

KAV 5484

Temp. State Dept. No. 99-74

NEW ZEALAND

Employment of dependents of official government employees

Agreement relating to the employment of dependents of official government employees. Exchange of notes at Washington May 18 and 21, 1999. Entered into force May 21, 1999.

The Department of State refers the Embassy of New Zealand to discussions regarding the dependent employment arrangement of November 16 and 23, 1981 in effect between the two Governments and has the honor to propose that the requirement of an offer of employment as a precondition for obtaining work authorization be eliminated. The revised substantive text would therefore read as follows:

Dependents of employees of the Government of the United States of America assigned to official duty in New Zealand and dependents of employees of the Government of New Zealand assigned to official duty in the United States of America shall be authorized to accept employment in the receiving state without restriction as to type of employment.

For the purposes of this agreement, "dependent" shall include:

- (I) Spouses
- (II) Unmarried dependent children under 21 years of age
- (III) Unmarried dependent children under 25 years of age who are in full time attendance as students at a post-secondary educational institution, and
- (IV) Unmarried children who are physically or mentally disabled.

In the case of dependents of employees of the Government of New Zealand assigned to official duty in the United States of America, an official request shall be made by the Embassy of New Zealand in Washington to the Office of the Chief of Protocol in the Department of State. The Embassy shall be informed when the dependent has permission to accept employment. In the case of dependents of employees of the Government of the United States of America assigned to official duty in New Zealand, an official request shall be made by the Embassy of the United States of America in Wellington to the Protocol Division of the Ministry of Foreign Affairs and Trade. Upon verification that the

person is a dependent of an official employee the Embassy shall be informed by the Ministry that the dependent has permission to accept employment.

The sending state of official employees whose dependents obtain employment under this agreement and have immunity from jurisdiction of the receiving state in accordance with article 37 of the Vienna Convention on Diplomatic Relations, or any other applicable international agreement, shall waive immunity from civil and administrative jurisdiction by the receiving state with respect to all matters arising out of such employment. Such dependents who accept employment under this agreement shall be liable for payment of income tax and social security contributions imposed on any remuneration received from employment in the receiving state. Authorization to accept or continue employment in the receiving state under this agreement shall terminate upon the departure of the employee from the receiving state or termination of the employee's official assignment, whichever is earlier.

The Department of State proposes that, if the terms set forth in this Note are acceptable to the Government of New Zealand, this Note and the Embassy's

reply thereto shall constitute an agreement between the two Governments which shall enter into force on the date of the Embassy's Note. The agreement shall thereafter remain in effect until terminated by either Government on ninety days written notice to the other. Upon entry into force, this agreement supersedes the agreement of November 16 and 23, 1981.

Department of State, *JAB*

Washington, May 18, 1999.

This is a certified copy of the original Note.

Paula P. Riddle
Paula P. Riddle May 18, 1999

Note Number 27/99



The New Zealand Embassy presents its compliments to the Department of State and has the honour to refer to the Department's Note of 18 May, 1999, which reads as follows:

"The Department of State refers the Embassy of New Zealand to discussions regarding the dependent employment arrangement of November 16 and 23, 1981 in effect between the two Governments and has the honour to propose that the requirement of an offer of employment as a precondition for obtaining work authorization be eliminated. The revised substantive text would therefore read as follows:

Dependents of employees of the Government of the United States of America assigned to official duty in New Zealand and dependents of employees of the Government of New Zealand assigned to official duty in the United States of America shall be authorized to accept employment in the receiving state without restriction as to type of employment.

For the purposes of this agreement, "dependent" shall include:

- (I) Spouses
- (II) Unmarried dependent children under 21 years of age
- (III) Unmarried dependent children under 25 years of age who are in full time attendance as students at a post-secondary educational institution, and
- (IV) Unmarried children who are physically or mentally disabled.

In the case of dependents of employees of the Government of New Zealand assigned to official duty in the United States of America, an official request shall be made by the Embassy of New Zealand in Washington to the Office of the Chief of Protocol in the Department of State. The Embassy shall be informed when the dependent has permission to accept employment. In the case of dependents of employees of the Government of the United States of America assigned to official duty in New Zealand, an official request shall be made by the Embassy of the United States of America in Wellington to the Protocol Division of the Ministry of Foreign Affairs and Trade. Upon verification that the person is a dependent of an official employee the Embassy shall be informed by the Ministry that the dependent has permission to accept employment.

The sending state of official employees whose dependents obtain employment under this agreement and have immunity from jurisdiction of the receiving state in accordance with article 37 of the Vienna Convention on Diplomatic Relations, or any other applicable international agreement, shall waive immunity from civil and administrative jurisdiction by the receiving state with respect to all matters arising out of such employment. Such dependents who accept employment under this agreement shall be liable for payment of income tax and social security contributions imposed on any remuneration received from employment in the receiving state. Authorization to accept or continue employment in the receiving state under this agreement shall terminate upon the departure of the employee from the receiving state or termination of the employee's official assignment, whichever is earlier.

The Department of State proposes that, if the terms set forth in this Note are acceptable to the Government of New Zealand, this Note and the Embassy's reply thereto shall constitute an agreement between the two Governments which shall enter into force on the date of the Embassy's Note. The agreement shall thereafter remain in effect until terminated by either Government on ninety days written notice to the other. Upon entry into force, this agreement supersedes the agreement of November 16 and 23, 1981."

The Embassy has further the honour to inform the Department of State that the foregoing provisions are acceptable to the Government of New Zealand and to confirm that the Department's Note together with this Note in reply to that effect shall constitute an Agreement between the two Governments, which shall enter into force on the date of this Note.

The New Zealand Embassy takes this opportunity to renew to the Department of State the assurances of its highest consideration.

New Zealand Embassy

WASHINGTON

21 May 1999

A handwritten signature in black ink, appearing to be 'B3' with a flourish underneath.