

**Memorandum of Understanding Between The American Institute in Taiwan and  
The Taipei Economic and Cultural Representative Office in the United States  
Regarding Certain Consular Functions**

The American Institute in Taiwan (“AIT”) and the Taipei Economic and Cultural Representative Office in the United States (“TECRO”) (collectively referred to as the “counterpart organizations”), have, since 1980, consistent with domestic law and customary international law as applicable to the authorities they respectively represent, performed consular functions and provided consular assistance including, but not limited to, the visitation of detained persons on behalf of the authorities they respectively represent. In light of the importance of these critical consular functions, the counterpart organizations have come to the following mutual understandings with respect to procedures that are expected to be followed in the territories of the authorities they respectively represent.

**SECTION I**

TECRO affirms that the following procedures are expected to be followed in the territory of the authorities it represents. TECRO commits to use its best efforts, through its designated representative, the Ministry of Foreign Affairs, to coordinate with competent authorities in the territory of the authorities it represents to achieve the effective and timely performance of these functions.

1. Competent authorities in the territory of the authorities represented by TECRO are expected to:
  - a. advise a detained U.S. national without delay that he or she may have a representative from AIT notified of his or her detention;
  - b. notify AIT of the detention, without delay, if requested by the detained person;
  - c. permit an AIT representative to visit the detained person and arrange for his or her legal representation, with such visits occurring on a continuing basis if the detained person so wishes;
  - d. permit communication between the detained U.S. national and AIT representatives; and
  - e. permit an AIT representative to communicate with U.S. nationals and have access to them.
  
2. If the relevant information is available to competent authorities in the territory of the authorities represented by TECRO, these authorities are expected to inform AIT without delay:
  - a. of the death of a U.S. national; and
  - b. of any case where the appointment of a guardian or trustee appears to be in the interests of a minor or other person lacking full capacity who is a U.S. national.

3. TECRO, through its designated representative, the Ministry of Foreign Affairs, has identified the following office as the appropriate point of contact to provide assistance to representatives of AIT if they encounter difficulties or other issues with respect to the functions described in this section:

Taiwan Council for U.S. Affairs (TCUSA)

4. The commitments referred to in Section 1(1) of this MOU should be exercised in conformity with the laws and regulations of the territory of the authorities represented by TECRO, with the understanding, however, that TECRO works, through its designated representative, to the extent permitted under the laws and regulations of the authorities it represents, to ensure that local competent authorities act consistent with the commitments referred to in Section 1(1).

## **SECTION 2**

AIT affirms that the following procedures are expected to be followed in the territory of the authorities it represents. AIT commits to use its best efforts, through its designated representative, the U.S. Department of State, Bureau of Consular Affairs, to coordinate with competent authorities in the territory of the authorities it represents to achieve the effective and timely performance of these functions.

1. Competent authorities in the territory of the authorities represented by AIT are expected to:
  - a. advise a detained Taiwan passport holder without delay that he or she may have a representative from TECRO notified of his or her detention;
  - b. notify TECRO of the detention, without delay, if requested by the detained person;
  - c. permit a TECRO representative to visit the detained person and arrange for his or her legal representation, with such visits occurring on a continuing basis if the detained person so wishes;
  - d. permit communication between the detained Taiwan passport holder and TECRO representatives; and
  - e. permit a TECRO representative to communicate with Taiwan passport holders and have access to them.
2. If the relevant information is available to competent authorities in the territory of the authorities represented by AIT, these authorities are expected to inform TECRO without delay:
  - a. of the death of a Taiwan passport holder; and
  - b. of any case where the appointment of a guardian or trustee appears to be in the interests of a minor or other person lacking full capacity who is a Taiwan passport holder.

3. AIT, through its designated representative, the U.S. Department of State, Bureau of Consular Affairs, has identified the following office as the appropriate point of contact to provide assistance to representatives of TECRO if they encounter difficulties or other issues with respect to the functions described in this section:

Consular Notification and Access Programs, Office of Policy Coordination and Public Affairs, Bureau of Consular Affairs, U.S. Department of State

4. The commitments referred to in Section 2(1) of this MOU should be exercised in conformity with the laws and regulations of the territory of the authorities represented by AIT with the understanding, however, that AIT works, through its designated representative, to the extent permitted under the laws and regulations of the authorities it represents, to ensure that local competent authorities act consistent with the commitments referred to in Section 2(1).

### SECTION 3

1. This Memorandum of Understanding is an expression of the mutual intentions and expectations of AIT and TECRO.
2. This Memorandum of Understanding may be modified by mutual decision of the counterpart organizations in writing.
3. Either counterpart organization may discontinue cooperation under this MOU at any time, but is expected to provide written notice to the other counterpart organization at least 180 days in advance of the intended date of discontinuation.
4. This Memorandum of Understanding is intended to apply indefinitely unless discontinued consistent with this Section.

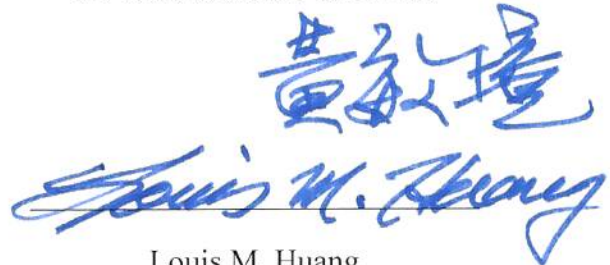
Signed at ARLINGTON, VA, on SEPTEMBER 13, 2019.

FOR THE AMERICAN INSTITUTE  
IN TAIWAN



John J. Norris, Jr.  
Managing Director

FOR THE TAIPEI ECONOMIC AND  
CULTURAL REPRESENTATIVE OFFICE  
IN THE UNITED STATES



Louis M. Huang  
Deputy Representative

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**SECTION 1**

TECRO affirms that the following procedures are expected to be followed in the territory of the authorities it represents. TECRO commits to use its best efforts, through its designated representative, the Ministry of Foreign Affairs, to coordinate with competent authorities in the territory of the authorities it represents to achieve the effective and timely performance of these functions.

1. Competent authorities in the territory of the authorities represented by TECRO are expected to:
  - a. advise a detained U.S. national without delay that he or she may have a representative from AIT notified of his or her detention;
  - b. notify AIT of the detention, without delay, if requested by the detained person;
  - c. permit an AIT representative to visit the detained person and arrange for his or her legal representation, with such visits occurring on a continuing basis if the detained person so wishes;
  - d. permit communication between the detained U.S. national and AIT representatives; and
  - e. permit an AIT representative to communicate with U.S. nationals and have access to them.
  
2. If the relevant information is available to competent authorities in the territory of the authorities represented by TECRO, these authorities are expected to inform AIT without delay:
  - a. of the death of a U.S. national; and
  - b. of any case where the appointment of a guardian or trustee appears to be in the interests of a minor or other person lacking full capacity who is a U.S. national.

3. TECRO, through its designated representative, the Ministry of Foreign Affairs, has identified the following office as the appropriate point of contact to provide assistance to representatives of AIT if they encounter difficulties or other issues with respect to the functions described in this section:

Taiwan Council for U.S. Affairs (TCUSA)

4. The commitments referred to in Section 1(1) of this MOU should be exercised in conformity with the laws and regulations of the territory of the authorities represented by TECRO, with the understanding, however, that TECRO works, through its designated representative, to the extent permitted under the laws and regulations of the authorities it represents, to ensure that local competent authorities act consistent with the commitments referred to in Section 1(1).

## **SECTION 2**

AIT affirms that the following procedures are expected to be followed in the territory of the authorities it represents. AIT commits to use its best efforts, through its designated representative, the U.S. Department of State, Bureau of Consular Affairs, to coordinate with competent authorities in the territory of the authorities it represents to achieve the effective and timely performance of these functions.

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  - b. notify TECRO of the detention, without delay, if requested by the detained person;
  - c. permit a TECRO representative to visit the detained person and arrange for his or her legal representation, with such visits occurring on a continuing basis if the detained person so wishes;
  - d. permit communication between the detained Taiwan passport holder and TECRO representatives; and
  - e. permit a TECRO representative to communicate with Taiwan passport holders and have access to them.
2. If the relevant information is available to competent authorities in the territory of the authorities represented by AIT, these authorities are expected to inform TECRO without delay:
  - a. of the death of a Taiwan passport holder; and
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3. AIT, through its designated representative, the U.S. Department of State, Bureau of Consular Affairs, has identified the following office as the appropriate point of contact to provide assistance to representatives of TECRO if they encounter difficulties or other issues with respect to the functions described in this section:

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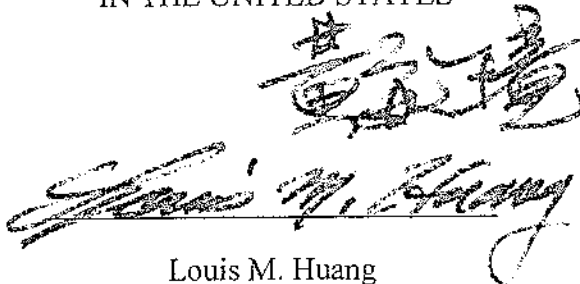
4. The commitments referred to in Section 2(1) of this MOU should be exercised in conformity with the laws and regulations of the territory of the authorities represented by AIT with the understanding, however, that AIT works, through its designated representative, to the extent permitted under the laws and regulations of the authorities it represents, to ensure that local competent authorities act consistent with the commitments referred to in Section 2(1).

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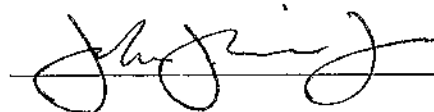
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