

Issue Date: 10/30/2003

REVIEW AND APPROVAL OF FOREIGN DHS POSITIONS

I. Purpose

This directive provides policy and procedures for the review and approval of foreign DHS positions.

II. Scope

This directive applies to all DHS organizational elements except the Office of the Inspector General.

III. Authorities

- A. 5 U.S.C.: Government Organization and Employees.
- B. 5 C.F.R.: Administrative Personnel.
- C. The Homeland Security Act of 2002, codified in Title VI, U.S. Code.
- D. NSDD 38, National Security Decision Directive for Staffing at Diplomatic Missions and Their Overseas Constituent Posts.

IV. Definitions

- A. **Employee**: (defined in 5 USC Section 2105) - An individual who has been appointed in the Federal civil service, is engaged in the performance of a Federal function under authority of law or regulation, and is not otherwise exempt from 5 USC, Sections 2301 and 2302.
- B. **DHS Foreign Office**: Any Department of Homeland Security office located outside the 50 states, the District of Columbia, and all territories, possessions and commonwealths of the United States of America.
- C. **Position**: Positions covered by this directive include any permanent or time-limited positions that are filled on either a full or part time basis.

V. Responsibilities

A. **The Deputy Secretary of Homeland Security**, or his or her designee, shall be responsible for the approval of the establishment of all positions in DHS foreign offices.

VI. Policy & Procedures

A. **Policy.**

Prior to the assignment of any DHS personnel to a foreign position, the Deputy Secretary of Homeland Security or his/her designee must approve the establishment of the position and work with the Department of State to receive the approval of the Chief of Mission for the host country.

B. **Procedures.**

1. The DHS element requesting the establishment of a foreign position will submit a position description and a memorandum justifying the creation of the position to the Director of International Affairs for a preliminary review.

2. The Director of International Affairs will submit the request to the Deputy Secretary with a recommendation to approve or disapprove the position.

C. **Questions or Concerns Regarding the Process.** Any questions or concerns regarding this directive should be addressed to the Department of Homeland Security, Office of the Chief of Staff.