

EMPLOYMENT

**Agreement between the
UNITED STATES OF AMERICA
and FIJI**

Effected by Exchange of Notes at Suva
June 20 and November 25, 2003



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.”

FIJI

Employment

*Effected by exchange of notes at Suva
June 20 and November 25, 2003;
Entered into force November 25, 2003.*

Note No.43

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs and External Trade of the Government of the Republic of the Fiji Islands and has the honor to propose that the undersigned governments conclude a bilateral work agreement for dependents of officials serving in our respective countries.

The Embassy of the United States of America proposes to the Government of the Republic of the Fiji Islands that, on a reciprocal basis, dependents of employees of the United States Government assigned to official duty in the Republic of the Fiji Islands and dependents of employees of the Government of the Republic of the Fiji Islands assigned to official duty in the United States be authorized to be employed in the receiving country.

For the purpose 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 purposes of this agreement, it is
understood that employees assigned to official duty
means diplomatic agents, consular officers, and
members of the support staffs assigned to diplomatic
missions, consular offices and missions to
international organizations.

In the case of dependents who seek employment in the United States, an official request must be made by the Embassy of the Republic of the Fiji Islands in Washington to the office of protocol in the department of state. Upon verification that the person is a dependent of an official employee of the Government of the Republic of the Fiji Islands, and processing of the official request, the Republic of the Fiji Islands Embassy will be informed by the Government of the United States that the dependent may accept employment.

In the case of dependents of employees who seek employment in the Republic of the Fiji Islands, an official request must be made by the United States Embassy in the Republic of the Fiji Islands to the Republic of the Fiji Islands Ministry of Foreign Affairs, which, after verification, shall then inform the United States Embassy that the dependent may accept employment.

The United States Government and the Government of the Republic of the Fiji Islands confirm that dependents

who obtain employment under this agreement and who have immunity from the jurisdiction of the receiving country in accordance with article 31 of the Vienna Convention on Diplomatic Relations or any other applicable international agreement, enjoy no immunity from civil and administrative jurisdiction with respect to matters arising out of such employment. Such dependents are also liable 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 Government of the United States further proposes that, if these provisions are acceptable to the Government of the Republic of the Fiji Islands, this note and the Government of the Republic of the Fiji Island's reply concurring therein shall constitute an agreement between our 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 United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs and External Trade of the Government of the Republic of the Fiji Islands the assurances of its highest consideration.



A handwritten signature in black ink, appearing to be "MB", written over a horizontal line.

Embassy of the United States of America

Suva, June 20, 2003.



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MINISTRY OF FOREIGN AFFAIRS AND EXTERNAL TRADE
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P.O. BOX 2220, GOVERNMENT BUILDINGS,
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NOTE NO. 869/2003

The Ministry of Foreign Affairs and External Trade of the Government of the Republic of the Fiji Islands presents its compliments to the Embassy of the United States of America and has the honour to advise that the Fiji Government is happy to conclude a bilateral work agreement for dependents of officials serving in our respective countries as proposed by the Embassy of the United States of America in its Diplomatic Note No. 43 of 20 June, 2003.

The Ministry of Foreign Affairs and External Trade accepts the proposal of the Embassy of the United States of America that on a reciprocal basis, dependents of the employees of the Government of the Republic of the Fiji Islands assigned to official duty in the United States, and dependents of employees of the United States Government assigned to official duty in the Republic of the Fiji Islands be authorized to be employed in the receiving country.

For the purpose of this agreement, "dependent" 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 purposes of this agreement, it is understood that employees assigned to official duty means diplomatic agents, consular officers, and members of the support staff assigned to diplomatic missions, consular officers and missions to international organizations.

In the case of dependents of employees who seek employment in the Republic of the Fiji Islands, an official request must be made by the United States Embassy in the Republic of the Fiji Islands to the Republic of the Fiji Islands Ministry of Foreign Affairs and External Trade, which, after verification, shall then inform the United States Embassy that the dependent may accept employment.

2.

In the case of dependents who seek employment in the United States, an official request must be made by the Embassy of the Republic of the Fiji Islands in Washington to the Office of the Protocol in the Department of State.

In the case of the Permanent Mission of the Republic of the Fiji Islands in New York any request for dependents who seek employment in the United States must be channeled through the Embassy of the Republic of the Fiji Islands in Washington to the Government Office of the Protocol in the Department of State.

Upon verification that the person is a dependent of an official employee of the Government of the Republic of the Fiji Islands, and processing of the official request, the Republic of the Fiji Islands Embassy, will be informed by the Government of the United States that the dependent may accept employment.

The Government of the Republic of the Fiji Islands and the United States Government confirm that dependents who obtain employment under this agreement and who have immunity from the jurisdiction of the receiving country in accordance with article 31 of the Vienna Convention on Diplomatic Relations or any other applicable international agreement, enjoy no immunity from civil and administrative jurisdiction with respect to matters arising out of such employment. Such dependents are also liable for payment for 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 Government of the Republic of the Fiji Islands confirms that this Diplomatic Note shall constitute an agreement between our two governments which shall enter into force on the date of issue of this note. This agreement shall remain in force in ninety days after the date of the written notification from either government to the other of intention to terminate.

The Ministry of Foreign Affairs and External Trade of the Government of the Republic of the Fiji Islands avails itself of this opportunity to renew to the Embassy of the United States of America the assurances of its highest consideration.

Embassy of the United States of America
31 Loftus Street
SUVA

25 November 2003

