

KAV 5712

Temp. State Dept. No. 00-62

INDIA

Employment for family members of a diplomatic mission or consular post

Arrangement on employment for family members of a diplomatic mission or consular post. Signed at New Delhi April 10, 2000. Entered into force April 10, 2000.

**ARRANGEMENT BETWEEN  
THE GOVERNMENT OF THE UNITED STATES OF AMERICA  
AND  
THE GOVERNMENT OF THE REPUBLIC OF INDIA  
ON EMPLOYMENT FOR FAMILY MEMBERS  
OF A DIPLOMATIC MISSION OR CONSULAR POST**

The Government of the United States of America and the Government of the Republic of India,

Noting the difficulties encountered by members of the family forming part of the household of a member of a diplomatic mission or consular post who wish to engage in employment;

Realizing that many members of such households, in particular spouses, may wish to work in the State where the member of a diplomatic mission or consular post is assigned to duty;

Desirous of facilitating the engagement of such family members in employment in the receiving State;

Have agreed as follows:

1. Authorization to Engage in Employment:

- a) The members of the family forming part of the household of a member of a diplomatic mission or consular post of the sending State shall be authorized, on a reciprocal basis, to engage in employment in the receiving State in accordance with the provisions of law of the receiving state.
- b) The receiving State shall retain the right to withhold authorization for employment in certain areas.
- c) Any authorization to engage in employment in the receiving State shall, in principle, be valid only during the tenure of the member of a diplomatic mission or consular post in the receiving State.

2. Definitions:

For the purposes of this arrangement:

- a) "A member of a diplomatic mission or consular post" means any employee of the sending State who is not a national of or permanently resident in the receiving State working in a diplomatic mission, consular post or mission to an international organization.
- b) "A member of the family" means for purposes of this agreement: spouses, unmarried dependent children under 21 years of age, unmarried dependent children under 23 years of age who are in full-time attendance as students at a post-secondary educational institution, and unmarried children who are physically or mentally disabled.

### 3. Procedures:

- a) A request for authorization to engage in employment shall be sent on behalf of the member of the family by the diplomatic mission of the sending State to the Protocol Division of the Ministry of Foreign/External Affairs of the receiving State.
- b) The procedures followed shall be applied in a manner so as to enable the member of the family to engage in employment as soon as possible and any requirements relating to work permits and similar formalities shall be favorably considered.

### 4. Civil and Administrative Privileges and Immunities:

In the case of members of the family who enjoy immunity from the civil and administrative jurisdiction of the receiving State in accordance with the Vienna Convention on Diplomatic Relations or under any other applicable international instrument, such immunity shall not apply in respect to any act carried out in the course of employment and falling within the civil or administrative jurisdiction of the receiving State.

### 5. Criminal Immunity:

In the case of members of the family who enjoy immunity from the criminal jurisdiction of the receiving State in accordance with the Vienna Convention on Diplomatic Relations or under any other applicable international instrument:

- a) The provisions concerning immunity from the criminal jurisdiction of the receiving State shall continue to apply in respect of any act carried out in the course of employment.
- b) However, in the case of serious offences, upon request of the receiving State, the sending State shall give due consideration to waiving the immunity of the member of the family concerned from the criminal jurisdiction of the receiving State.
- c) The sending State shall also give due consideration to waiving the immunity of the member of the family from the execution of a sentence.

6. Fiscal, Social Security and Exchange Control Regimes:

In accordance with the Vienna Convention on Diplomatic Relations or under any other applicable international instruments, members of the family shall be subject to the fiscal, social security, and exchange control regimes of the receiving State for matters connected with their employment in that State.

7. Settlement of Disputes:

Any settlement of disputes regarding the interpretation or application of these arrangements shall be settled through mutual consultations.

8. Entry into Operation:

These arrangements shall enter into force on signature and shall continue in force until terminated by either Party by providing six months' notice in writing.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments, have signed this arrangement.

Done at New Delhi on the tenth day of April 2000.

**FOR THE GOVERNMENT OF THE  
UNITED STATES OF AMERICA**

**FOR THE GOVERNMENT  
OF THE REPUBLIC OF INDIA**

Richard F. Christe

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