



WELCOME!

**U.S. SENDING STATE OFFICE FOR ITALY
(U.S.S.S.O)
LEGAL BRIEF**



U.S. SENDING STATE OFFICE FOR ITALY (U.S.S.S.O)

Separately-accredited diplomatic mission to the
Republic of Italy

USSSO is credentialed to represent U.S. interests for all
matters involving the U.S. military presence in Italy
before:

- ✓ Ministry of Foreign Affairs
- ✓ Ministry of Justice
- ✓ Ministry of Interior
- ✓ Ministry of Finance
- ✓ Ministry of Defense



USSSO'S MISSION STATEMENT

- SECNAV established U.S. Sending State Office for Italy May 8, 1956.
- The United States Sending State Office for Italy (USSSO) is the Department of Defense (DoD) diplomatic-legal office responsible for supervising the administration of the NATO Status of Forces Agreement (NATO SOFA) in Italy. USSSO is also the diplomatic representative for all foreign criminal jurisdiction issues involving DoD personnel; the NATO SOFA, and Foreign Claims Act claims arising out of DoD activities in Italy; the legal advisor to the Office of Defense Cooperation (ODC); the legal representative in Italy for the U.S. European Command (EUCOM); the litigation liaison to the U.S. Department of Justice for all Italian civil and labor litigation involving DoD activities; and the staff civil law advisor to the Ambassador and the diplomatic mission.
- **Web Site.** Our office web site is located at:
<http://rome.usembassy.gov/english/>



WHO'S WHO

OUR STAFF:

- **CDR James A. Ouellette, JAGC, USN** **Officer in Charge**
- **Mr. Charles E. Schaff** **Attorney-Advisor**
- **LN1(SW/AW) Sherrell Reed** **Law Office Manager**
- **AVV. Emanuela Lori** **Italian Legal Advisor**
- **Ms. Sabrina Valente** **Senior Paralegal
/Translator**
- **Mrs. Vanessa Varani** **Specialist Administrative
Clerk**



AREAS OF FOCUS

- Foreign Criminal Jurisdiction - Ministry of Justice
- Oversight of NATO SOFA Claims – Ministry of Defense
- NATO SOFA Art. III Visas/Resident Permits –
Ministries of Interior/Foreign Affairs
- 1995 Shell Agreement - Technical Arrangement
Negotiations
- EUCOM Legal Representative in Italy
- Litigation Liaison to Department of Justice
- Civil Law Advisor to Ambassador and Diplomatic
Mission



REFERENCES

- NATO SOFA
- 1954 Bilateral Infrastructure Agreement (BIA)
- 1995 MOD-DOD MOU (“Shell Agreement”)
- Base-Level Technical Arrangements
- UR 550-32 (2004 Tri-Component Country Instruction)



VISAS

- **NATO SOFA Art. III**
- **Civilian Component/Civilian Personnel and all Dependents receive Mission Visas (*Visto per Missione*)**



SOJOURN PERMIT

- “Permission to stay” permits
 - U.S. family members and civilian component/civilian personnel members were never exempt from this requirement
- Must apply within 8 days of arrival in Italy



CIVILIAN COMPONENT Vs. CIVILIAN PERSONNEL

Civilian Component

- NATO SOFA Art. I, para. 1(b)
 - *Civilian component means civilian personnel who are accompanying the force . . . in the employ of an armed service . . . not stateless . . . nor nationals of [any non-NATO] State . . . nor nationals of, nor ordinarily resident in [Italy].”*



CIVILIAN COMPONENT Vs. CIVILIAN PERSONNEL

Civilian Personnel

1995 Shell Agreement

Personnel who are closely affiliated with the United States Armed Forces and under their authority, but not employed directly by them, on the condition that the presence of such persons in Italy is recognized by both governments as necessary in connection with the functioning of the installations.



CIVILIAN PERSONNEL

Three Categories:

- U.S. Government
- Essential Personnel
- Technical Representatives



PASSPORTS

Official and Personal Travel

- a. Bearers of no fee passports must use their passports for authorized travel to their country of assignment and for return to the United States.
- b. They may use such passports for incidental personal travel while en route when this can be accomplished without any questioning of the bearer's status by other governments and without invalidating the passport for future official travel.
- c. Diplomatic and official passport holders must use a regular fee passport for all other personal travel except when entering or exiting their country of assignment.



DIPLOMATIC IMMUNITY

- What is diplomatic immunity?

- “Diplomatic agents accredited to a foreign government as ambassadors or other public ministers are immune from the jurisdiction of all courts and tribunals of the receiving state, whether criminal or civil. They cannot be prosecuted , sued, punished, or compelled to testify in the country to which accredited; however, they are not immune from civil and administrative jurisdiction when:
 - (a) A real action relating to private immovable property situated in the territory of the receiving State, unless he holds it on behalf of the sending State for the mission;

 - (b) An action relating to succession in which the diplomatic agent is involved as executor, administrator, heir or legatee as a private person and not on behalf of the sending State;

 - (c) An action relating to any professional or commercial activity exercised by the diplomatic agent in the receiving State outside his official functions.”

Vienna Convention on Diplomatic Relations, United Nations, Treaty Series, vol. 500, p. 95, Relations” , 24 April 1664 ,



DIPLOMATIC IMMUNITY(Cont'd)

- The term “DIPLOMATIC AGENT” includes the Ambassador (or other person who is the head of the mission) and members of the diplomatic staff, such as the Deputy Chief of Mission and the political, economic and consular officers assigned to an embassy. These persons have diplomatic titles and engage in duties of a diplomatic nature (e.g. government to government dialogue).
- Persons working in embassies in technical and support roles do not normally qualify as a diplomatic agent. If they are members of the administrative and technical staff they and their families have many of the immunities of diplomats, but their immunity from civil jurisdiction extends only to their official acts. If they are members of the service staff of an embassy their immunity is even narrower in scope. Generally, members of the service staff are immune only from criminal prosecution for their official acts.
- Persons working at consular posts that are not part of an embassy also do not normally have diplomatic immunity. As a general rule, they have immunity only for their official acts and their family members have no immunities.



DIPLOMATIC IMMUNITY(Cont'd)

- In some cases, however, persons at embassies and consulates who would not normally have diplomatic immunity have enhance immunities similar or equal to those enjoyed by diplomats because of the operation of a special bilateral agreement. Neither a diplomatic passport nor a diplomatic visa by itself confers diplomatic immunity and person in a country on temporary duty normally do not have diplomatic immunity.
- Regardless of any immunity, all sending state representatives are required to respect local law. Transgressions can result in being declared persona non grata by the receiving state, or in the sending state waiving immunity to permit the receiving state to take appropriate action, including prosecution.
- **Answer Source(s)**
L-DL, Assistant Legal Adviser, 6/25/08



LEGAL SERVICES

- ◎ **Region Legal Service Office (RLSO) Naples, IT**
 - Legal assistance (wills, family law, consumer law, powers-of-attorney, etc.)
 - Court-martial prosecutions
 - Legal counsel to area commands
 - Foreign criminal jurisdiction
 - Sojourn permits



LEGAL SERVICES (cont'd)

- What to bring to RLSO for Sojourn Permits :
 - Application
 - One per adult (age 14 and up)
 - Dependents under 14; add names to the back of your adult application
 - Four (4) passport-size photos per person (regardless of age)
 - Can obtain at Support Site photo shop
 - Photocopies of passport sections:
 - (see next slide)
 - Dependents age 14 and up
 - Copy of your orders



LEGAL SERVICES (cont'd)

- ◎ Photocopies of passport sections:
 - Two (2) copies of photograph page
 - One (1) copy of *mission visa* page
 - One (1) copy of “official” language page



OTHER RESOURCES - Naples

Naples

○ **RLSO**

- Contact info: CAPO, Admin. II, 1st floor,
- Dsn: 314-626-4576/Comm.
- Hours: 0730-1600 Mon. – Fri.

○ **SJA**

- Contact info: CAPO, Admin. II, 1st floor,
- Dsn: 314-626-5501/Comm.
- Hours: 0730-1600 Mon. – Fri.

○ **NLSO**

- Contact info: CAPO, Admin. II, 1st floor,
- Dsn: 314-626-4499/Comm.
- Hours: 0730-1630 Mon. – Fri.



OTHER RESOURCES - Aviano

Aviano

Legal Office

- Contact info : Aviano, 31st Fighter Wing,
- Dsn: 314-632-7843/Comm. +39-04-3430-7843
- Hours: 0730-1630 Mon. – Fri.

SJA

- Contact info: Aviano, 31st Fighter Wing,
- Dsn: 314-632-4897/Comm. +39-04-3430-4897
- Hours: 0730-1600 Mon. – Fri.



OTHER RESOURCES - *Vicenza*

Vicenza

- **Legal Office**
 - Contact info : Vicenza (USASETAF),
 - Dsn: 314-634-7717/Comm. +39-044-471-7717
 - Hours: 0730-1630 Mon. – Fri.
- **SJA**
 - Contact info: Vicenza (USASETAF),
 - Dsn: 314-634-7047/Comm. +39-044-471-7047
 - Hours: 0730-1600 Mon. – Fri.



OVERVIEW

- Mission and Functions
- Support to U.S. Forces
- Civilian Component/Personnel
- Visas/Passports/Sojourn Permits
- Diplomatic Immunity
- Foreign Criminal Jurisdiction
- Technical Representative
- Legal Services
- Other Resources

QUESTIONS?