. The Presidential Guard band will play the National Anthem of the Republic of Colombia.
3. The Director-General or other officer of the Protocol Department will indicate the moment to pass through the guard of honor, towards the steps of the Palace, in step with the martial music and in strict order of precedence, which will be set by the day and time of arrival of each Ambassador. The party will be received at the door of the *Palacio de Nariño*, by the Military Chief of Staff who will place himself on the right of the Head of the Diplomatic Mission.
4. The party will go straight to the Credence Room (Floor 2), which will be accessed in the same order. There it will meet the Head of State, the Minister of Foreign Affairs.
5. The doors of the Yellow Room will be opened and the Director-General of Protocol will enter, together with the Head of Mission accompanied by the Military Chief of Staff. The rest of the entourage follow them in, in strict order of precedence, and the ceremony will unfold as follows:
  - The Director-General of the Protocol will present the new Ambassador with the following words: **"Mr. President, I have the honour to present to His Excellency the Ambassador of ...."**
  - The Ambassador, holding the Letters of Credence, will take two steps forward and say the following: **"Your Excellency, Mr. President, I have the honour to present to Your Excellency the letters accrediting me as Ambassador Extraordinary and Plenipotentiary of... , as well as those of Recall of my predecessor"**.
  - The Ambassador will immediately hand the Letters of Credence to the President of the Republic, and salute him and the other authorities accompanying him.
  - The Ambassador will then step halfway back to a position opposite the President and present the other members of the Diplomatic Mission accompanying him (maximum 2 diplomats of the Mission), who will also salute the Head of State and others attending.
  - The President will then invite the Ambassador to take a seat.
  - The Diplomatic Representatives will take their places to the right of the Ambassador, in the chairs assigned to them.
  - The President of the Republic will indicate when the audience has come to an end.
  - The Director-General of the Protocol will request permission from the President of the Republic to withdraw, and will take his leave, shaking hands with the President and the others attending.

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- The Director-General of the Protocol will be take up position with the Military Chief of Staff, in the same order that the party entered, and once the new Head of Mission has joined them in the line provided in the ceremonial, they give a formal bow and leave the Room by the door through which they entered.
- 1. The Ambassador, accompanied by the Director-General of the Protocol, the Military Chief of Staff and the Officers attending the event, will move towards the entrance of the Casa de Nariño (Ground Floor).
- 2. When the party reaches the main entrance, the Military Chief of Staff will take his leave of the Ambassador and other Officers.
- 3. The Officer Commanding of the Guard of Honor will order the Guard to form up, and the Presidential Guard Band to play.
- 4. The new Head of Mission will be honored with a rendering of his anthem of the State he represents.
- 5. The Director-General of the Protocol will indicate the timing to pass through the guard of honor through to the exit of *Plaza de Armas*, in step with the martial music and in strict order of precedence.
- 6. At the end of the Guard of Honor, the Ambassador, accompanied by the Director-General of the Protocol, the Aide-de-Camp and the Officers of the Diplomatic Mission will wheel left to face the main entrance of the Palace.
- 7. The Officer Commanding will order the Guard of Honor to stand at ease, and the Director-General of the Protocol will signal the new Head of Mission to take his leave of the Commander of the Guard, and the ceremony will be terminated.

The Head of Mission will then board his vehicle to return to the Embassy or residence and the ceremony will come to an end.

If it is raining, the beginning and end of the ceremony, and the Guard of Honor, will take place in the entrance hall of the Palace.

### 10.2.2. NEW YEAR'S GREETING OF THE PRESIDENT OF THE REPUBLIC

At the beginning of the year, the Director-General of Protocol, will send a Diplomatic Note of invitation on behalf of the President of the Republic for the Heads of Mission to attend the greeting that the Honourable Diplomatic Corps will present to the Head of State on the occasion of the New Year, indicating the date and time of the ceremony, which will be held in the *Casa de Nariño*.

The Heads of Mission and their spouses report to the *Casa de Nariño* twenty minutes in advance of the scheduled time, in order to arrange precedence for the greeting. (Papal Nuncio - Ambassadors - Heads of Diplomatic Missions – Chargés d'Affaires – Representatives of International Organizations).

The ceremony will take place in the following order:

- Address of the Papal Nuncio, Dean of the Honourable Diplomatic Corps.
- Address of the President of the Republic.
- Greeting of the Honourable Diplomatic Corps accredited in Colombia, to the President of the Republic and the Cabinet.
- Toast.

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At the end of the event, the Heads of Mission and their spouses will be accompanied by Officers of the Presidential Military Staff and the Protocol Department through to the door of the **Casa de Nariño**, where they will board their vehicles.

### **10.2.3 NATIONAL DAY**

On the occasion of Colombia's National Day, July 20, the Director-General of Protocol will send a Diplomatic Note of invitation on behalf of the President of the Republic for each Head of Mission to attend the July 20 military parade, stating the time and making certain recommendations for arrival and parking.

The Ministry of Defense will have arranged a military parade, with a special platform for the Honourable Diplomatic Corps, seated in order of precedence.

At the end of the parade, the Heads of Mission will board the vehicle to start the return to the Embassy or residence and the ceremony will end.

### **10.3 REQUESTS FOR AUDIENCE (PRESIDENT OR SPOUSE, CABINET MINISTERS, SENIOR MEMBERS OF THE ADMINISTRATION)**

In accordance with international practice, (Art. 41, 2, CDR) audiences with the President of the Republic or the President's spouse, the Vice-President of the Republic, the Cabinet Ministers, the Deputy Ministers of Foreign Affairs and the Secretary-General of the Ministry, and State or Official visits to Colombia by foreign authorities, and those of the President and the Minister of Foreign Affairs of Colombia abroad, should be coordinated through the Ministry of Foreign Affairs -Department of Protocol.

#### **10.3.1 GREETING OF THE HONOURABLE DIPLOMATIC CORPS ACCREDITED IN COLOMBIA, ON THE OCCASION OF THE OFFICIAL VISIT OF A FOREIGN HEAD OF STATE OR GOVERNMENT**

The Director-General of Protocol will send a written notice to the Heads of Diplomatic Missions and International Organizations for a greeting by the Honourable Diplomatic Corps on the occasion of the visit of a Head of State or Government, indicating the date and time, and the time needed in advance at the Palace of San Carlos to arrange the order of precedence.

The following persons will be at the Palace of San Carlos, in order of precedence: the Head of State or Government of the visiting country, the Minister of Foreign Affairs of Colombia, the Minister of Foreign Affairs or other Ministers of the official delegation and the Deputy Ministers of Foreign Affairs and Multilateral Affairs at the Ministry.

The Director-General of Protocol will present the members of the Honourable Diplomatic Corps to the illustrious visitor by the, and they will then be taken to the rooms provided for the other programmed events.

At the end of the ceremony, Officers of the Protocol Department will accompany the attendees to the door of the Palace of San Carlos, where they will board the vehicles.



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## 10.4 PRECEDENCE OF THE HEADS OF MISSION

In Colombia, the Dean of the Honourable Diplomatic Corps is the Papal Nuncio. (Decree 1091/1948)

Precedence among the other Ambassadors is determined by the date and time of presentation of their Letters of Credence to the President of the Republic.

The order of presentation of the Letters of Credence letters will be determined by the date and time of arrival in Colombia.

The precedence of Chargés d’Affaires will be determined by the date on which they have been accredited as such by Diplomatic Note addressed to the Minister of Foreign Affairs, followed by representatives of International Organizations.

As a result, the order of precedence will be as follows:

- The Papal Nuncio,
- Ambassadors (by date and time of presentation of Letters of Credence),
- Permanent Chargés d’Affaires,
- Interim Chargés d’Affaires,
- Representatives of International Organizations.

### 10.4.1. PRECEDENCE OF DIPLOMATIC STAFF

The Head of Mission will send a Diplomatic Note to the Protocol Department of the Ministry of Foreign Affairs Protocol Department to advise precedence of the diplomatic staff of the Mission.

### 10.4.2. PRECEDENCE OF NATIONAL OFFICERS

The precedence of national Officers will be arranged as follows:

1. President of the Republic.
2. Vice-President of the Republic.
3. Senior Cardinal of Colombia.
4. Former Presidents of the Republic and Former First Ladies
5. Former Presidents Designate.
6. Former Vice-Presidents of the Republic.
7. Minister for Foreign Affairs (If foreign diplomats are present).
8. Papal Nuncio, Dean of the Diplomatic Corps.
9. Foreign Ambassadors.
10. Concurrent Ambassadors.
11. President of the Constitutional Court.
12. President of the Congress of the Republic.
13. President of the Supreme Court of Justice.
14. President of the Council of State.
15. President of the House of Representatives.
16. President of the Superior Council of the Judicature.

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17. President of the National Electoral Council.

18. Ministers of State in the following order:

- a. Ministry of the Interior.
- b. Ministry of Foreign Affairs.
- c. Ministry of Finance.
- d. Ministry of Justice and Law.
- e. Ministry of Defense.
- f. Ministry of Agriculture and Rural Development.
- g. Ministry of Health and Social Protection.
- h. Ministry of Labor.
- i. Ministry of Mines and Energy.
- j. Ministry of Trade, Industry and Tourism.
- k. Ministry of Education.
- l. Ministry of Environment and Sustainable Development.
- m. Ministry of Housing, City and Territory.
- n. Ministry of Information and Communications Technologies.
- o. Ministry of Transport.
- p. Ministry of Culture.
- q. Ministry of Sport
- r. Ministry of Science
- s. Minister-Counsellor for the Government and Private Sector
- t. Ministers-Counsellor the Post-Conflict, Human Rights and Security
- u. Minister-Counsellor for Communications

19. National Planning Department.

20. Administrative Department of Social Prosperity.

21 High Commissioner for Peace.

22. Presidential Counsellors:

- a. Presidential Counsellor for Women's Equity
- b. Presidential Counsellor for participation of the disabled
- c. Presidential Counsellor for Stabilization and Consolidation
- d. Presidential Counsellor for Competitiveness and Public/Private Management
- e. Presidential Counsellor for Communications
- f. Presidential Counsellor for Regions
- g. Presidential Counsellor for Economic and Strategic Affairs
- h. Presidential Counsellor for Political and Legislative Matters
- i. Presidential Counsellor for Human Rights and International Affairs
- j. Presidential Counsellor for National Security
- k. Presidential Counsellor for Children and Adolescents
- l. Presidential Counsellor for Youth – *Colombia Joven*
- m. Presidential Counsellor for Innovation and Digital Transformation
- n. Presidential Counsellor for Management and Compliance

23. Attorney General.

24. Inspector General.

25. Comptroller General.

26. National Civil Registrar.

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27. Ombudsman.
28. Representatives of International Organizations in Colombia.
29. Ambassadors of Colombia Abroad
30. Commander in Chief of the Armed Forces.
31. Commanders in Chief of each Force and the National Police (in order of seniority)
32. General Manager of Banco de la República.
33. Mayor of Bogota.
34. Directors of Administrative Departments.
35. National Statistical Bureau (DANE)
36. Administrative Department for National Intelligence
37. Administrative Department of the Civil Service.
38. Team for Peace Negotiations
- 39 Secretaries of the Administrative Department of the Office of the President.
  - a. Private Secretary.
  - b. Legal Secretariat
  - c. Transparency Secretariat
  - d. Military Chief of Staff
  - e. Press Secretary.
40. Auditor-General.
41. Accountant General.
42. Heads of Foreign Missions
43. Permanent Chargés d'Affaires.
44. Major Generals and Vice Admirals of the Republic.
45. Secretary-General of the Ministry of Foreign Affairs (when diplomats are present)
46. Presidents of political parties.
47. Departmental Governors (in alphabetical order)
48. Directors of Congressional Commissions.
49. Senators
50. Representatives.
51. Judges and Counsellors of the High Courts.
52. Deputy Prosecutor
53. Deputy Inspector General
54. Deputy Comptroller
55. Vice-Ministers (in the same order as Ministers)
56. Brigadier-generals and Rear Admirals.
57. Archbishops and Bishops.
58. Mayors of Departmental capitals and municipalities (in alphabetical order)
59. Directors of entities affiliated/linked to y the order of precedence of the Ministries and Administrative Departments.
60. Superintendents.
61. Presidential Program Directors
62. Advisers to the President of the Republic.
63. Director of Protocol of the Ministry of Foreign Affairs.
64. Colonels and Commodores.
65. National trade unions, public establishments, associations.
66. Secretaries-General of Ministries.
67. Lieutenant Colonels and Captains.

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68. Embassy or legation Counsellors.
69. Aides-de-Camp of the President of the Republic.
70. Majors or Commanders.
71. Presidents of Departmental Assemblies (by Departments) and deputies.
72. President of Departmental Appeal Courts
73. Presidents of Municipal Councils and Councillors.
74. Consuls.
75. Members of metropolitan and municipal councils.
76. Junior Officers of the Armed Forces.

\* This precedence was decreed prior to the 1991 Constitution.

## 10.5 CEREMONIES

### 10.5.1. CEREMONY OF LAYING OF WREATHS

This ceremony, which is customary to commemorate the anniversaries of the National Days of the countries represented in Colombia, will be advised to the Protocol Department 30 working days in advance. The Department will coordinate the act and will contact the Presidential Guard to arrange for a Guard of Honor and the military band at the site of the ceremony.

Flowers will be laid first at the monument of the House-Museum of Simón Bolívar at Quinta de Bolívar.

An Officer of the Protocol Department will assist the Head of Mission in the arrangement of order of formation, and the Head of Mission will appoint an officer with diplomatic rank to lay the flowers at the monument, located at the entrance to the Museum *Quinta de Bolívar* to start the ceremony.

The invited Heads of Mission, other Embassy Officers and special guests will take part as witnesses of honor. A special area will be reserved for them, and they should appear 15 minutes before the start of the ceremony.

When the ceremony ends, the Head of Mission will proceed to sign the Book of Illustrious Visitors, and, if he so wishes, he may then be given a guided tour of the Museum, coordinated in advance with its director. If the Diplomatic Mission invites schools to participate in the event, a tour can be arranged for up to 50 participants.

It should be noted that, because the *Quinta de Bolívar* is closed on Mondays, the laying of wreaths may only be arranged on a weekday which is not a public holiday from Tuesday to Friday.

During State Visits by Heads of State and/or Government, a solemn act will be held in the Museum *Quinta de Bolívar*, at the monument to the Liberator, which will be coordinated by the Director General of the Protocol for the visiting Head of State and the Foreign Ministers of the two countries.

In all ceremonies, the Diplomatic Mission concerned will be responsible for the floral arrangement, which must be placed where indicated suitably in advance.

### USE OF SPECIAL PREMISES OR PLACES OF RESTRICTED ACCESS

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## 10.6 LUIS CARLOS GALAN INTERNATIONAL AIRPORT “EL DORADO” - BOGOTÁ, OPAIN S.A.

**Diplomatic agents are exempt from manual inspection of their personal baggage unless there are good reasons to suppose that they contain objects not included in or prohibited by Colombian law.**

The hand-luggage of a diplomat and that of diplomat’s children or spouse will not be checked manually either; but it will be inspected by x-ray machines.

OPAIN S.A. will give three permanent 6-month or 1-year passes which will be delivered to each Diplomatic Mission or International Organization accredited in Colombia, for access to restricted areas of the Luis Carlos Galan International Airport – “El Dorado”.

The Diplomatic Mission must have completed the following requirements to obtain these passes:

1. Diplomatic Note of request
2. Photocopy of the Alien Card showing Diplomatic status at the Ministry of Foreign Affairs.
3. Take the airport security course required by OPAIN S.A., available on the OPAIN website.
4. Form 0.5 of OPAIN S.A. printed on letter-sized paper; available in the Security section of the OPAIN website.

The pass must be worn in a visible place at all times when in EL Dorado airport. This is a requirement of Colombian Aeronautical Regulations.

In Colombia there is a legal restriction on the carriage of firearms aboard aircraft, and there are controls over certain other goods; if the traveler admits to carrying a firearm or some other prohibited item, those responsible for airside security will ask to have it packed properly and safely, or decide on its final treatment in the case of some hazardous goods.

### 10.6.1 ADMITTANCE TO RESTRICTED AREAS

The entry of vehicles to restricted areas will follow Colombian Aeronautical Regulations and those of OPAIN S.A: for “El Dorado” International Airport, Bogotá or others of the civil aviation authority in other Colombian airports.

### 10.6.2 THE “AUTHORITIES LOUNGE”, THE MINISTRY OF FOREIGN AFFAIRS VIP LOUNGE

The Protocol Department of the Ministry of Foreign Affairs will make the airport lounge available to the Diplomatic Missions and International Organizations accredited to the Government of Colombia for the arrival and final departure of the Heads of Mission resident in or concurrent for Colombia, or for the reception and departure of senior foreign dignitaries on Official or State Visits to Colombia.

This service will be provided on weekdays between 8.00 a.m. and 6.00 p.m. The lounge may only be used at other times to serve senior personages on official visits to Colombia, such as Heads of State and/or Government,

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Ministers and Deputy Ministers of Foreign Affairs, and Concurrent Ambassadors to Colombia, when they come to present their Letters of Credence to the President of the Republic.

This lounge will not be authorized for use in private travel unless the situation relates to Heads and former Heads of State and their spouses, Heads of Government or Prime Ministers and their spouses, reigning Royalty, Vice-Presidents, Cardinals of the Catholic Church and similar senior dignitaries of other religious faiths.

### 10.6.3. RECEPTION OF STATE OR OFFICIAL VISITS

For the reception of official visits at “El Dorado” International Airport, if the officers of the Diplomatic Mission concerned do not have permission to access the restricted areas, the Head of the Diplomatic Mission should send a Diplomatic Note addressed to the Director-General of Protocol to request temporary permits (stickers) for admittance into restricted areas of the airport.

The Diplomatic Note should include the following information:

- Full name
- Position and document number of the Officers who will form the official reception group in the restricted areas of the International Airport "El Dorado" -OPAIN-,
- A legible copy of the identification document of the Officers to be admitted.

When the Ministry of Foreign Affairs Protocol Department receives the Diplomatic Note it will issue a form of authorization for the person designated by the Diplomatic Mission to be responsible for the process to deliver the authorization and make payment to OPAIN S.A.

When the process has been completed, the Mission must follow OPAIN's instructions for the collection of its Temporary Permit stickers. The Mission must return the Permit to the OPAIN S.A. permits office afterwards so that OPAIN can discharge them from its system. If it fails to do so, it must follow OPAIN's instructions as if the permit had been lost, which are to be found on its website. The Temporary Permit must be worn in a visible place as required by Civil Aviation Regulations.

### 10.6.4. PROTOCOL FOR THE RECEPTION OF AN OFFICIAL DELEGATION HEADED BY A HEAD OF STATE, MINISTER, DEPUTY MINISTER AND SECRETARIES-GENERAL OF INTERNATIONAL ORGANIZATIONS

Airport courtesies in the Authorities Lounge of the Ministry of Foreign Affairs will be provided to:

1. Heads of State and/or Government.
2. Former Presidents
3. Vice-Presidents.
4. Ministers and entourage arriving on the same international flight.
5. Deputy Ministers of Foreign Affairs on Official Mission and entourage arriving on the same international flight.
6. The Heads of International Organizations and entourage arriving on the same international flight.

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#### 10.6.4.1 STEPS

- a. To begin the process of reception at “El Dorado” International Airport, the Diplomatic Missions should contact the Protocol Department with a Diplomatic Note giving the details of the Mission due to arrive in Colombia.
- b. The Reception of the Distinguished Personage takes place at the door of the aircraft in the presence of the designated Protocol officer, the Ambassador or Representative of the Foreign Mission to which the Personage belongs, and in specific cases, the additional personnel that the Ministry of Foreign Affairs has designated for the occasion.
- c. After the reception, Officers should be directed to the Authorities Lounge of the Ministry of Foreign Affairs.
- d. Additional personnel designated by the Mission for their reception must wait in the Authorities Lounge of the Ministry of Foreign Affairs.
- e. The Protocol Officer then proceeds to complete the migration process, and accompanies the Officer appointed by the Diplomatic Mission for the collection of the luggage of the Distinguished Personage and the other Officers of that mission present.

#### 10.6.4.2 PROTOCOL OF RECEPTION WITHOUT THE USE OF THE AUTHORITIES LOUNGE OF THE MINISTRY OF FOREIGN AFFAIRS FOR AN OFFICIAL DELEGATION ACCOMPANIED BY A PROTOCOL OFFICER OF THE MINISTRY OF FOREIGN AFFAIRS

If a delegation is not headed by a Distinguished Personage, the courtesies will be approved by the Protocol Department of the Ministry of Foreign Affairs, and the Protocol Officer appointed for the reception, together with the Foreign Mission personnel, will welcome the Mission personnel at the aircraft door.

Subsequently, the Officers are accompanied through the normal passenger route, passing through the customs and immigration checkpoints designated for Diplomats.

#### 10.6.4.3 PROTOCOL FOR THE RECEPTION OF AN OFFICIAL DELEGATION WITHOUT THE ACCOMPANIMENT OF A PROTOCOL OFFICER OF THE MINISTRY OF FOREIGN AFFAIRS

Foreign government officials must process the appropriate Permits to enter the restricted areas of El Dorado International Airport (see detailed instruction).

After initial reception, Officers will proceed along the normal exit routes, making use of the customs and immigration filters reserved for diplomats.

#### 10.6.5. PROTOCOL FOR FAREWELL TO AN OFFICIAL DELEGATION ACCOMPANIED BY A PROTOCOL OFFICER OF THE MINISTRY OF FOREIGN AFFAIRS

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The delegation and Foreign Mission Officers designated for the farewell must arrive well in advance of the flight. To pass through airline check-in and emigration procedures (Colombian Civil Aviation Regulations regarding the Rights and Duties of Travelers require 3 hours for international flights).

Colombian Air Regulations require that each passenger's luggage must be personally and individually checked.

The only exception allowing someone else to check in baggage is that of Heads of State.

After airline check-in has been completed, the Protocol Officer proceeds will assist in passenger migration controls.

When check-in and migration procedures are complete, the Protocol Officer will accompany passengers and Officer designated by the Foreign Government (maximum two) to board the aircraft by the door provided by the airline.

#### **10.6.5.1. PROTOCOL OF FAREWELL TO AN OFFICIAL DELEGATION NOT ACCOMPANIED BY A PROTOCOL OFFICER OF THE MINISTRY OF FOREIGN AFFAIRS**

Foreign government officials must process the appropriate Permits to enter the restricted areas of "El Dorado" International Airport (see detailed section).

Personnel designated by the Foreign Mission and passengers must check in at their airline. They may then enter the migration area through gate A50, designated for diplomats; they may be accompanied at this point by only one person from their Mission (Resolution 510-07/04/2016 UAMC Migración Colombia), who must have permission to enter the restricted areas.

Others accompanying the traveler may enter the boarding lounges through the OPAIN filters in the area of Migración Colombia, and may make use of the special queue for Diplomats.

After completing emigration, travelers will pass through the security filters to the departure area for the airline's boarding gate.

It must be emphasized that Officers of Foreign Missions with diplomatic status must show that status in order to proceed as stipulated in the 1961 CDR.

#### **10.7. POSITIONS, HONORS OR REWARDS OF FOREIGN GOVERNMENTS OR INTERNATIONAL ORGANIZATIONS**

The Constitution of Colombia (Art.129) does not permit public servants to accept or take up positions or receive honors or rewards from foreign governments or International Organizations, without the prior authorization of the Government.

Consequently, an individual who is awarded a foreign decoration while in office as a public servant, must request authorization from the President of the Republic, through the Ministry of Foreign Affairs Protocol Department before accepting it.



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## 10.8. SECURITY OF DIPLOMATIC MISSIONS

A request for security by a diplomatic mission or international organization should be addressed to the Director of Protocol, and will be approved or not in the terms of Decree 1066/2015.

### 10.8.1 CATEGORY OR LEVEL QUALIFYING FOR DIPLOMATIC PROTECTION

- Presidents
- Vice-Presidents
- Ministers
- Secretaries General and /or Directors of multilateral organizations
- Embassies and Consulates

The Protocol Department, with the Executive Branch Protection Group, Diplomatic Missions and National Police Authorities of Colombia will follow up all requirements registered with the Ministry of Foreign Affairs through to completion of the service.,

Requests should be signed by the competent official authority.

### 10.8.2 SECURITY OF DIPLOMATIC PREMISES

The security of the premiss of diplomatic missions, consulates, international organizations and international delegations on State, official and working, visits; delegations at summits and international conferences and in general, organized meetings and encounters are the responsibility of the National Police, as follows:

The National police Protection and Special Services Directorate has two groups in its Protection area:

The Executive Branch Protection Group for Diplomatic Missions and Authorities, within the Protection and Special Services Directorate.

This group (created by Resolution 04244 of December 31, 2009, Art. 18) is responsible for leadership, guidance and execution of police services to protect diplomatic missions.

#### 10.8.2.1 Special Protection Services Group of the Protection and Special Services Directorate

This group, also created by Resolution 04244 of December 31, 2009 (Art. 22), is the section responsible for special protection services for international delegations, State, official and working visits; delegations to summits and international conferences and in general meetings and encounters organized in which participants merit special protection due to their positions and professions.

#### 10.8.2.2 Bogotá Metropolitan Region Protection

This group is part of the Bogotá Police and is responsible for security services for premises (offices and residences) of diplomatic missions accredited in Colombia, subject to security studies and the application of the principle of reciprocity.

Requests for these security services should be made in writing to the Protocol Department at least 15 working days in advance. Any situation arising that might endanger the security of foreign missions or their staff should be reported immediately to the Protocol Department.

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Further details may be obtained from:

**Protection and Special Services Directorate** (Executive Branch Protection Group for Diplomatic Missions and Special Protection Services Group)

Address: Calle 14 No. 62-70 Barrio Puente Aranda

Phone\_ 3159000 ext. 56178 – 3814126 ext, 1354-1373

Email: [dipro.greda-jef@policia.gov.co](mailto:dipro.greda-jef@policia.gov.co)

### **Bogotá Metropolitan Police**

Address; Carrera 39 No., 10-75 Puente Aranda

Phone: 5524120 ext 4401

## **10.9. PUBLIC HOLIDAYS IN COLOMBIA**

Under Law 51/1983 (“Emiliani’s Law”) some national holidays are celebrated on the Monday following their calendar date; and where they fall on a Sunday, the Monday is treated as a mandatory rest-day for pay entitlements under the Labor Code.

The calendar of public holidays (subject to the above) is as follows:

1. NEW YEAR	January 1
2. EPIPHANY	January 6
3. SAN JOSEPH *	March 19
4. PALM SUNDAY	Sunday before Holy week
5. HOLY THURSDAY	Thursday before Easter Sunday
6. GOOD FRIDAY	Friday before Easter Sunday
7. RESURRECTION	Easter Sunday
8. LABOR DAY	May 1
9. ASCENSION DAY*	Seventh Monday after Easter Sunday
10. CORPUS CHRISTI *	10th Monday after Easter Sunday
11. SACRED HEART *	11th Monday after Easter Sunday
12. ST. PETER & ST. PAUL*	June 29
13. INDEPENDENCE DAY	July 20
14. BATTLE OF BOYACÁ	August 7
15. ASSUMPTION OF THE VIRGIN*	August 15
16. COLUMBUS DAY *	October 12
17. ALL SAINTS *	November 1
18. CARTAGENA INDEPENDENCE*	November 11
19. IMMACULATE CONCEPTION	December 8
20. CHRISTMAS DAY	December 25

(\*) Holidays celebrated on the following Monday.

## **10.10 TELEPHONE DIRECTORY OF THE PROTOCOL DEPARTMENT**

- Central switchboard + 57 1 381 4000
- Protocol. Department Ext 1356

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- Coordination of Diplomatic Ceremonial Ext. 1366 - 1379
- Coordination of Privileges and Immunities Ext. 1362
- Accreditation Officers Ext. 1710
- Alien Cards, Driving Licenses, and Vehicle Owners Cards. Ext. 1390 – 1392 - 1545
- Preferential Visas. Ext.1377
- Diplomatic Vehicles Ext. 1375
- Decorations. Ext. 1352
- State Rooms. Ext. 1366
- Reception. Ext. 1356 - 1390
- List of the Diplomatic Corps. Ext. 1379
- Document delivery. Ext. 1545
- Airport Lounge "El Dorado" Ext. 2757

RSVP/Confirmation of invitations: email [DireccionProtocolo@cancilleria.gov.co](mailto:DireccionProtocolo@cancilleria.gov.co)

Court notices, remittal and reply to petitions, requests regarding the Coordination of Privileges and Immunities: email [Privilegios@cancilleria.gov.co](mailto:Privilegios@cancilleria.gov.co)

## 10.11 SERVICE TO THE PUBLIC AND DOCUMENT DELIVERY

The delivery of documents by the Protocol Department, is made on Tuesdays, Wednesdays and Thursdays from 12.00 to 16.30 in the delivery office - Carrera 6 No 9-46, Ground floor, Edificio Luis Lopez de Mesa. Postcode 11711.

Changes to these hours of service to the public will be advised by email to the address held by the Protocol Department and posted on the Ministry website.

Visas will be stamped only on Tuesdays and Wednesdays from 12.00 to 16.30.

## 11. SECTION II -. PROCEDURES FOR THE RECOGNITION, EXERCISE AND WITHDFRAWAL OF PRIVILEGES AND IMMUNITIES FOR DIPLOMATIC MISSIONS AND INTERNATIONAL ORGANIZATIONS AND STAFF

### 11.1 PRELIMINARY LEGAL CONSIDERATIONS

Members of diplomatic missions, consular offices and international organizations and their families have an obligation to observe Colombian laws and regulations.

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International law applicable to officers and their families and dependents holds that the recognition of privileges and immunities will be considered valid as of the date that they enter national territory to take up their position or to be accredited. (Art. 39.1, CDR)

With particular reference to missions, it should be noted that they have no independent legal existence but simply act as representatives of their States and therefore the relevant international instruments confer inviolability exclusively on the premises and their contents, their means of transport and their files and documents, wherever held.

At all events, this does not exclude the obligation to observe the laws and regulations of the receiving State (Art. 41.1 of the CDR, Art. 55.1 of the CCR)

Members of staff of diplomatic missions, consular offices and international organizations who are Colombian nationals or resident aliens do not enjoy privileges and immunities.

## 11.2 IMMUNITIES

### 11.2.1 SUBJECTS OF IMMUNITY

1. Diplomatic agents, and members of their families who are part of their household, in the terms of international law, custom and current legislation.
2. Mission technical and administrative staff and family members who are part of their households, in the terms of international law, custom and current legislation.
3. The members of the Mission's service personnel, in respect of the acts performed in the course of their duties, in the terms of international law, custom and current legislation.
4. Foreign consular career officers and employees, and Honorary Consular officials who are Colombian nationals or foreign residents, with respect only to acts performed in the course of their consular functions, in the terms of international law, custom and current legislation.

### 11.2.2 CIVIL AND ADMINISTRATIVE IMMUNITY

Members of diplomatic missions, consular offices and international organizations and their families have an obligation to observe Colombian laws and regulations.

1. Article 31 of the CDR provides that diplomatic agents enjoy civil and administrative immunity, and will therefore not be required to appear in court proceedings in such matters.
2. The same immunity applies to administrative and technical staff (Art. 37 of the Convention) and consular officials and employees (Art.43 of the Consular Convention), but exclusively in relation to acts carried out in the course of their duties.
3. If a diplomatic agent, an Officer, a consular employee or a member of the administrative and technical staff is cited in a civil or administrative matter, the Ministry of Foreign Affairs -Protocol

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Department will serve as a communication channel between the judicial authorities and the Mission concerned.

### 11.2.3 CRIMINAL IMMUNITY

Members of diplomatic missions, consular offices and international organizations and their families have an obligation to observe Colombian laws and regulations.

1. Articles 31 and 37 of the 1961 CDR allow some Diplomatic Mission staff members and their family members who are part of their households to enjoy immunity from the criminal jurisdiction in Colombia.
2. The Ministry of Foreign Affairs - Protocol Department will confirm this situation at the request of the competent authority.
3. Criminal proceedings may be brought, or a summons to appear before the competent authorities may be served against a person who enjoys immunity from the criminal jurisdiction only where the conditions of Article 32 of the 1961 Vienna Convention are met.
4. Consular officials will enjoy criminal immunity under Article 41 of the 1963 Vienna CCR.
5. Should there be offenses or conduct incompatible with the diplomatic or consular status, the Ministry of Foreign Affairs is competent to take certain measures within the bounds of diplomatic practice.

### 11.2.4 IMMUNITY OF MISSIONS AND INTERNATIONAL ORGANIZATIONS.

The immunity of International Organizations has been established in the universal regime in order to ensure they can do their work and achieve their purposes in each Member Country; International Officers also enjoy the privileges and immunities required for the independent performance of their duties.

In compliance with its international commitments, Colombia observes these criteria in its Headquarters Agreements with International Organizations, with specific conditions in each case.

Headquarters Agreements therefore consider an analysis of possible circumstances which may, at the request of the competent authority, require the confirmation jurisdictional immunity by the Ministry of Foreign Affairs – Protocol Department, in respect of a specific International Organization or Officer.

Other similar subjects will also be the matter of a Headquarters Agreement on privileges and immunities.

### 11.2.5 INVIOLEABILITY

Embassies, consulates and international agencies accredited to the Colombian Government must keep the information regarding their properties up to date (mission premises, Chancery, residences of the Head of Mission and accredited staff) so that the Ministry of Foreign Affairs may preserve the inviolability of those establishments in accordance with international customs and law.

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Any change of Seat must carry the prior and express authorization of the Ministry of Foreign Affairs.

Inviolability is recognized for:

- The seat and other premises that, with Government authorization, given by the Ministry of Foreign Affairs – Protocol Department - are considered to be part of the Mission or Consular Office.
- Files and documents.
- Official correspondence.
- Diplomatic or consular mail.

Diplomatic agents, administrative and technical staff members, and members of their families who are part of their household.

Consular officials with the limitations of the 1963 Vienna CCR (Art. 41).

The private residence of a diplomatic agent and the members of the administrative and technical staff of the Mission, its documents and correspondence, and its assets, with the exceptions provided for in the 1961 CDR (Art. 31.3).

Diplomatic agents who, with their family members, are passing through or staying in Colombia to take up office, resume their duties or return to their country.

### **11.2.6 FREEDOM OF PASSAGE**

The Colombian State ensures the freedom of passage and movement to all members of the Diplomatic, Consular or International Organizations, other than in places where, for reasons of national security, there is a legal or regulatory prohibition or limitation affecting access. (Art. 26 CDR, Art. 34 CCR).

### **11.2.7 FREEDOM OF COMMUNICATION**

The Mission's free communications for official purposes will be permitted and protected.

The Mission may use all appropriate means of communication, including diplomatic mail and coded or encrypted messages (Art. 27 CDR, Art. III, Section 9, United Nations Convention on Privileges and Immunities, 1946).

### **11.3 WORK OF DEPENDENTS IN COLOMBIA.**

The possibility of work in Colombia for dependents of accredited foreign agents will be conditional on the existence of a bilateral agreement on the basis of reciprocity.

The Ministry of Foreign Affairs will issue an authorization based on a Diplomatic Note of request from the Mission addressed to the Protocol Department. The Note should state the name of the dependent, the proposed work, and any other information that the agreement involved may require.

The authorization of the Ministry of Foreign Affairs will not exclude compliance with the requirements and conditions in current regulations for contracting foreign nationals.

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The dependent in question will also be subject to the provisions of the agreement, in relation to the term of validity of the authorization, payment of taxes on the remuneration received, social security contributions, and a waiver of civil and administrative immunity in relation to acts performed in the course of duties at work.

In the case of dependents of Officers of International Organizations, the decisive factor will be the existence of an agreement with the country of nationality of the Officer whose dependent wishes to work in Colombia.

## 11.4 NATIONAL TRAFFIC CODE

### 11.4.1 LEGAL FRAMEWORK

Members of diplomatic missions, consular offices and international organizations and their families have an obligation to observe the laws and regulations of Colombia.

Article 41 of the 1963 CDR states the following:

*“Without prejudice to privileges and immunities, all persons enjoying those privileges and immunities shall respect the laws and regulations of the receiving State.”*

Therefore, the regulations of the National Traffic Code and related legislation are mandatory for a vehicle with the special plates supplied by the Protocol Department, regardless of who is driving it.

The traffic authorities will send regular reports to the Protocol Department with information on traffic offenses and the Department will act as the diplomatic channel through which demands for the payment of fines and other offenses will be sent to diplomatic missions and international organizations.

### 11.4.2. RESPONSIBILITIES UNDER THE TRAFFIC CODE

- a. The Traffic Code was issued as Law 769/2002 on August 6, 2002
- b. In the event of an accident or dispute, foreign missions and their staff are liable for the fine and for payment of any damage, either by direct settlement or through insurance policies.
- c. Holders of an Alien Card issued by the Ministry are recommended to carry this document on them in digital or physical form at all times, and show it upon request. This will ensure that the authorities will afford appropriate treatment to persons covered by immunities.
- d. If a vehicle with special plates is driven by a Colombian national and commits a traffic offense or causes harm to a third party, the driver may not claim immunity and must answer to the authorities as required by law.
- e. It should be noted that if the traffic authorities tow a vehicle away for reasons they consider necessary, the owner is liable for the cost of doing so, because tow-trucks are a private service (see Art. 34 ( e) of the 1961 CDR).
- f. Diplomatic missions, consular offices and international organizations must report the annual renewal of the Mandatory Vehicle Insurance (“SOAT”) to the Protocol Department for all vehicles owned by the mission itself and its diplomatic agents and accredited international officers.

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## 12. SECTION III. ACCREDITATION

### 12.1 DOCUMENTATION REQUIRED

Diplomatic missions and international organizations making applications for accreditation for their diplomatic, consular and administrative officers will upload the following documents on line to the Protocol Processes Portal.

- Color scan of a recent photograph as follows:
  1. Color photo
  2. Image size of head 10-12cm or 50% and 69% of the total height of the image from the bottom of the chin to the top of the head. Maximum file size 2MB. Permitted format; .jpg, .gif, .jpeg, .png or .bmp.
  3. Taken within the last six months showing most recent appearance,
  4. White background
  5. Full face photo looking straight at the camera
  6. Neutral expression, both eyes open
  7. Ears visible
  8. Taken with ordinary everyday clothing:
    - a. No head or other head covering, nothing to hide hair or hair roots unless regularly used for religious purposes.
    - b. Whole face to be visible; any head covering may nor cast a shadow on the face.
    - c. Photo may not show earphones, hand-free wireless devices or similar articles.
    - d. If glasses (other than polarized lenses) or a hearing aid are normally worn, they may appear in the photo
    - e. Dark glasses or polarized lenses may are not acceptable.
    - f. Photographs showing flash or reflections on lenses will not be accepted. Flash can be avoided by inclining the lenses downwards or removing them; or by turning off the flash unit.,
- Color scan of the Diplomatic Note applying for accreditation.
- Color scan of the complete page of the current passport showing the personal data of the officer.
- Color scan of the page of the passport showing the immigration entry stamp.
- Color scan of the officer's visa, if any.

Diplomatic missions or international organizations applying for accreditation for the dependents of diplomatic, consular and administrative staff already accredited should upload the following documents:

- Color scan of a recent photo
- Color scan of the Diplomatic Note applying for accreditation
- Color scan of the complete page of the current passport showing the personal data of the officer.
- Color scan of the page of the passport showing the immigration entry stamp.
- Color scan of the visas held, if any



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- For sons or daughters under 21 or relatives other than them and the officer's spouse, attach a color scan of the Diplomatic Note of the Head of Mission with the declaration of economic dependence or disability.
- For student sons or daughters under 25, attach a color scan of the Diplomatic Note of the Head of Mission with the declaration of economic dependence.

The Protocol Department reserves its discretion to request other supporting documents to corroborate economic dependence.

Officer of the Protocol Department may not receive physical documents or direct applications to process accreditation of diplomatic, consular or administrative officers.

## **12.2 ACCREDITATION OF STAFF OF DIPLOMATIC MISSIONS OR INTERNATIONAL ORGANIZATIONS, THEIR DEPENDENTS AND DOMESTIC EMPLOYEES**

### **12.2.1 DOCUMENTS TO BE UPLOADED ON THE PROTOCOL PROCEDURES PORTAL FOR ACCREDITATION**

#### **12.2.1.1 PHOTOGRAPH**

See 12.1

Photographs not meeting the specifications will be returned. The process will only be completed when all requirements have been met.

#### **12.2.1.2 NOTE OF APPLICATION**

Color scan of the Diplomatic Note applying for accreditation of the officer and dependents; the note will specify the position to be occupied and the name of the officer replaced. The note will be signed by the Head of Mission or his delegate.

If the position to be occupied is a new one, the note applying for accreditation will also attach a color scan of the note of Protocol Department authorizing the increase in staff.

If the application is for a dependent of an officer this must be specified in the Note of application.

#### **12.2.1.3 PASSPORT PERSONAL DATA PAGE**

Color scan of the whole page of the current passport containing the personal data of the officer. The passport must have more than six months to run and the image must be legible with no reflections that would impede verification of data; the scan attached to the application for accreditation of dependents must similarly show all the information with perfect clarity.

If the officer to be accredited attaches a *Laisser Passer* passport, a color scan of the passport page showing nationality should also be attached.

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#### **12.2.1.4. PASSPORT ENTRY STAMP PAGE**

Color scan of the passport page containing the most recent immigration entry stamp for Colombia. This should be the image attached to the personal data page or failing that, an image of the two passports, noting the fact in the Comments section. The scanned image must be legible with no reflections impeding verification of the information; the image of the passport must show the full page. The same applies to scans attached to the application for accreditation of dependents.

#### **12.2.1.5 CURRENT COLOMBIA VISA (IF APPLICABLE)**

If the Officer to be accredited has a current visa, a legible color scan should be attached. With no reflections to impede verification of information; the same applies to scans submitted for the applications for accreditation of dependents.

#### **12.2.1.6 DOCUMENTS TO APPLY FOR A DRIVING LICENSE (IF APPLICABLE)**

Current driving license and certificate of blood group issued by an authorized laboratory or color scan of an identification document showing blood group.

If the driving licences is not issued in Spanish, attach an official translation.

If the applicant has no driving license from the country from which he is coming, attach a certificate of a driving course taken in Colombia and the approval of tests or other requirements of Colombian law,

Minors must also submit an insurance policy including third-party cover.

### **12.3 DECLARATION OF DEPENDENCE**

#### **12.3.1 FOR THOSE AGED 21-25**

The Protocol Department reserves discretion to request additional supporting documents to corroborate dependence, such as certificates of study in Colombia.

#### **12.3.2 UNMARRIED ISSUE WHOSE PHYSICAL OR MENTAL CONDITION DOES NOT ALLOW THEM TO FEND FOR THEMSELVES**

This status will be shown through a Diplomatic Note attached to the application.

#### **12.3.3 OTHER PERSONS**

If shown to be living with the officer permanently, forming part of the officer's household and being economically dependent on the officer.

These requirements will be shown in a Diplomatic Note. Acceptance by the Protocol Department will be strictly subject to the principle of reciprocity between States.

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## 12.4 LETTERS OF CREDENCE

Color scan of the Letters of Credence, in the case of accreditation of an Ambassador.

## 12.5 TRUE COPIES

Color scan of the True Copies, in the case of accreditation of an Ambassador.

## 12.6 GRANT OF AGRÉMENT

Military Attachés should attach a color scan of their Agrément

### 12.6.1 Grant of the Agrément to the Head of Diplomatic Mission.

The request for Agrément for the Officer whom the accrediting State proposes to appoint as Head of Mission to the Government of Colombia, will be submitted to the Ministry of Foreign Affairs, through the Office of the Minister of Foreign Affairs; Vice-Ministry of Foreign Affairs; Directors for America; Europe; Asia, Africa and Oceania (as appropriate) or the Ambassadors of Colombia accredited abroad, attaching the candidate's résumé. (Art. 4, CDR).

International Organizations will submit the appointment of a Representative, Head of Office, or Director, as appropriate, for the approval of the Government of Colombia, through the Vice-Ministry of Multilateral Affairs, where appropriate attaching a Résumé.

The reply with the Agrément or approval is processed by the Protocol Department, after approval by the Office of the Minister of Foreign Affairs; the Vice-Ministry of Foreign Affairs, based on the opinions of the Directors for America; Europe; Asia, Africa or Oceania. The procedure will be the same in the case of an Ambassador accredited in another country, and concurrent for Colombia.

In the case of International Organizations, the response will be processed through the Vice-Ministry of Multilateral Affairs or the Protocol Department, as appropriate, by Diplomatic Note.

### 12.6.2 MULTIPLE ACCREDITATION OF THE HEAD OF A DIPLOMATIC MISSION.

The accrediting State will send a Verbal or Diplomatic Note to advise the Government of Colombia of its intention to appoint its Head of Mission or another member of the diplomatic staff accredited in Colombia to another or other States.

The same applies in the case of a Head or Mission or other member of a Mission concurrent for Colombia who is resident in another State.

In principle, the Government of Colombia will only accept the accreditation of the Head of Mission concurrent for Colombia; the need to accredit any other non-resident Mission staff will require justification.

The State accrediting a concurrent Head of Mission in Colombia may establish a Diplomatic Mission Headed by an interim Chargé d'Affaires. (Art.5, CDR).

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### **12.6.3. OFFICIAL RECOGNITION AND ACCREDITATION OF THE HEAD OF THE DIPLOMATIC MISSION.**

The Head of Diplomatic Mission, Ambassador or Chargé d’Affaires will be officially recognized from the moment he presents his Letters of Credence to the President of the Republic.

However, The Head of Mission may also effect accreditation on the Protocol Procedures Portal and commence the initial internal administrative functions and make courtesy visits as appropriate, as of the date of communication of arrival and presentation of the True Copies of Letters of Credence to the Minister of Foreign Affairs.

In this event, the new arrival should refrain from participating in the official acts attended by the Diplomatic Corps and the national authorities.

The Head of an International Organization will be recognized from the moment he submits his appointment to the Minister for Foreign Affairs.

Nonetheless, the date for inclusion in the list of precedence of Heads of Mission and in the Directory of the Diplomatic and Consular Corps accredited to the Government of Colombia, will be that of presentation of the Letters of Credence to the President of the Republic.

In the case of International Organizations, the date will be that presentation to the Minister of Foreign Affairs. The same applies to the appointment of a permanent Chargé d’ Affaires.

The order in which the Letters of Credence or True Copies are presented will be determined by the date and time of arrival of the Head of Mission (Art. 13, CDR).

### **12.6.4 APPOINTMENT OF AN INTERIM CHARGÉ D’AFFAIRES.**

When the Head of Mission is to leave his duties temporarily or permanently, a communication will be sent through the Online Protocol Procedures Portal, to inform the Ministry of Foreign Affairs by attaching a Diplomatic Note which will also indicate the name of the diplomatic officer replacing the Head of Mission as Interim Chargé d’ Affaires.

The interim Chargé d’Affaires may not appoint any other officer as a replacement Chargé d’Affaires: that appointment may only be made properly through a Diplomatic Note issued by h Ministry of Foreign Affairs of the accrediting country.

With the consent of the Ministry of Foreign Affairs, a member of the Mission's administrative and technical staff may be appointed by the accrediting State to take responsibility for day-to-day administrative matters, if there is no Diplomatic-rank officer in the country.

This procedure is the same for International Organizations, depending on their structure.

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In addition, the Head of Mission or interim Chargé d' Affaires may designate one or more Diplomatic Officers to sign the documents requiring their signature, including documentation for entities other than the Ministry of Foreign Affairs.

For this purpose, the Head of Mission or interim Chargé d' Affaires will file a Diplomatic Note at the correspondence office of this Ministry, to report this fact with the full name, signature and initial of the persons designated.

### **12.6.5 APPOINTMENT AND ACCREDITATION OF MILITARY AND POLICE ATTACHÉS.**

The appointment of the Military, Naval, Air and Police Attachés will be submitted by the State accrediting, for the approval of the Government of Colombia - Ministry of Defense - through a Diplomatic Note from the diplomatic mission to the Protocol Department.

A résumé should be attached to the appointment. None of the above-mentioned Attachés will be accredited without the prior approval of the Government of Colombia. (Art. 7 CDR).

The above applies also to Assistant Attachés to the Armed Forces and the Police.

The Ministry has two months from the date of reception of the request to communicate its opinion on the agrément.

Once consent for the appointment has been granted, the Attaché may enter Colombia so that the Diplomatic Mission can start the accreditation process.

If the accrediting State proposes to open a military, naval, air or police attaché position, it must make a request to the Ministry of Foreign Affairs for consent to establish the Attaché Corresponding, with justification.

### **12.6.6. RECOGNITION AND ACCREDITATION OF THE HEAD OF THE CONSULAR OFFICE.**

For the recognition of the Head of a Consular Office, whether career or honorary, there must be an established Consular Office in Colombia that complies with all the requirements of Article 4 of the 1963 Vienna CCR.

If this is not the case, the request for consent will be processed through a Diplomatic Note addressed to the Protocol Department by the Embassy in Colombia or in the concurrent country Embassy, indicating the seat of the Consular Office, its class, the consular constituency and the reasons for the opening of that office.

The sending State, when accrediting the Head of a Consular Office, will use the Protocol Procedures Portal to communicate the full name, category of the officer, and the class, seat and constituency of the consulate (Arts. 10-11 CCR).

The Ministry of Foreign Affairs will, in the absence of any objection, effect provisional recognition for a Career Head of Consular Office to be able to perform duties. The grant of the *exequatur* will be subject to the sending of the Letters Patent. The Career Head of a Consular Office must be a national of the sending State.

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### 12.6.7 ACCREDITATION OF THE DIPLOMATIC AND ADMINISTRATIVE AND TECHNICAL STAFF OF THE DIPLOMATIC MISSIONS AND INTERNATIONAL ORGANIZATIONS

The accreditation of diplomatic and administrative officials is effected through the Protocol Procedures Portal on the website of the Ministry of Foreign Affairs. Select ***“The Ministry”***, option ***“Management”***, submenu ***“Protocol”*** option ***“Accreditation Procedures Portal”***.

The accreditation number of the departing Officer whose mission is complete and who is to be replaced in the Diplomatic Mission must be registered for the replacement to be accredited. If the position to be accredited is a new one, the first step is to request authorization to do so by Verbal or Diplomatic Note to the Protocol Department.

The request for authorization should be made to the Protocol Department before the new Officer travels from abroad. This requirement must be met regardless of whether the individual concerned enters the country with or without a visa.

The Diplomatic Note for the Request for Authorization should be filed at the Ministry of Foreign Affairs-Protocol Department.

The date on which the Officer and relatives or dependents enter Colombia to take office will be the effective date used for the purpose of recognizing privileges and immunities, (See Art- 39.1.2 CDR).

The application for a visa, and its issue where granted will be processed on SITAC.

### 12.7 STATUS OF MEMBERS OF THE DIPLOMATIC AND ADMINISTRATIVE AND TECHNICAL STAFF IN DIPLOMATIC MISSIONS AND INTERNATIONAL ORGANIZATIONS.

The Vienna Conventions on Diplomatic Relations (1861) and Consular Relations (1963) mark a clear difference. The Diplomatic convention distinguishes between a diplomatic agent and member of the administrative and technical staff, member of service staff and the domestic service staff of a mission member. The Consular convention distinguishes between the consular officer, consular employee, member of service staff and member of private staff. These categories are determined by specific functions of the individual and in general defined by the type of passport – diplomatic, official special service, ordinary service - issued by the accrediting State.

Consequently, the Ministry of Foreign Affairs - Protocol Department – will use these classifications at the time of accreditation, and if the functions of the person or passport concerned does not match one of them, or if the sending State does not issue one or another of these classes of passport, the Department will define the status for accreditation based on the functions established.

With regard to the accreditation of foreign international officers of International Organizations, the decisive factor will be the status of the individual within the representation of the Organization in Colombia or in the international system, i.e. professional, technical or administrative level, etc., corresponding to the role to be performed, or in accordance with the general criteria established in the Seat Agreement of the Organization, or other agreements applicable to the case.

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## **12.8 PROMOTION OF STAFF MEMBERS OF DIPLOMATIC MISSIONS AND INTERNATIONAL ORGANIZATIONS IN THE SAME CATEGORY AND TRANSFER OF STAFF TO ANOTHER OFFICE IN THE SAME DIPLOMATIC MISSION OR INTERNATIONAL ORGANIZATION**

The promotion of an accredited officer will be admitted provided that it occurs within the same category (diplomatic or consular). The change will be processed through the Protocol Procedures Portal attaching a Note from the diplomatic mission and the Note of the accrediting State endorsing the promotion, The same applies to international organizations.

The procedure will have no effect on immunities, in particular, the privileges and prerogatives afforded to the officer: norm will it affect the continuity of the officer's mission in Colombia and therefore no new accreditation is required..

### **12.8.1 CHANGE OF CATEGORY OF STAFF MEMBERS WITHIN THE DIPLOMATIC MISSIONS.**

In the case of the change of category of an administrative or technical Officer to a diplomatic Officer, account will be taken of the existence of a specific agreement on the subject, or the application of the principle of reciprocity, including the regime of duty exemptions and prerogatives.

At all events, this change of category will generate a new Accreditation for the Officer, who will, for all purposes maintain the date of initial accreditation, that is, the date of first accreditation as an Administrative Officer.

If there is a change of category from Diplomatic to Administrative and Technical, the Officer will be subject to re-accreditation for the purposes of duty exemptions and prerogatives for the new accreditation, unless there is a specific agreement on the matter or the principle of reciprocity requires different treatment.

This change of category also generates a new accreditation for the Officer, while preserving the date of initial accreditation as a Diplomatic Officer for all purposes.

If the change of category takes place from Diplomatic to Consular, or vice versa, it must be processed through the Protocol Processing Portal. Although this change will generate a new accreditation, there will be no change to immunities, in particular, privileges and prerogatives already granted to the officer; nor will it affect the continuity of the officer's mission in Colombia.

The application for change of category will be processed on the Protocol Procedures Portal attaching the Note issued by the Diplomatic mission and the Note of the accrediting State endorsing the change of category.

### **12.8.2 INCORPORATION OF STAFF MEMBERS OF A DIPLOMATIC MISSION INTO AN INTERNATIONAL ORGANIZATION OR VICE VERSA.**

If a diplomatic, consular, administrative or technical Officer completes a mission and joins an International Organization or vice versa, or moves from one International Organization to another, this change will be processed through the Protocol Procedures Portal.

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The change will not alter the privileges and prerogatives already granted, provided that the Officer has not been outside Colombia for more than six continuous months, counted from the date of departure on the occasion of the end of the mission and the date of entry to take up the new post.

For this purpose, the date of the first installation in Colombia will be applied.

In either case, the change of Mission or Organization will require fresh accreditation.

### **12.8.3 NEW APPOINTMENT OF A STAFF MEMBER TO THE SAME DIPLOMATIC MISSION OR IN THE SAME INTERNATIONAL ORGANIZATION.**

When a Diplomatic Mission or International Organization appoints an Officer who, within the previous twelve months, has served in the Same Mission or International Organization in Colombia, the Ministry of Foreign Affairs -Protocol Department - will review the new accreditation generated by the Diplomatic Mission or International Organization on the Protocol Procedures Portal.

The following factors will be taken into account when assessing the prerogatives and privileges for the new accreditation:

- If the Officer for whom new accreditation is requested, has been continuously outside Colombia for less than six calendar months, counted from the date of his departure on the occasion of the end of the previous position and up to date of entry to take up the new one, the privileges and privileges will be those valid at the date of first installation in Colombia provided that the Officer has made use of them within the year of installation.
- An Officer for whom new accreditation is requested and who has completed a mission and then decided to stay for longer than the grace period in the preferential visa previously held (60 days for Diplomatic Visa and 30 days for Official or Service Visa, Section 8.2.3.4), will have to follow the *Migración Colombia* procedures to regularize a further stay in Colombia.
- If re-appointed during that period, the Officer must leave the country.
- If the Officer then remains outside Colombia for a continuous period of less than six calendar months, counted from the date of departure and up to the date of re-entry to take up a new office, the privileges and privileges will be subject to those valid at the date of the first installation in Colombia as long as the Officer has made use of them within the year of installation.
- The visa and/or the Alien Card obtained at the time of regularizing a stay in Colombia with *Migración Colombia*, will be cancelled in order to obtain accreditation as an Officer of the Diplomatic Mission or International Organization. Otherwise, the privileges and immunities provided for in the CDR and CCR, or Seat Agreements will not apply.
- However, the individual may have an employment relationship with the Diplomatic Mission or International Organization, in the terms of Colombian law.



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#### **12.8.4. ACCREDITATION OF A DEPENDENT IN A DIPLOMATIC MISSION OR INTERNATIONAL ORGANIZATION**

The accreditation of a diplomatic, consular, administrative or technical officer to a Diplomatic Mission or International Organization will be processed through the Protocol Procedures Portal as follows:

- a. Make the application for Exclusion of Dependents for the family member who will be accredited; and.
- b. Make the application for accreditation of the family member to be accredited.

#### **12.8.5 ACCREDITATION OF DIPLOMATIC MISSION SERVICE PERSONNEL**

Persons employed in the domestic service of an Embassy or Consulate will be accredited through the Protocol Procedures Portal, in the category of Administrative Officers in that office and are considered members of the Embassy staff or the Consular Office.

These personnel will enjoy immunity from acts performed in the course of their duties; and in respect of privileges, they will only be exempt from the payment of taxes and levies on wages received during the employment relationship with the respective Mission and from the provisions on social security in Colombia, since as an administrative officer the accrediting State is responsible for these obligations under Colombian law (Art. 1, v. c-g and Art. 37, No. 3, CDR and Art.1, Subsection f-g and Article 49, No. 2, CCR).

#### **12.8.6 ACCREDITATION OF FAMILY MEMBERS, DEPENDENTS OF DIPLOMATIC, ADMINISTRATIVE AND TECHNICAL PERSONNEL OF THE DIPLOMATIC MISSIONS AND INTERNATIONAL ORGANIZATIONS**

The Ministry of Foreign Affairs - Protocol Department, will accept the following persons as family members of diplomatic staff, administrative and technical staff and international officials of organizations of the equivalent category, as forming part of their household (Art.1 Subsections d), f) and Art. 10 CDR and Art. 1 Subsections d) and e) and Art. 24 CCR):

##### **12.8.6.1 SPOUSE, PERMANENT PARTNER, DE FACTO UNION**

The de facto marital union will in fact be verified, by the Embassy, with the accrediting country's certificate of de facto union, to be attached when generating the online application.

In the case of Officers of International Organizations, the marital union will be established by attaching a document confirming it, drawn in accordance with the rules of the State where recognition is issued.

The above will apply when requesting a preferential visa abroad, if both the individuals, or either of them, require(s) a visa to enter Colombia, or when the Diplomatic Mission or the International Organization requests the Ministry to issue it.

##### **12.8.6.2 ISSUE (SONS AND DAUGHTERS)**

- a. **Unmarried sons and daughters up to the age of 21**, who live permanently with and are financially dependent on the Officer.

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- b. **Unmarried sons and daughters under the age of 25**, who are engaged in full-time studies in Colombian institutions, (attach certification issued by the school) and who are economically dependent on the Officer; attach a certificate issued by the Diplomatic Mission or International Organization.
- c. **Unmarried sons and daughters who, because of their physical or mental condition, cannot fend for themselves.** The Accredited Officer is solely responsible for providing the dependent with the necessary supervision and care based on physical or mental condition.

### 12.8.6.3 OTHERS.

These are individuals who, provided that it is shown that they live permanently with, are part of the household of and are economically dependent on the Officer and are economically dependent.

The Diplomatic Note requesting accreditation will cover all these points; and if the application is approved, the person will be classed as a "dependent relative" in the system and will not be granted privileges and Immunities.

The on-line application for accreditation should attach the Diplomatic Note of presentation, color scan of the passport page with personal details, the most recent immigration entry stamp for Colombia and a color scan of the visa, where required, issued by the appropriate Colombian Consul. In the case of "dependent relatives", a color scan of the Diplomatic Note showing that status.

### 12.8.7 EXCLUSION

Embassies and International Organizations must inform the Protocol Department through the Protocol Procedures Portal of the exclusion of a spouse, permanent partner, dependent relative or issue reaching the age of 21 and not economically dependent on the officer or reaching the age of 15 or any other reason arising.

### 12.8.8 COLOMBIAN NATIONALS

Colombian nationals who are members of the family of a Diplomatic or Administrative or Technical Officer will not be registered or enjoy privileges and immunities.

## 12.9 HONORARY CONSULS

### 12.9.1 REQUIREMENTS FOR CREATION

The requirements and documents for the creation of Honorary Consulates are as follows:

1. Diplomatic Note of the Bogotá Embassy or Ministry of Foreign Affairs of the interested country.
2. Information on the constituency of the proposed consulate, seat and address. Determine whether the consulate will operate in the private residence of the honorary consul, in an office or part thereof that will be used exclusively for consular functions.
3. The number of nationals of the Requesting State currently within the proposed constituency to be served by the office.

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4. A clear description of the links, commercial, industrial, economic, cultural interests, etc. (number of students, exchanges in school and universities), and cooperation in these areas with regard to the proposed constituency.
5. Precise specification of the functions to be attended by the honorary consulate, in terms of the thirteen functions listed in Article 5 of the Vienna Convention on Consular Relations of 1963. Also, explain whether passports and visas will be issued and other consular services will be offered.

## 12.9.2 REQUIREMENTS FOR APPOINTMENT AND ACCREDITATION

The requirements for the appointment and accreditation of an Honorary Consul are as follows:

1. Form "Registration of Officers Accredited in Colombia" or registration on the on-line system, as appropriate.
2. Proof of Colombian nationality, citizenship certificate or, if a national of the requesting State or other State foreign: must hold a resident visa and provide evidence of permanent residence, shown by a photocopy of the Alien ID card; and in this case also, a photocopy of the passport and visa.
3. Curriculum Vitae that further demonstrates the candidate's link to the sending State.
4. Two photos 3.5 x 4cm white background
5. The candidate's statement that he or she does not and will not hold any elected or appointed public office at any level, (national, departmental or municipal) while serving as honorary consul. Otherwise, a note of resignation from such an office.
6. The candidate's declaration accepting the permanent performance of duties in the city where the honorary consulate is approved, and a commitment to keep the files of the honorary consulate there. The above for the implementation of Articles 59 and 61 of the Vienna Convention on Consular Relations.
7. Specification of the consular functions to be performed, in the terms of the list in Article 5 of the Vienna Convention on Consular Relations.
8. Certificate of disciplinary record in Colombia.
9. Certificate of the tax history in Colombia.
10. Certificate of criminal record in Colombia
11. Photocopy of the document attesting to the status of Honorary Consul in the form of Letters Patent or other similar instrument or notification issued by the Sending State in which it will indicate: the full name, the consular constituency and the seat of the consular office. (With unofficial translation if in a language other than Spanish).

The requirements for the closure of an Honorary Consulate and/or Mission Term of the Honorary Consul are the Diplomatic Note, Verbal or official communication of the Embassy in Bogota, concurrent embassy or the Ministry of Foreign Affairs of the country informing the closure.

The Protocol Department will inform the Geographical Departments of the Ministry of Foreign Affairs of the creation or closure of Honorary Consulates in Colombia and/or the accreditation or terms of Mission of Honorary Consuls in Colombia.

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### 12.9.3 APPOINTMENT AND ADMISSION OF AN HONORARY CONSUL

The appointment and admission of the Head of the Honorary Consular Office will be advanced in accordance with Article 10 of the Vienna Convention on Consular Relations. At this point the procedure will be determined by the laws, regulations and usage of the sending State and of Colombia.

It is emphasized that in order to avoid conflict, the professional activities of the proposed candidate should not interfere with the effective performance of consular duties.

The consul should be a person recognized by the community and with capacities to maintain good relations with local government Authorities.

Honorary consuls are not provisionally recognized, therefore they may only assume their duties once they have been formally admitted to perform their functions.

In accordance with Article 12 of the Vienna Convention on Consular Relations, the honorary consul will be admitted to perform functions through a formal authorization from the Government of Colombia (Ministry of Foreign Affairs) - *Exequatur* - which whatever the form that authorization takes.

If the position of honorary consul falls vacant, the Ministry of Foreign Affairs will allow two years for the nomination and accreditation of a new candidate. If no candidate is submitted the honorary consular office will be deemed closed, and the sending State will be so informed.

### 12.9.4 OPENING OF HONORARY CONSULATES

The Government of Colombia, following the guidelines of the 1963 Vienna Convention on Consular Relations, in particular Article 68, and considering that the establishment of an honorary consular office is an option for the receiving State, accepts this category of consulates following a policy that responds to needs and ensures proper compliance with consular proceedings.

According to Article 4 of the Vienna Convention on Consular Relations, the establishment of an honorary consular office in Colombia requires the prior acceptance of the Government of Colombia, which includes the city of its seat and the constituency.

The application to establish an honorary consulate must be sent to the Ministry of Foreign Affairs – Protocol Department- through the Embassy in Bogota by Diplomatic Note.

If there is no Embassy of the State sending this request, it must be submitted by the Ministry of Foreign Affairs of that State by Diplomatic Note signed by the Minister of Foreign Affairs or by the Embassy of that State, Concurrent for Colombia.

#### 12.9.4.1 PARAMETERS FOR OPENING THE CONSULAR OFFICE

The Government of Colombia will only accept the opening of an honorary consulate if there is a clear demonstration of the need for the services that will be provided by that office.

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The Note that requests the opening if the honorary consulate will contain:

- a. Information on the constituency of the proposed consulate, seat and address.
- b. Determine whether the consulate will operate in the private residence of the honorary consul, in an office or part thereof that will be used exclusively for consular functions.
- c. The number of nationals of the Requesting State currently within the proposed constituency to be served by the office.
- d. A clear description of the links, commercial, industrial, economic, cultural interests, etc. (number of students, exchanges), and cooperation in these areas with regard to the proposed constituency.
- e. Specification of the functions to be attended by the honorary consulate, in terms of the functions listed in Article 5 of the Vienna Convention on Consular Relations of 1963.
- f. The State concerned may, in the same request for the opening of the consulate, submit the name of the person who proposes as Head of the consular office with the requirements referred to in the Section regarding the Head of the Consular Office.

#### 12.9.4.2 MODIFICATIONS

Modifications to the seat and/or constituencies of the honorary consulates, submitted by the Embassies or Ministries of Foreign Affairs as appropriate, are subject to the prior written consent of the Protocol Department, in the light of the following criteria, amongst others:

1. The Government of Colombia will not authorize the establishment of honorary consulates in Bogota if the sending State has a permanent Diplomatic Mission in Bogota.
2. Nor will it authorize the opening of an honorary consular office in a city where the sending State has Career Consulates.
3. The honorary consular office should be established in only one of the major cities within the proposed constituency and will ensure that it corresponds to the following geographical regions: Caribbean, Pacific, Andean, Orinoquia and Amazonia.
4. The sending State will also seek not to establish two honorary consulates in adjoining Departmental capitals in the same region, even if they have different constituencies.
5. However, the Government of Colombia may consider the opening of consular offices in other Departmental capitals in the same region and with different constituencies, where it is demonstrated that the interests of the sending State are of particular importance in those cities.

The Ministry of Foreign Affairs recognizes only the category of honorary consuls.

Therefore, it does not accredit honorary consuls-general or honorary vice-consuls.

Consequently, only one person is accepted to act as honorary consul for an honorary consulate and Head of the consular office.

The stationery and documents of the honorary consulate must be clearly show that the consulate is an honorary consulate, since it is not a paid career consulate in accordance with the Vienna Convention on Consular Relations.

In the event that the position of Honorary Consular Office Chief remains vacant for more than two years, the Ministry of Foreign Affairs will consider the consular office closed.

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### 12.9.5 TERMINATION OF THE CONSULATE OR THE FUNCTIONS OF HONORARY CONSUL

The Honorary Consulate will be deemed closed when the sending State notifies an official decision to close it.

The Honorary Consul's functions terminate with a notification to that effect from the sending State, or through the withdrawal of the *Exequatur* of the receiving State.

The request for renewal shall include updates of the data of the honorary consul accredited, such as photograph, personal information of the persona accredited, contact data including any change of address of the consular office, telephone, fax, email and opening hours.

The expired credential should be delivered to the Ministry of Foreign Affairs.

Updated certificates of disciplinary, fiscal and criminal record should be attached to the request for renewal, together with a list of activities in which the consulate engages and the reasons for maintaining it.

The Honorary Consul must inform the Protocol Department of the Ministry of any change in personal or office contact information.

### 12.10 ACCREDITATION OF THE CHILDREN OF STAFF MEMBERS OF THE DIPLOMATIC MISSIONS AND INTERNATIONAL ORGANIZATIONS BORN IN COLOMBIA.

The children of the diplomatic and administrative staff of the Embassies, Consulates or International Organizations, born in Colombia, provided that they do not have Colombian nationality, must be accredited online through the Portal of Protocol procedures as "dependents" of the respective Officer.

Children born in Colombia to the diplomatic and administrative staff of the Missions accredited in the country, therefore do not acquire Colombian nationality, since although the parents are resident in Colombia it is considered that their domicile is that of the accrediting State or that of the parents for nationality purposes, since that residence does not correspond to the intention of remaining in the country, since the domestic household is in the accrediting State or that of the nationality of the Officers.

The Civil Birth Certificate issued in Colombia to the children of Officers accredited to the Protocol Department is in principle only proof of birth in national territory and does not in itself constitute recognition of Colombian nationality.

Recognition of Colombian nationality is regulated by the provisions of Colombian law.

### 12.11 ACCREDITATION OF DOMESTIC OR PRIVATE SERVICE PERSONNEL AT THE EXCLUSIVE SERVICE OF A DIPLOMATIC STAFF MEMBER OF THE DIPLOMATIC MISSIONS AND INTERNATIONAL ORGANIZATIONS.

Diplomatic officers of Embassies, Consulates and International Organizations may bring foreign domestic servants to Colombia. These persons are not Colombian nationals or do not have permanent residence in the country, and are considered to personal employees of the Officer's (Art.1, Subsection h and Art. 37, No. 4, CDR and Art.1, Subsection f, CCR).

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Online request for accreditation, should attach the documents indicated in this Manual, plus the following:

1. Signed contract of employment clearly showing that domestic staff are protected by social security law of the accrediting State or a third State; or
2. Otherwise, a commitment to comply with the requirements of the Colombian social security system.
3. A commitment that the employer will always act as guarantor and bear the expenses of return to the country of origin of staff upon termination of their work in Colombia or when withdrawing from the service of the employer.

Consequently, the Protocol Department will issue the Aliens Service identification card and visa.

With regard to privileges, these persons will only be exempt from the payment of taxes and levies on wages they receive during the employment relationship with their diplomatic officer.

#### **12.11.1 LIMITATION TO AUTHORIZATION OF SERVICE STAFF:**

1. Two employees for the Heads of Diplomatic or Consular Mission or International Organization
2. One employee for the other diplomatic staff of Embassies, Consulates and International Organizations.
3. In the event that the domestic servant is engaged by another diplomatic Officer for new accreditation, all the above requirements must be met.

#### **12.12 RECRUITMENT OF LOCAL ADMINISTRATIVE STAFF**

A Mission accredited in Colombia, and its Officers, subject to local labour and social security regulations, may employ Colombian or foreign nationals residing in this country.

These employees will not be accredited to the Protocol Department, nor provided with a special identity document (Art. 33, No. 3, CDR and Article 48, No. 3, CCR and Diplomatic Note DP/OAI/ No. 10417 of 25 March 2004).

The employer (Embassy, Consulate, International Organization and its Diplomatic or Administrative Officers) will settle all employment obligations, social benefits and contributions to the social security system corresponding to local staff (Colombian nationals or foreigners residing in the country), in accordance with the Colombian rules on labor and social security.

The Missions and their Officers will refrain from employing foreign persons who are in Colombia without legal permission (visa) to authorize them to work.

#### **12.13 SITUATION OF COLOMBIAN NATIONALS AND FOREIGN RESIDENTS IN COLOMBIA.**

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The Colombian State customarily applies the exception of nationality for the purposes of recognition of privileges and immunities, based on the principle of equality before the law enshrined in Article 13 of the Constitution, which also includes foreigners residing in Colombia.

Therefore, the Ministry of Foreign Affairs will not accept the accreditation of a staff member of a Diplomatic Mission, Consular Office or an International Organization, who is a Colombian national or a foreigner residing in the country with a temporary or resident visa and an Alien Card, unless the applicant gives up one of the above categories of status.

Precisely for the purposes of granting privileges and prerogatives, the status of Colombian nationality or residence in this country with a temporary or resident visa will not be considered to be interrupted. The fact of being domiciled and resident in Colombia is considered to mean that the applicant is installed in Colombia at the time of accreditation. Once that Officer is accredited, the appropriate immunities will be recognized.

Colombian nationals and resident aliens with temporary or resident visas accredited as Honorary Consuls or Heads of Mission of an International Organization in Colombia will only be granted immunity for acts performed in the performance of the Functions. (Art. 8 and 37 CDR - Art. 22 CCR).

#### **12.14 TERM OF THE MISSION OF DIPLOMATIC, ADMINISTRATIVE AND TECHNICAL STAFF MEMBERS OF THE DIPLOMATIC MISSIONS AND INTERNATIONAL ORGANIZATION**

Diplomatic Missions and International Organizations must notify the Ministry of Foreign Affairs- Protocol Department, of the term of the mission of the diplomatic and administrative and technical personnel accredited.

The procedure will be managed online through the Protocol Procedures Portal, attaching:

- Color scan Of the Diplomatic Note indicating the dates of the term of the mission and the date of final departure from Colombia.
- Notice of the term of the Officer's mission is passed through the Protocol Procedures Portal and automatically extends to family members, dependents and domestic servants. (Art.10, CDR, Art 24, CCR)
- In the case of those on temporary missions up to one year, the term of the mission is registered on the Protocol Procedures Porta, at the time of requesting the accreditation of the Officer.

The term of a mission will be registered on the Protocol Procedures Portal at least one month in advance of the date on which the departing Officer will cease to work in the Diplomatic Mission or International Organization.

If the Officer ceases work without having previously notified the term of the mission, this development should be registered on the Procedure Portal within one month of cessation of work.

Without prejudice to the above, when a mission ends the Ministry of Foreign Affairs Protocol Department will automatically proceed to cancel visas and digital documents valid at the time.

Diplomatic Missions and International Organizations are responsible for sending the Protocol Department a monthly list of documents and other items of officers whose missions have ended in the course of the month; and the following documents must be returned:



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1. Alien Identity Cards. (Officer and dependents)
2. Driver's licenses. (Officer and dependents)
3. Permanent card for entry to the airport (Head of Mission).
4. Special permit to carry firearms and copy of the DIAN form for the re-export of firearms.
5. Diplomatic plates
6. Ownership cards of vehicles for private use of members of staff, who have not completed the sales formalities at the time their owners leave the country due to the end of their mission.

Documents belonging to domestic or private servants in the exclusive service of a member of the Diplomatic Mission or International Organization must be returned even in cases where the same individuals are hired by another agent on a mission in Colombia.

Embassies, Consulates and International Organizations may not accredit the new Diplomatic or Administrative Officer who will replace the departing Officer, or those designated for an increase in staffing, or for any other reason, or domestic or privately-employed servants may not be accredited if the Mission has not returned to the Protocol Department the documents or above effects of Officers or other individuals accredited to it and who have completed their mission,.

A member of the Diplomatic Mission or International Organization who has contracted a local employee, must pay all Colombian statutory social benefits before leaving the country.

## **12.15 EXCLUSION OF FAMILY MEMBERS AND DEPENDENTS OF DIPLOMATIC, ADMINISTRATIVE AND TECHNICAL PERSONNEL OF DIPLOMATIC MISSIONS, INTERNATIONAL ORGANIZATIONS AND DOMESTIC OR PRIVATE SERVICE PERSONNEL IN THE EXCLUSIVE SERVICE OF A MEMBER OR THE DIPLOMATIC MISSION AND INTERNATIONAL ORGANIZATIONS.**

Diplomatic Missions and International Organizations must send a Note through the Protocol Procedures Portal to notify the Ministry of Foreign Affairs -Protocol Department of the exclusion of any person who belongs to the family of an accredited diplomatic and administrative Officer, when the status of dependence ends, or the person ceases to be part of the Officer's household.

The Note must state the date of exclusion and date of departure from Colombia, or justify reasons for their continued stay in Colombia.

In the case of the domestic or private service employee, the Note will also record compliance with repatriation obligations or the reasons for continued stay in Colombia.

Diplomatic Missions and International Organizations, in addition to registering on the Procedure Portal the exclusion dates of dependents of Officers or employees of domestic or private service, must send the Protocol Department, the following documents and effects of excluded persons monthly: Alien ID Cards and driving licenses. The return of these documents belonging to domestic or private service employees is mandatory even if the employees are contracted by another foreign agent on a mission in Colombia.

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## 13. SECTION IV. VISAS

### 13.1. COMPETENCY

The Ministry of Foreign Affairs - Protocol Department is the authority for the issue of Preferential Diplomatic, Official and Service visas (Decree 1067/2015, Chapter 12, Article 2.2.1.12.1. as amended or replaced).

### 13.2 CRITERIA FOR THE ISSUE OF VISAS

Visas will be granted for set periods, depending on:

- a Expiry of a passport;
- b Duration of a mission
- c Category (diplomatic, official, service)

The Diplomatic Mission is responsible for monitoring expiries, so that renewals of preferential visas can be applied for in good time during the stay of an officer and dependents in Colombia.

The issue of a Preferential Visa abroad is not an exemption from the requirement to obtain prior authorization from the Protocol Department in the event of an appointment of an officer to a new position in an Embassy Consulate or International Organization.

Without prejudice to the terms of agreements made on visa exemptions for holders of diplomatic, official and special service passports, the visas of staff of diplomatic missions will be issued abroad provisionally, valid for 90 days, by a Colombian consular office at the request of the Ministry of Foreign Affairs, diplomatic mission or international organization, as appropriate; and with the authorization of the Protocol Department in cases required by law.

If the Protocol Department considers it justified, it will provide a favorable opinion to the head of a Colombian consular office to issue a Courtesy Visa, valid for up to 90 days.

The Protocol Department may also issue electronic visas, as appropriate **and at its discretion**.

### 13.3 PROCEDURE FOR THE ISSUE OF VISAS

Applications for preferential visas in Bogotá will be processed on the SITAC, through the Ministry webpage, after the officer concerned has been accredited.

#### 13.3.1 APPLICATIONS FOR PREFERENTIAL VISAS

Requirements:

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1. Color scan of a recent photograph, full face frontal against a white background; the head should be centered, eyes open, ears visible, nonhair or other items covering the face. No glare. Maximum size 150dpi for paper support maximum size 10x12cm, maximum file size 2MB. File format .jpg. Photographs not meeting these specifications will be returned.
2. Color scan of valid passport page with personal data of the applicant. The passport should be valid for at least six months.
3. If the visa application is made with a *Laisser Passer*, also attach a color scan of the personal data page of the passport showing nationality.
4. Color scan of the passport page showing the most recent immigration entry stamp for Colombia not more than 90 days old, and/or a current visa.

## 13.4 TYPES OF VISA

### 13.4.1 DIPLOMATIC PREFERENTIAL VISA

A Preferential Diplomatic Visa will be granted to a person holding a diplomatic passport who comes to work at a Diplomatic Mission, Consular Office or International Organization accredited to the Government of Colombia.

A Preferential Diplomatic Visa will be issued to a person with that rank who arrives to represent his country or an International Organization at international-level meetings or fora.

The Protocol Department may at its discretion authorize and issue this type of visa to an international Diplomatic, Consular or Official person, without being a diplomatic passport-holder, comes to Colombia to perform activities specific to certain functions.

The spouse or permanent partner of such persons, and first-degree relatives who live with them permanently and are their economic dependents may also be beneficiaries of this type of visa.

In cases where the accrediting State does not recognize de facto marital unions or in any other situation that differs from the recognition afforded by the civil authorities of the Colombian State, the Protocol Department will strictly apply reciprocity between States on the matter.

The Protocol Department will grant this visa in Colombia to match the duration of the mission, the validity of the related passport, or for up to four years, renewable for two-year periods until the end of the mission if necessary, at the request of the Diplomatic Mission, the Consular Office or the International Organization.

### 13.4.2 OFFICIAL PREFERENTIAL VISA

These visas are issued to a foreign Officer who comes to Colombia on an official mission.

Only in fully justified cases, the Protocol Department may authorize and issue this type of visa to the spouse or permanent partner and to first-degree relatives of the Officer, who live with and are financially dependent on that Officer.

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In cases where the accrediting State does not recognize de facto marital unions or in any other situation that differs from the recognition afforded by the civil authorities of the Colombian State, the Protocol Department will strictly apply reciprocity between States on the matter.

The Official Preferential Visa will be issued in Colombia by the Protocol Department, depending on the duration of the mission, the validity of the related passport or for up to four 4 years, renewable for two-year periods until the end of the mission, at the request of the Diplomatic Mission, Consular Office or International Organization.

### 13.4.3 SERVICE PREFERENTIAL VISAS.

These visas are issued to foreign national who comes to Colombia in any of the following cases:

1. As an international official or expert, within the framework of existing international treaties.
2. As a member of the administrative or technical staff of a Diplomatic Mission, Consular Office, International Organization or Cooperation Organization.
3. As a member of the service staff of a Diplomatic Mission, Consular Office, International Organization or Cooperation Organization, or as a private employee of a Mission staff member, provided that the employee does not have permanent residence in Colombia.
4. To engage in activities considered by the Ministry of Foreign Affairs as an essential priority for Colombia. In this case, the Protocol Department will take account of activities that, in the course of past agreements, are still of interest to Colombia. Holders of these visas will not enjoy privileges and immunities.

The Service Preferential Visa may be authorized and issued by the Protocol Department for the spouse or permanent partner of the foreign national who comes to Colombia in circumstances mentioned in this Manual and sons or daughters who live permanently with, and are economically dependent on, that person.

In cases where the accrediting State does not recognize de facto marital unions or in any other situation that differs from the recognition afforded by the civil authorities of the Colombian State, the Protocol Department will strictly apply reciprocity between States on the matter.

This type of visa will be issued by the Protocol Department in Colombia for the duration of the mission, the validity of the related passport, the duration of the employment contract or the term of rendering of services, effective for up to two years and renewable for two-year periods through to the end of the mission.

Without prejudice to the provisions of international treaties, the holder of a Preferential Service Visa may not receive a salary or fees from any public or private Colombian entity.

### 13.5 STAY IN THE COUNTRY AFTER THE END OF A MISSION

At the end of a mission in Colombia and even if a preferential visa is valid for a longer period after it, a staff members of a Diplomatic Mission, Consular Office or International Organization may only remain in the country with that visa up to a statutory period of 60 days for Diplomatic Visa and 30 days for Official or Service Visa.

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If the officer or any dependent needs to stay in Colombia for longer than the period covered by the visa, the person concerned must regularize his or her migration status before the expiry of the grace period afforded by the preferential visa. Regularization is handled by Migración Colombia, and will require documents as regulated at the time of the application.

It is the responsibility of the Diplomatic Missions and International Organizations to submit a written request, attached the related passport, for the cancellation of a visa if it is valid for longer than the end of the related mission, after recording the end of the mission of the Officer concerned on the Protocol Procedures Portal.

## 13.6 APPLICATIONS FOR PREFERENTIAL VISAS

### 13.6.1 DIPLOMATIC, OFFICIAL AND SERVICE VISAS

A diplomatic or administrative officer of a Diplomatic Mission or International Organization must be accredited in order to process a preferential visa. The officer should use to SITAC (<http://www.cancilleria.gov.co/solicitud-visas-preferenciales-linea>) to input all personal information

The diplomatic or administrative officer should attach the following items to the platform for the issue of the visa:

1. Color photograph
2. Color scan of the passport page showing passport data (see specifications in this Manual)
3. Color scan of the passport page showing the most recent immigration entry stamp for Colombia or most recent valid visa.
4. Other documents: The Protocol Department may ask for copies of other supporting documents such as current or previous passports, previous visas or copies of the administrative act of appointment of the officer.

The Protocol Department also reserve the right to request additional documents for dependent relatives and service staff.

Visas for dependents must be supported by the visa of the officer of the diplomatic mission or international organization; a dependent's visa may not be valid for longer than that of the officer.

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### 13.6.2 SPECIAL CASES

The issue of diplomatic, official or service visas and of those of their beneficiaries, will be managed on the basis current regulations, but where there is no express regulation for a particular case, the principle of reciprocity between States will be strictly applied.

## 14. SECTION V. IDENTITY DOCUMENTS

### 14.1 ALIEN IDENTITY CARDS – DIPLOMATIC CATEGORY

#### 14.1.1 GENERAL

In compliance with international obligations of the Colombian State the Protocol Department of the Ministry of Foreign Affairs, supported and accompanied by Migración Colombia, issues Alien Cards in the “Diplomatic” category based in record in the Protocol Procedures Portal for each member of the staff diplomatic missions and international organizations and their relatives, dependents and service employees, as the case may be.

Independently of the technical characteristics defined by Migración Colombia, the Diplomatic Alien Card contains basic information of the holder – full name, mission, accreditation status, date of issue and expiry; and place of birth.

The Alien Card will, with the exceptions noted on the Card itself – state that the holder is protected by a special regime of immunities recognized in international law and agreements signed by Colombia

The Protocol Department will make the specific regulations and their updates regarding technical and general characteristics of the Alien known to diplomatic missions, consular offices and international organizations accredited in Colombia.

#### 14.1.2 NATURE OF THE ALIEN CARD – DIPLOMATIC CATEGORY

The information on the Alien Card – Diplomatic Category – is confidential and restricted and for the sole use of the Protocol Depart of the Ministry of Foreign Affairs.

The Alien Card is the only and correct document to identify the individual with the national, departmental and municipal authorities in the executive, legislature and judiciary and in all Colombian private entities.

Accredited officers on mission in Colombia should therefore vary their physical or virtual Alien Card, following Decree 244 of February 19. 2020 amending Articles 2.2.1.11.4.4. and 2.2.1.11.4.7 of Section 4 Chapter II Title I Part 2 Book 2 of Decree 1067/2015 for purposes of identification and, on the occasion of leaving of entering Colombian territory they will present the Alien Card with their passports to the migration authorities; this also applies to dependents and service staff of the ac credited officer.

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Officers who are Colombian nationals or aliens resident in Colombia and are directing the representation of an international organization in Colombia and have been accredited in the system will have an Alien Card issued by the Protocol Department.

The Alien Card will be used only in actions requiring it with regard to that representation. In all their private acts they will identify themselves with their Colombian Citizenship Card or, if the national of another country, their Alien Card. This also applies to the Alien Cards of Honorary Consuls, whose spouses are not entitled to this document.

When an accredited officer ends a mission in Colombia, the Diplomatic Missions should return the Officer's Alien Card to the Ministry of Foreign Affairs Protocol Department. The Protocol Department will deactivate the digital version of the Alien Card and other documents held by an international officer and dependents, such as Driving Licenses and Vehicle Ownership Cards, on the date that the Officer's functions in Colombia terminate.

## 14.2 CATEGORIES AND NOMENCLATURE OF ALIEN CARDS FOR DIPLOMATS

- D Embassy Diplomats.
- C Consuls General, Consuls, Vice Consuls and Consular Agents.
- O Heads of International Organizations, Diplomatic and Administrative Officers of International Organizations.
- A Administrative and technical staff of Embassies and Consulates, staff members employed in the embassy's domestic service and service personnel of a Consular Office.
- I Members of Cooperation Agencies and Educational Institutions engaged in Diplomatic Missions accredited in Colombia.
- S Domestic servants of a Member of the Mission and a member of the private staff employed exclusively for the private service of a member of the Consular Office.
- H Honorary Consuls.

If for any reason a document arrives at a Mission which does not belong to it, the Mission should report it and return it immediately to the Protocol Department – Internal Working Group for Privileges and Immunities for delivery to the correct Representation.

### 14.1.1 EXPIRY OF AN ALIEN CARD - DIPLOMATIC CATEGORY - OR CHANGE OF STATUS

An Alien Card will expire on the same date as the related passport or on the date of the end of the duration of the mission shown in the visa. Its validity will therefore be governed by the same regulations as preferential visas, as follows: Diplomatic Officers, up to by four years, renewable for periods of two years until the end of mission; Technical and Administrative Officers, up to two years, renewable for two-year periods until the end of the mission; teachers, up to two years, renewable for two-year periods until the end of the mission; service personnel, up to two years, renewable for two-year periods until the end of the mission.

The Diplomatic Mission or International Organization will generate renewal requests for these documents on the Protocol Procedures Portal ten days before they expire.

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The expiring Identity Card must be surrendered at the time of receiving the renewal; otherwise, the new Card will not be delivered.

A change of category of personnel within the Mission or the incorporation of the staff of a Mission into an International Organization or vice versa and the re-appointment of an Officer to the same Mission, will require the change of Identity Card.

#### **14.4 LOSS OR THEFT OF AN ALIEN CARD.**

The loss or theft of an Alien Card will be reported as required by applicable law, and immediately advised to the Protocol Department, for it to issue a duplicate.

#### **14.5 RENEWAL OF IDENTITY CARD**

A request for the renewal of an Identity Card is to be made on line on the Protocol Procedures Portal, button: Re-issue / *Reexpedición*,

The validity of this document will be the same as the visa; therefore, the visa should be renewed before making any application to renew an Identity Card.

#### **14.6 DRIVING LICENSE**

The Ministry of Foreign Affairs Protocol Department will, at the request of the Diplomatic Mission or International Organization, issue the driving licences to an Officer and dependents, against the following Documents:

1. Color scan of the current driving license issued in the country of origin, with translation into Spanish if in another language.
2. Color scan of blood group certified by an authorized laboratory; or color scan of an identity document showing the applicant's blood group at information.
3. Color scan of full face-only photograph on a white background.
4. If a driving licence issued in the country of origin is not available, the applicant must present a certificate of a driving course taken in Colombia and any other examinations or requirements of Colombian regulations.
5. Sons or daughters under 18 years of age must also produce a third-party general liability insurance policy.

#### **14.7 DIGITAL IDENTIFICATION**

The Protocol Department will issue new identity documents, driving licenses and vehicle ownership cards for diplomats, their relatives and service staff accredited to the Colombian government in digital form. The electronic version can be downloaded to mobile phones and has security features to verify identity and validity of the bearer on internet.

The DIGITAL ID consist of an Accreditation Number, an alphanumeric code based on Decree 1067/2015 and is VALID IDENTIFICATION ANYWHERE IN COLOMBIA for diplomats, international officers and their



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dependents and service staff. The Accreditation Number was replaced for the Alien Card number in 2020, thus unifying identity documents for all aliens in Colombia.

The implementation of the Digital ID Project means that digital documents for diplomats and their dependents and service staff, such as diplomatic credentials, driving licenses and vehicle ownership cards can be seen on line and downloaded, using leading-edge technology and security of the same kind already used in other Ministry services.

A QR Code reader and the Protocol Procedures Portal can be used to consult effective validity at: <https://protocolo.cancilleria.gov.co/Protocolo/ConsultasExternas/Documentos.aspx>

Documents pending printing and documents that need to be re-printed due to expiry or for some other reason are available in digital form for accredited officers, dependents and service staff.

All documents issued by the Protocol Department are equally valid in printed plastic format and in digital format as identity documents for accredited diplomatic agents, and international officers.

Embassies, Consulates and International organizations are invited to provide updated information on contact points or authorized links to enter the Portal so that the system will be effective.

All requirements, including email addresses, must have been satisfied in order to obtain codes for verification, access and downloads of digital identities.

## **15 SECTION V. APPLICATION OF PRIVILEGES AND IMMUNITIES TO DIPLOMATIC MISSIONS AND INTERNATIONAL ORGANIZATIONS**

### **15.1 PRIVILEGES**

#### **15.1.1 CLASSIFICATION OF EXEMPTIONS**

##### **15.1.1.1 TAX EXEMPTIONS**

The Government of Colombia will apply exemptions to taxes and other charges to the accrediting State and to the Head of Mission or Career Consular Office on premises, as laid down in Section 23.1 CRD and Article 21.1 CRC.

Without prejudice to specific agreements signed by Colombia, Mission officers, consular office staff and members of their families who form part of their households will be exempt from all personal or real national, regional or municipal taxes with the exceptions specified in Article 34 CDR and Article 49 CCR.

Private employees of members of a Mission staff who are not nationals of the receiving State are not permanent residents will be exempted from taxes and other charges on the salaries earned from their service.

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The Government of Colombia may, in accordance with current international treaties, accords, conventions or agreements incorporated into Colombian law or failing that, on the basis of the strictest principles of reciprocity, grant exemption from indirect taxes usually included in the price of goods or services (sales tax – IVA and the National Consumption Tax) (see Section 9.1.5.3.1.6)

International organizations with a headquarters or representation in Colombia and their staff will, in matters of tax exemptions, apply the terms of agreements signed with Colombia; and for organizations that are entitled to it, the terms of Article II Sections 7 and 8; Article V Section 18(b), 18€ and 18(g) and Article VI Section 22(e) and 22(f) of the 1946 UN Convention on Privileges and Immunities

### 15.1.1.2 REAL ESTATE

Under the Vienna Convention and bilateral agreements, as the case may be, foreign governments may purchase or rent property as their seat for their diplomatic or consular missions with the express prior permission of the Protocol Department, in order to honor international obligations regarding their protection and inviolability.

### 15.1.1.3 PURCHASE OF REAL ESTATE. EXEMPTION FROM TAXES ON PROPERTY OWNED OR LEASED. COMPLIANCE WITH LAWS AND REGULATIONS IN CASE OF WORKS IN REAL ESTATE

Foreign governments with a Diplomatic Mission based in Colombia may acquire ownership of or build the necessary, properties for Mission or Consular Office operations, or for dependent units of the Mission, with exemption from registration fees and stamp duty, with the prior permission of the Ministry of Foreign Affairs and provided that Colombia enjoys the same rights in the country concerned (Law 22/1946).

A Diplomatic Note should be addressed to the Ministry of Foreign Affairs - Protocol-Department to obtain this prior permission, indicating the following:

- Location of the property or land for construction.
- Name and identification of the seller.
- Proposed use of the property.
- Notary where the conveyance will be formalized
- Commitment to reciprocity.
- Commitment to send a photocopy of the deeds, and the construction license (if appropriate) issued by the competent authorities.

When granting permission, the Protocol Department will send the Mission the communications to be submitted to the competent entities in order to obtain the exemption from the duties and taxes on the operation.

The Protocol Department will do the same for the sale of a property owned by a foreign government..

The accrediting State and the Head of Mission are exempt from all national, regional or municipal taxes and levies on the premises of the Mission they own or rent, except for those represent payment for private services rendered.

The ownership of a property will not relieve a foreign government from the payment of obligations for the remuneration of a service, or from compliance with local laws and regulations on works and urban planning,

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environment, conservation of culturally interesting assets, modifications or change of use, use of public space confined to property, etc.

#### **15.1.1.4 ESTABLISHMENT OF OTHER OFFICES THAT ARE PART OF THE MISSION OR CONSULAR OFFICE.**

The Mission will send the Ministry of Foreign Affairs a Diplomatic Note to request prior and express consent to establish offices that are part of the Mission, or a Vice-Consulate, Consular Agency or Dependent Unit, in locations other than that of the Mission or Consular Office (Art. 12 CDR - Art. 4 CCR).

This requirement will also be mandatory for International Organizations based or represented in Colombia.

Relevant addresses and telephones must be promptly registered in a timely manner with the Protocol Department.

#### **15.1.1.5 CUSTOMS DUTIES**

The Protocol Department of the Ministry of Foreign Affairs will authorize the entry, with exemption from all customs duties, taxes and related levies, (other than the costs of storage, haulage and similar services provided to goods intended for the official use of the Mission or personal use of diplomatic agents or family members who are part of the agent's household, including effects intended for installation (Art. 36 CDR - Art. 50 CCR).

For this purpose, the Protocol Department will, at the request of the beneficiary of the duty exemption, endorse the information contained in the Import Declaration covering the imported goods whose intended purpose is:

1. For the official use of the Mission.
2. For the personal use of the diplomatic, consular or International Organization Officers and their family members who are part of their households, including effects intended for initial installation.
3. For the personal use of the administrative and technical employees of the Missions, and consular employees at the time of their first installation in Colombia.

Personal accompanied baggage of agents of a State or International Organizations and their families is exempt from customs inspection.

For all purposes there is a difference between the exemption from customs inspection mentioned above and measures for metal detection and X-ray controls of baggage; and any other object that might imply a safety risk for travelers, in use in passenger terminals.

These controls do not constitute an infringement of Articles 36(2) of the 1961 Vienna Convention on Diplomatic Relations, or Article 50(3) of the 1963 Vienna Convention on Consular Relations.

#### **15.1.1.6 EMPLOYMENT PRIVILEGES**

Mission members will be exempted from any employment benefit, public service and any obligations relating to work permits imposed by laws and regulations relating to the employment of foreign personnel (Art. 35 CDR, Art. 47 CCR and Article V Section 18-c- Convention P.& I. United Nations 1946).

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#### 15.1.1.7 SOCIAL SECURITY EXEMPTIONS

Mission members, their families and domestic employees will be exempt from the Colombian Social Security requirements, provided that:

1. they are not Colombian nationals or permanent residents, and
2. they are protected by the social security regime of the Sending State or in a third State (Art. 33 CDR and Art. 48 CCR).

This does not mean that they may not voluntarily adhere to the Colombian social security regime.

#### 15.1.1.8 SALES TAX (IVA-VAT) AND CONSUMPTION TAX EXEMPTIONS.

The Diplomatic and Consular Missions and International Organizations and Technical Cooperation in Colombia will enjoy exemption from Value Added Tax (VAT) and Consumption Tax for the acquisition of goods in Colombia, "in accordance with the provisions of existing international treaties, and conventions or agreements that have been incorporated into domestic law, or failing that, on the basis of the strictest international reciprocity" (Art. 1 Decree 153, February 5, 2014).

It is clear, therefore, that such exemptions are not provided generically to diplomatic and consular missions and members of their staff, and with respect to International Organizations with representation in Colombia, this benefit must be found expressly established in their agreements for their operations in Colombia.

### 15.2 TAX REFUNDS: PROCEDURES AND REQUIREMENTS.

The exemption from IVA/VAT and Consumption Tax is recognized in Colombia in the form of refunds of the sums paid for them. The refunds are the responsibility of the Tax and Customs Service (DIAN).

The Ministry of Foreign Affairs will send a note to DIAN before 30 November each year with a list of the Diplomatic and Consular Missions enjoying this right due to the effects of the strict application of the principle of reciprocity, and of the Missions of International Organizations and Technical Cooperation Agencies covered by existing conventions that contain tax privileges.

Embassies and International Organizations should submit claims for the refund of IVA/VAT and Consumption Tax to DIAN (Major Taxpayers- (Revenue Division - Refund Group), following Article 4 of Decree 153/2014 DIAN. Claims should be presented in plain cardboard folders with filing tabs.

White or colored folders, or plastic folders are not acceptable. Claims should be signed by the Head of the Diplomatic Mission or legal representative of the international organization or deputy, completing the standard form for bi-monthly reporting, with the indication of the legal grounds for the exemption and attaching the following:

- 1 The invoice number.
- 2 Name.
- 3 NIT (Tax identification No.) if applicable).

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- 4 Date of issue.
- 5 Total value of the operation.
- 6 Specific or generic description of the items sold or services provided.
- 7 Discrimination of the tax referred to and the amount of Sales Tax and Consumption Tax.
- 8 Confirmation that the invoice has separate details of Sales Tax and Consumption Tax and meets the other legal requirements.

Photocopies of invoices will not be accepted.

Therefore, any invoice or document other than the original will be rejected, (including sales tickets, vouchers or other documents that do not classify as invoices).

Invoices with corrections, erasures strikeouts or signs of adulteration will also not be accepted.

The invoice(s) attached to the application must be in the name of the Officer who is the beneficiary of exemption or the Diplomatic Mission or International Organization accredited to the Protocol Department.

If the Diplomatic Missions and the representative offices of International Organizations have agencies in Colombia, the invoices must be in the name of the Diplomatic Missions and the representative offices of International Organizations to which they belong.

Invoices issued more than one year before the date of lodging the request for the refund at the DIAN Major Taxpayers' Department, will not be eligible.

Air tickets and performance bonds will only be accepted if they meet the requirements to qualify for a refund. Credit notes will not be accepted.

The basis of the refund will not include invoice items defined as discounts, refunds etc. or "charge notes, first charge note, cash receipt, debit note or "preliminary account".

Invoices that have the pre-printed legend "Simplified Regime" will also be rejected because invoices in that regime should not contain VAT.

Telephone bills not in the name of the applicant for the refund should attach the contract showing that the applicant is responsible for them.

The principle of reciprocity or the existence of specific circumstances will be taken into account when considering authorization of exemptions and refunds of IVA/VAT and the Consumption Tax paid on the purchase of a vehicle on the local market.

The Protocol Department will therefore analyze each individual case raised by a Diplomatic Note from a Mission, which should attach a copy of the final invoice for the purchase of the vehicle.

If the decision is to allow the refund, a certification will be issued for presentation to DIAN, and attached to the related invoice.

Without this certificate, DIAN will reject the request for the refund.

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For further information on these points, please refer to the Major Taxpayers Department of DIAN:

- Dirección Seccional de Impuestos de Grandes Contribuyentes
- División de Gestión de Recaudo
- Address: Carrera 7 No. 34 - 69 Bogota
- Phone: 332 5100 Ext. 15251
- Direct Phone: 340 14 17

### 15.3 EXEMPTIONS FROM EXIT TAX

Article 26.29(d) of Law 2/1976, exempts Officers with diplomatic passports from Exit Tax. This exemption does not cover the Airport Service Charge ("Tasa Aeroportuaria").

### 15.4 VEHICLES

All procedures for the sale, purchase, importation and re-export of vehicles must have the prior written authorization of the Ministry of Foreign Affairs, on the terms of current legislation and this Manual.

#### 15.4.1 IMPORTATION OF VEHICLES

The application is made with an import declaration signed and sealed by the Head of Mission or the Customs Agent, stating that the importer is the diplomatic mission or the accredited officer.

If the vehicle is stolen and reappears, a note will be delivered authorizing the transfer to the insurance company as a result of the theft; and a similar note to that sale is subsequently sent to DIAN to report the theft.

The Ministry may authorize the sale of vehicles imported under duty exemptions for use by missions, four years after the date of the initial declaration of shipment processed with the Customs and provided that the vehicle has been properly registered with the Protocol Department.

When a vehicle shipped under a declaration of duty exemptions is acquired by a person with the same rights as the beneficiary, the beneficiary should obtain authorization from the Protocol Department to effect the transfer. The transfer will thus pass the benefit already accrued to the acquirer and no import duties, sales tax or other tax imposed will be payable. The Protocol Department will report the transaction authorized to DIAN for DIAN to update its information and exercise relevant controls.

In a sale or donation, a transfer between officers or from a Mission to an officer or viceversa, the Diplomatic Missions of international organization must deliver the plates and ownership card the vehicle to the Protocol Department for registration of their return in the inventory.

All vehicles imported with duty exemptions or purchased on the local market (subject to the authorization of the Protocol department) for the official use of a Mission or international organization or members of its staff, must carry a Single National Plate identifying them as for diplomatic or consular service or the service of special missions accredited to the Government of Colombia.

The importation of vehicles is conducted on the Protocol Procedures Portal.

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By order of the Ministry of Transport, plates will be assigned by the Protocol Department of the Ministry of Foreign Affairs.

#### 15.4.2 CODING OF PLATES

M	Mission
D	Diplomatic officers
C	Consular officers
A	Administrative / technical officers
O	International Organization
MCD	Motorcycles for diplomatic/ consular service and accredited diplomatic representations
DCO	Vehicles of missions in process of accreditation

For plates mentioned above, after the Code (M. D. C. A. O. MCO, DCO, MR) there will be two characters (letters) to identify the country; and three digits (000-999), the serial numbers of plates assigned to the Mission.

#### 15.4.3 REQUIREMENTS FOR PRE-ALLOCATION OF PLATES

For imported vehicles:

Completed Import Declaration with bank sticker, release and related dates.

#### 15.4.4 REQUIREMENTS FOR ASSIGNMENT OF PLATES

1. Diplomatic Note,
2. Import declaration with bank sticker number and date stamp, release No. and date
3. Engine and chassis identity prints.
4. Commercial invoice.
5. Bill of lading or airwaybill.
6. Compulsory insurance for traffic accidents (SOAT) valid for 1 year with plate No. assigned by the Ministry.
7. Third-party general liability insurance, valid for 1 year, with plate No. assigned by the Ministry

#### 15.4.5. 1. VEHICLES PURCHASED ON THE DOMESTIC MARKET

1. Diplomatic Note
2. Commercial invoice.
3. Mandatory insurance (SOAT) valid for one year, with plate No. assigned by the Ministry.
4. Third-party general liability insurance, valid for one year, with plate No. assigned by the Ministry

#### 15.4.6 REQUIREMENTS FOR IVA/VAT REFUND

1. Diplomatic Note applying for the tax refund
2. Commercial invoice of the dealer

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#### 15.4.7 SALE

Decree 2148/1991, allows free disposal of duty-free imported vehicles will be freely disposed of, exempt from tax, and their sale or donation may be authorized by the Ministry of Foreign Affairs- Protocol Department in the following cases:

- When four full years have elapsed, counted from the date on which DIAN-Customs has accepted the initial vehicle clearance document for official use.
- When two full years have elapsed, counted from the date on which DIAN-Customs accepted the initial clearance document of the vehicle for private use.
- When, a vehicle for private use has been in Colombia for more than six months, counted as before the mission ends and the beneficiary must leave Colombia.
- Under Article 428 of the Tax Code, the benefit of duty-exempt imports is personal and non-transferable within the year following the importation; if the vehicle is transferred before that time, the beneficiary must pay the sales tax (IVA/VAT) and penalty interest, plus 50%

The sale of vehicles may also be authorized before the above terms have elapsed, upon payment of related taxes, in the following cases:

- Due to replacement, if the vehicle for official use has less than six months of use, after payment of all import duties, sales tax and any other charge waived at the time of admission under duty exemption and included in the Special Release Declaration, which will be the sole document used for control purposes.
- Due to replacement, if the vehicle for official use has more than six months of use, after payment of the monthly instalments remaining to meet the general total of four years - (48 months) - counted from the DIAN-Customs acceptance of the initial Release Declaration, calculated on the amount of import duties and taxes in force at the date of Customs acceptance of the application for official liquidation in order to obtain the clearance.
- If a vehicle has been in private use in Colombia for more than six months, calculated as above, and the beneficiary is in office, and requests Customs to calculate the settlement of import duties and taxes in force on that date, in order to pay 1/24<sup>th</sup> of the total for each month remaining to complete the two-year term required to be paid under the regime.

NOTE: A beneficiary who uses the option described in the preceding paragraph may not ship a new vehicle for CONSUMPTION until the two-year period required has elapsed (Resolution 3084/1991).

#### 15.4.8 SALE OR DONATION OF IMPORTED VEHICLES.

Requirements for the sale or donation of imported vehicles:

1. Request by Diplomatic Note signed by the Head of Mission, informing the reason for the sale or donation and the full details of the buyer.
2. Photocopy of the personal Identity Card or tax identity RUT, of the buyer or the beneficiary of the donation.
3. Note of return of assigned plates and ownership card.
4. Import Declaration.



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5. Print of engine and chassis numbers.
6. Commercial invoice.
7. Bill of lading or airwaybill.

#### **15.4.9 CANCELLATION OF DUTY EXEMPTION DUE TO TOTAL LOSS OR THEFT**

If a vehicle is a total loss due to theft or an accident, the Mission may request cancellation of the regime for importation with duty exemption, for which it must submit:

In the case of theft, a certification of the report of the loss to the competent authorities

In the event of an accident implying a total loss, the acceptance of the insurance company involved (Article 19 Decree 2148/1991)

The Protocol Department may authorize a new importation subject to presentation of the cancellation of the previous duty exemption by DIAN and compliance with requirements for the transfer of ownership of the vehicle to the insurance company.

#### **15.4.10 SALE DUE TO DEATH OF THE BENEFICIARY.**

If the beneficiary dies and the heirs give their consent, the Mission may request authorization to sell the vehicle under Article 20 of Decree 2148/1991, attaching the documents required for the sale of a duty-exempt imported vehicle.

#### **15.4.11 TRANSFER BETWEEN MISSIONS AND OFFICERS.**

If a Mission or an Officer wishes to transfer a vehicle to another Mission or Officer accredited in Colombia, a request should be made to authorize the operation applying the terms of Article 21 of Decree 2148/1991, and attaching the documents required for a sale of a duty-exempt imported vehicle

#### **15.4.12 SALE OF VEHICLES PURCHASED ON THE DOMESTIC MARKET.**

The Protocol Department will authorize the sale or donation of vehicles purchased on the domestic market and registered with the Department against the following documentation:

- 1 Diplomatic Note of request signed by the Head of Mission, explaining the reason for the sale or donation and full details of the buyer.
- 2 Photocopy of the ID or Taxpayer No. of the buyer or beneficiary of the donation
- 3 Note of return of plates assigned and ownership card.
- 4 Imprint of engine block and chassis numbers
- 5 Commercial invoice.

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#### 15.4.13 FINAL TRANSFER.

The Protocol Department will authorize the final transfer of vehicles for which the Mission will submit the following documentation:

- Request by Diplomatic or Diplomatic Note signed by the Head of Mission
- Import Declaration (self-liquidation) of modification submitted to DIAN.
- Import Declaration of legalization or correction filed with DIAN, if applicable.

#### 15.4.14 RE-EXPORTS.

- 1 The re-export of a duty exempt imported vehicle registered with the Protocol Department, will require the following documentation:
- 2 Diplomatic or Diplomatic Note signed by the Head of Mission reporting the procedure
- 3 Note of return of the assigned plates and the ownership card.
- 4 Copy of the reexport document processed with DIAN (may be sent after the initial Note)

#### 15.4.15 SCRAPPING A VEHICLE ADMITTED UNDER DUTY EXEMPTION, AND CANCELLATION OF REGISTRATION

This procedure applies only to vehicles imported by the Diplomatic, Consular, International Cooperation and Technical Assistance Organizations of a permanent nature.

#### 15.4.16 REQUIREMENTS FOR THE REQUEST TO SCRAP A VEHICLE:

- 1 A motivated Diplomatic Note signed by the Head of Mission, addressed to the Protocol Department, requesting that a vehicle be scrapped under Paragraph 2 of Article 19 of Decree 2148/1991, amended by Decree 250/2015.
- 2 The Note should provide a full description of the vehicle (Chassis No., Engine No., Year of Manufacture, Model Year, Body Type, Color, Armor Characteristics, Plate No.)
- 3 Photocopy of the ownership card
- 4 Photocopies of third-party general liability insurance and mandatory road accident insurance - SOAT.

The Protocol Department will check that the Mission's request meets these requirements and will validate the information of the vehicle to be scrapped.

If all requirements are met, the Department will send the Mission a certificate of authorization for the vehicle to be scrapped.

If not, it will advise the Mission of the missing requirements or information, and the Mission must correct the situation within 8 working days following receipt of the Ministry's advise; if the Mission fails to do so, the request will be treated as abandoned.

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The Head of the Mission or a delegate will send the Ministry of Foreign Affairs Protocol Department a copy of the certificate that the vehicle has been scrapped, so that the Ministry can cancel the related entry for the diplomatic duty exemption vehicles registered for the official use of that Mission.

The Protocol Department will issue a note informing the Diplomatic or Consular Mission or International Organization of the cancellation of registration.

The Protocol Department, based on the cancellation of the registration and the cancellation of record of duty exemption of the vehicle scrapped, may agree to process of the admission of a new duty exempt vehicle, as provided for in the current Protocol Manual.

**IMPORTANT NOTE:** Prior to the any request for sale, donation or re-export, a Diplomatic Mission, Consular Office or International Organizations accredited to the Government of Colombia must return the plates and the ownership card (or, if either has been lost, a copy of the loss report) allocated to the vehicle being processed with a Diplomatic or Diplomatic Note receipted by the Correspondence Office of the Ministry of Foreign Affairs. Once the Note is received by the Protocol Department, the Officer responsible or the /Internal Working Group of Privileges and Immunities will record the return and /or decommissioning of these plates in the Procedures Portal of the Protocol Department.

If the request is for the cancellation of registration due to the scraping of the vehicle, the Officer responsible or Internal Working Group of Privileges and Immunities will confirm with the Embassy or International Organization owning the vehicle that it has been scrapped, in order to record the removal of the plates from the inventory, and to allow the Diplomatic Mission or International Organization to proceed with the request.

## 15.5 HOUSEHOLD EFFECTS

### 15.5.1 QUOTAS

Quotas for initial installation and annual allowance are as follows, or as subsequently modified:

Ambassadors, Heads of Mission, Heads of International Organizations or Technical Assistance or Technical Cooperation

- Installation USD90,000
- Annual allowance USD 7,000

Other diplomatic and consular staff of international organizations and technical assistance and technical cooperation;

- Installation USD 50,000
- Annual allowance USD 3,500

Administrative staff have an initial installation allowance of USD30,000 only.

These amounts may be updated annually by the Ministry of Finance – DIAN. The Protocol Department will inform diplomatic missions and international organizations of any changes.

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## 15.5.2 REQUIREMENTS TO APPLY FOR AUTHORIZATION TO IMPORT HOUSEHOLD EFFECTS

Diplomatic note signed by the Head of Mission, indicating the name of the beneficiary.

The completed Import Declaration for the effects must contain the name of the officer-beneficiary of the exemption and be signed and sealed by the Head of Mission and carry the signature of the officer-beneficiary. It must also show the DIAN Acceptance No. and attach a list of the objects included and **the airwaybill of shipping document.**

## 15.5.3 REQUIREMENTS TO APPLY FOR AUTHORIZATION TO IMPORT CONSUMER GOODS

Missions will be exempt from duty without quota limits; restricted-use durables have no limit in value.

1. Import declaration in the name of the Mission, signed and sealed by the Head of the Mission.
2. Airwaybill of bill of lading
3. Commercial invoice with description of the items to be imported.
4. The invoice total should be the same as the FOB value on the Import declaration. If the transaction is not expressed in US dollars, the [dollar] amount at the exchange rate at the time of the transaction should be used.

## 15.5.4 HOUSEHOLD EFFECTS, CONSUMER GOODS, VEHICLES

### 15.5.4.1 DUTY EXEMPTIONS

Under Colombian law the privileges referred to in this Section may be limited or suppressed when they exceed those recognized for Colombian missions abroad and their staff, or when the Ministry of Foreign Affairs considers it appropriate.

Exemptions will be authorized to the extent that the goods are intended for use by the Diplomatic Mission, Consular Office or International Organization; or for the private use of a diplomat or accredited Administrative or technical officer.

These goods may not be sold or made available to third parties unless applicable requirements have been met.

### 15.5.4.2 BENEFICIARIES

The following individuals may benefit from the exemption from Customs dues (duties and VAT), administrative requirements related to the customs clearance of their duty-exempted goods, Sales Taxes and any other tax affecting the admission of household effects, consumer goods and vehicles:

ANTHONY LETTS   
 Traductor Juramentado  
 Res. 139/80 Minjusticia

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A. Officers accredited in Colombia:

- Career diplomatic and consular officials.
- Principal Representatives of International Organizations.
- Directors and deputy directors of regional headquarters of an International Organization.
- Experts and Technical Officers of International Organizations, to the extent established by the Headquarters Agreement.
- Specialist personnel accredited in Colombia, in the course of technical assistance agreements, subject to certification by the Ministry of Foreign Affairs.
- Administrative Officers accredited by the Head of Mission, remunerated by the country appointing them, and nationals of the accrediting country not resident in Colombia, and depending on international reciprocity.
- Foreign teachers who provide their services in Colombia under treaties or agreements on cultural, technical or scientific matters, subject to certification from the Ministry of Foreign Affairs -Protocol Department-.

B. Missions accredited in Colombia:

- Diplomatic and consular.
- International Organizations.
- Cooperation and technical assistance.

#### 15.5.4.3 DUTY EXEMPTIONS FOR OFFICERS MARRIED TO EACH OTHER

If two foreign agents married to each other or are in de facto marital union, and have been individually accredited to perform their own functions, the Ministry of Foreign Affairs may agree to give them separate treatment in matters of privileges and, obviously, immunities.

This does not preclude a situation in which an examination of a specific application for the importation of consumer goods or articles, there should be a limit on quantity or amount, due to the family nucleus formed by the two accredited agents, or in application of the principle of reciprocity.

#### 15.5.5 CLASSES OF DUTY EXEMPTION

Colombian regulations provide for two types of duty exemption:

- Installation, which is granted during the first year (counted from the date of the beneficiary's accreditation in the country, and including baggage, effects, and vehicles that the person accredited is entitled to bring for personal use and that of the accompanying family.
- Annual allowance, to be permitted for the beneficiary during the year after each anniversary of the installation duty exemption or previous annual duty exemptions.

The duty exemptions listed are personal and non-transferable, are not cumulative and may not be used outside the term of their validity.

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### 15.5.5.1 AMOUNTS

The amount of the Installation and annual duty exemptions will be subject to the limits set in each case and in relation to the different categories of Officer. See Decree 2148/1991, as amended by Decree 379/1993 as regulated by Resolution 3084/1991, as otherwise amended or replaced.

IMPORTANT NOTE: The total amount or limit of the duty exemption for the purchase of vehicles includes the value of the dealer preparation for delivery. In other words, there will be no VAT refund for dealer preparation costs exceeding the value of the limit: the value of the vehicle plus the value of the preparation charges may not exceed the value of the limit. The Internal Working Group on Privileges and Immunities is responsible for controlling the amounts involved.

## 16 SECTION VI. INFORMATION SYSTEMS AND OTHER ELECTRONIC MEDIA

### 16.1 USING LESS PAPER – “ZERO PAPER POLICY” FOR PROCEDURES

The Colombian Government’s “Zero Paper” initiative is designed to set guidelines to contribute to effective and efficient public administration, reducing the use of paper by public entities in their internal processes and in their dealing with the public.

The Protocol Department has developed a series of electronic platforms mainly based on self-management, allowing Missions and international organizations accredited to the Colombian Government to access and manage their requirements with the State.

At present they are:

- Protocol Procedures Portal
- Protocol Department Verification of Digital Identification Portal
- SITAC (Integrated Citizen Procedures System)
- Ministry of Foreign Affairs – Protocol Department – Portal

### 16.2 OBJECTIVES

The Protocol Department of the Ministry of Foreign Affairs, using its powers under the law and complying with its international obligations, will engage in the tasks considered necessary for diplomatic, and consular personnel international organizations accredited in Colombia to undertake operations in the financial system, commerce and education, amongst other areas, using the identity documents issued to them in physical and digital form, both being equally valid.

The Protocol Department will, as frequency as it sees fit, make reviews and adjustments to the security of identification of diplomatic, consular, and other international officers who hold preferential visas and are accredited to the Government of Colombia. The only valid identification document for them is the Alien Card

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when staying in Colombia for longer than three months, on the terms and conditions set out in this Manual and in relevant regulations on Visas and Alien Cards.

The Protocol Department will provide appropriate and timely information on policies to simplify, standardize and optimize administrative procedures involving international officers accredited to the Government of Colombia in order to ensure agile recognition of their rights and compliance with the obligations they have in this country.

These policies, like other actions in public administration in Colombia, will be guided by the interests of efficiency, equity, efficacy and economy in order to protect public patrimony, transparency and morality in all operations related to the handling and use of public goods and resources.

## 17 SECTION 7. MISCELLANEOUS PROCEDURES

### 17.1 OTHER PROCEDURES

#### 17.1.1. CORRECTION OF PROCEDURES

The Ministry of Foreign Affairs – Protocol Department will process corrections to a sale or final transfer, if the following documents are sent to the Correspondence Office of the Ministry of Foreign Affairs:

- Diplomatic or Diplomatic Note signed by the Head of Mission, Representative or a deputy (Section 8.2.1.5), requesting corrections.
- The two sales or final transfer documents (original and copy), issued by the Protocol Department if appropriate.
- Ownership card or police report (in case of loss or theft) to be corrected.
- The two documents in which the information of a vehicle is certified for scrap or cancellation of registration
- Import Declaration for correction (in case of error in vehicle data).
- Print of engine and chassis numbers (in case of error).
- Buyer's document (in case of error in numbers or names of the buyer).

#### 17.1.2 EXPANSION OF THE FLEET.

If a Diplomatic Mission or International Organization requires one or more additional vehicles, it will make a request to the Ministry of Foreign Affairs – Protocol Department, justifying the real need for the expansion.

The importation or local market purchase of any additional vehicle will in any case be subject to the prior authorization of the Protocol Department.

Vehicles authorized as an extension of the fleet must also be registered at the Protocol Department.

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### 17.1.3 OTHER IMPORTS.

Article 204 of Decree 2685 of 1999, supplemented by Decree 2636 of 14 November 2002, states that DIAN-Customs may, without any advance procedures, authorize the direct delivery to the importer of:

- Goods donated to national-order official entities by foreign entities or governments, under international treaties, or interinstitutional agreements or cooperation or assistance projects signed by them.
- Imports of goods by accredited Diplomatic Missions into Colombia for subsequent delivery on free loan for use by national-order official entities, and which may be re-exported or processed as one or another appropriate type of importation.
- Goods intended for official entities and are imported in the implementation of projects or international cooperation or assistance agreements, by International Cooperation Organizations, or by Diplomatic Missions accredited in Colombia..

If the official entity to which the goods referred to in paragraph (c) should dispose of them to private-law individuals or corporate entities, it must follow the appropriate process of importation, paying any customs duties due.

### 17.1.4 DIPLOMATIC BAG

Foreign Missions must go directly to the cargo terminal or offices of the airlines or company providing this service to complete the procedure of reception of diplomatic bags.

The National Airport Security Program denies foreign Mission personnel access to the ramps and boarding corridors of airports or aircraft to receive or deliver diplomatic bags, even if entrusted to the officer commanding the aircraft.

As regards the diplomatic mails referred to in Article 27.5 of the 1961 Vienna Convention on Diplomatic Relations, the Government of Colombia will take good care to provide the appropriate facilities, but the Officer qualified to handle those mails must have instructions on compliance with these conditions.

The Government of Colombia's Civil Aviation Authority and the authorities of "El Dorado" International Airport will provide the facilities that foreign Missions need to receive and deliver diplomatic bag packages at cargo terminals and offices, subject to observance of security measures, and on the understanding that they may contain only diplomatic documents and items for official use, as provided for in the 1961 Vienna Convention on Diplomatic Relations.

### 17.1.5 COMMUNICATIONS EQUIPMENT – RADIO FREQUENCIES AND SATELLITE COMMUNICATION STATIONS

If a Diplomatic Mission or an International Organizations wishes to install communications equipment to use radio frequencies, it will send a request through the Ministry of Foreign Affairs - Protocol Department, attaching all documents required by the Ministry of Information and Communications Technologies to grant permission for the use of the radio spectrum.



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The Protocol Department will forward the request to the Ministry of Information and Communications Technologies and will inform the Mission concerned as appropriate.

The facilities in communication services do not necessarily mean that frequencies will be assigned directly. It may also be necessary to pay a fee for the use of frequencies or the provision of telecommunications networks and services, which will be subject to the current regime of charges.

### 17.1.6 FIREARMS

Colombian law, in particular Articles 24 and 29 of Decree 2535 of 17 December 1993, states that Diplomatic Missions or their Officers accredited to the Colombian Government who consider that they need to bring firearms into the country for the protection of offices or Officers, must first obtain a special permit to possess and carry them.

If the permit is issued to the Diplomatic Mission, it will be valid for four years, and may be renewed 30 days before expiry. If issued in the name of a Security Officer or any other Officer, the term will be until the end of the mission of that Office.

It is important to note that there is another permit, issued by the Department of Arms Control and Trade, in relation to the temporary importation and export of firearms, in the case of scheduled visits, foreign commissions or persons who come to Colombia as security personnel of a senior foreign personage on the occasion of their official visit to Colombia. This permit is valid for up to six months and the request for it must be made 15 days in advance, to allow time for administrative procedures to be completed.

All firearms must be of official origin, i.e., they must be owned by the State or the Government of origin.

The holders of the permits will assume full responsibility for their use of the firearm, consequently the loss or theft of the firearm or permit will be reported to the Protocol Department.

In either of the two situations, the Mission will send a list of firearms, specifying the class, make, number, caliber, load capacity, ammunition and accessories, and indicating the name and position of the security Officers who will carry each firearm.

The High Command of the Army (Department of Control of Trade in Arms, Ammunition and Explosives) will authorize the issue of permits to possess and carry firearms and ammunition, taking account of the specific circumstances of each function or Officer.

In all cases, without exception, the application must be submitted through the Ministry of Foreign Affairs - Protocol Department - by Diplomatic Note, signed by the Head of Mission, setting out the specific circumstances justifying the Importation. Each request will be considered individually and decided at the discretion of the competent authority.

When the Office of the Joint Chiefs of Staff of the Armed Forces has authorized the issue of the permit, it will provide order the Department of Arms Control and Trade to prepare it and deliver it to the requesting Mission.

After the request has been lodged with the High Command of the Armed Forces, the Protocol Department will send the Diplomatic Mission the reference number obtained so that the Mission may directly follow up the

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process, claim the authorization to carry a firearm and forward the appropriate matter to the DIAN office at the airport or port of entry. The permit is to be claimed at the Department of Arms Control and Trade, by an Officer accredited by the Embassy to do so.

The data of the firearm with the permit are recorded in the SIAEM (Firearms, Explosives and Ammunition Information System) managed by the Department of Arms Control and Trade to secure the traceability of authorizations, provide the required information in real time to the supervisory authorities, and avoid inconvenience to the Officer carrying the firearm. This is made possible because the information is provided through the CINAR (National Firearms Information Center) which operates 24 hours a day on all firearms in legal circulation in this country.

The same terms needed for permits to possess and carry firearms will apply to Missions and their Officers who wish to import ammunition without a firearm for practice and training purposes. Purchases of ammunition should be processed with the Department of Arms Control and Trade – INDUMIL stores.

In the case of a scheduled visit, if the Officer's mission ends or the firearm intended for the protection of the Diplomatic Missions is not used, the permit must be immediately returned to the Protocol Department to report to the High Command, of the Armed Forces - Department of Arms Control and Trade, that the firearm(s) have left the country, and attaching the permit.

The temporary admission into the country of sporting or collector's firearms for the personal use of an accredited Officer also requires a permit. The above procedure applies, and there must be advance communication with and accreditation from the Colombian Sporting Hunting and Shooting Federation (*Federación Colombiana de Tiro y Caza Deportiva*).

It is the duty of all Diplomatic Missions to review and compare lists of firearms kept by the Department of Arms Control and Trade every three months. The Mission should appoint a Diplomatic Officer to update the records of the firearms held in Colombia.

Individuals who carry firearms are advised to exhibit their special permits if required to do so by a competent authority and to take particular care not to misuse the firearms or lend them to a third party or allow a third party to use them, except for situations of imminent force majeure. Also, care should be taken not to harm fauna or flora, the environment and areas of special ecological importance when using the firearm. Firearms licensed by permits may only be carried in authorized places.

Finally, a firearm held in in Colombia under any of these permits may not be donated, or otherwise transferred, unless imported through INDUMIL, which has Government authority to dispose of it, subject to certain requirements.

**REPUBLIC OF COLOMBIA**  
MINISTRY OF FOREIGN AFFAIRS

**PRESIDENT OF THE REPUBLIC**  
IVAN DUQUE MARQUEZ

**MINISTER OF FOREIGN AFFAIRS**  
CALUDIA BLUM DE BARBERI

ANTHONY LETTS   
Traductor Juramentado  
Res. 139/80 Minjusticia

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**VICE-MINISTER OF FOREIGN AFFAIRS**

FRANCISCO ECHEVERRI-LARA

**VICE-MINISTER FOR MULTILATERAL AFFAIRS**

ADRIANA MEJÍA-HERNÁNDEZ

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### HISTORY OF CHANGES

VERSION	NATURE OF CHANGE
1	Adoption of the Protocol Manual
2	An additional item introduced to Section 8.2.1.15, corrections of spelling and expression. Item 8.2.2.3 – VISAS – updated clarifying type of photo for the procedure

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3	<p>Spelling corrections, editing  Update of Legal Basis  Updates and additions Associated Documents.  Clarification of expressions in Section 8.1.8. - Authorities Lounge of the Ministry –  Definitions added  Addition of Section 8.2.1.1 - Documents to be attached in the Protocol Procedures Portal for accreditation  Clarification of Expression of Section 8.2.1.18, addition to requirements to be attached for accreditation.  Addition of Section 8.2.1.15 Accreditation of a Dependent in a Diplomatic mission por International Organization  Addition of Section 8.2.2.5 Renewal of Identity Card  Addition of two items in Section 8.2.5.8.2  ✓ Ownership card or report (if lost or stolen) to be corrected  ✓ The two documents certifying the information about a vehicle in order to scrap it or cancel the registration  Addition of operating policies  Addition of paragraphs Sections 8.2.5.1.4.2, .8.2.5.1.4.3, 8.2.5.2.3  Change to Section 8.2.5.8.1  Addition of Data Protection paragraphs  Elimination of Section 1.5, para. 5, forming part of Section 8.2.7. Annexes</p>
4	<p>Changes to the structure of the Manual  Spelling corrections, editing.  Legal Base, updated.  Updates and additions to Associated Documents  Updates to extension numbers  Updates to National Holidays  Elimination of Section 8.1.12 Emergency Telephones  Elimination of Section 8.1.13 Annexes on Ceremonial  Elimination of Section 8.1.13.1 CEREMONY OF PRESENTATION  Elimination of Section 8.2.13.2 CEREMONY OF PRESENTATION OF LETTERS OF CREDENCE (YELLOW ROOM)  Elimination of Section 8.1.13.3. CEREMONY OF PRESENTATION OF LETTERS OF CREDENCE (DEPARTURE)  Update of Operating Policies  New items introduced regarding the new ID issued to accredited to accredited staff (Diplomatic Alien Card).  Addition of definitions.</p>