

EMPLOYMENT

Agreement Between the
UNITED STATES OF AMERICA
and KAZAKSTAN

Effected by Exchange of Notes
Dated at Washington May 23 and
June 3, 1996



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89-497, approved July 8, 1966 (80 Stat. 271; 1 U.S.C. 113)—

“. . . the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

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KAZAKSTAN

Employment

*Agreement effected by exchange of notes
Dated at Washington May 23 and June 3, 1996;
Entered into force June 3, 1996.*

The Embassy of Kazakhstan to the Department of State

Embassy of Kazakhstan
Washington, DC
No 8

The Embassy of the Republic of Kazakhstan presents its compliments to the Department of State of the United States of America and has the honor to propose that on a reciprocal basis, dependents of employees of the Kazakhstan Government assigned to official duty in United States and dependents of employees of the United States Government assigned to official duty in the Kazakhstan be authorized to be employed in the receiving country.

For the purposes of this agreement,

- “Dependents” shall mean:
- 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.

For the purpose of this agreement, official employees shall mean diplomatic agents, consular officers, and members of support staffs, assigned to diplomatic missions, consular offices and missions to international organizations.

In the case of dependents who seek employment in Kazakhstan, an official request must be made by the Embassy of the United States in Almaty to the Office of Protocol in the Ministry of Foreign Affairs. After the processing of the official request, the Embassy will be informed by the Office of Protocol that the dependent may accept employment.

In the case of dependents who seek employment in the United States, the official request shall be made by the Kazakhstan Embassy in Washington to the Department of State, which, after processing the official request, shall then inform the Kazakhstan Embassy that the dependent may accept employment.

The Kazakhstan Government and the United States Government wish to confirm their understanding that dependents who obtain employment under this agreement and who have immunity from the jurisdiction of the receiving state in accordance with the Vienna Convention on Diplomatic Relations or the Convention on the

Privileges and Immunities of the United Nations,¹ or any other applicable international agreement, have no immunity from civil and administrative jurisdiction with respect to matters arising out of such employment. Such dependents are also responsible for payment of income and social security taxes on any remuneration received as a result of employment in the receiving state. Dependents continue to enjoy all other privileges and immunities to which they are entitled.

The Embassy of Kazakstan further proposes that, if these provisions are acceptable to the U.S. Department of State, this note and the Department of State's reply concurring therein shall constitute an agreement between the two governments which shall enter into force on the date of that reply note. This agreement shall remain in force until ninety days after the date of the written notification from either government to the other of intention to terminate.

The Embassy of the Republic of Kazakstan avails itself of this opportunity to renew to the Department of State of the United States of America the assurances of its highest consideration.

Washington, May 23, 1996

Department of State of the United States of America
Washington

¹ TIAS 7502, 6900; 23 UST 3227; 21 UST 1418.

The Department of State to the Embassy of Kazakstan

The Department of State acknowledges receipt of note No. 8 dated May 23, 1996, from the Embassy of the Republic of Kazakstan and wishes to inform the Embassy that the Government of the United States of America concurs that dependents of members of the Kazakstan diplomatic and consular posts and missions to international organizations in the United States and dependents of members of United States diplomatic and consular posts and missions to international organizations in Kazakstan be authorized to work in the receiving country, in accordance with the proposal contained in the aforementioned note which reads as follows:

[For text of the Kazak note, see pp. 2-3.]

The Department of State is pleased to confirm that the Embassy's note and this note in reply constitute an agreement which shall enter into force on today's date.

The Kazakstan Embassy may now submit dependent employment requests to the Office of Protocol in accordance with the procedure set forth in the enclosed circular diplomatic note dated April 10, 1991, and applicable INS regulations.

Kendall Montgomery

Enclosure:

As stated.

Department of State,
Washington, June 3, 1996