

KAV 7243

Temp. State Dept. No. 05-141

BAHAMAS

Employment of dependents of government employees

Agreement relating to the employment of dependents of official government employees. Effected by exchange of notes at Nassau April 7 and 8, 2005. Entered into force April 8, 2005.

No. 98

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs and the Public Service of the Government of The Commonwealth of The Bahamas and has the honor to propose that our 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 Ministry of Foreign Affairs that, on a reciprocal basis, dependents of employees of the United States Government accredited as members of diplomatic missions, consular offices, and missions to international organizations in the Commonwealth of The Bahamas, and dependents of employees of the Commonwealth of The Bahamas accredited as members of diplomatic missions, consular offices, miscellaneous government offices and missions to international organizations in the United States be authorized to be employed in the receiving state. The maximum number of dependents authorized to benefit from the provisions of this agreement shall not exceed twenty-five (25) for each party, subject to a contingency of up to four (4) additional dependents, unless modified by mutual consent.

For the purpose of this agreement, "dependents" shall mean:

- Spouse;
- Unmarried dependent children under 21 years of age;
- Unmarried children under 23 years of age who are in full-time attendance at a post secondary educational institution; and
- Unmarried children who are physically or mentally disabled.

DIPLOMATIC NOTE

In general, for dependents who seek employment in the United States, an official request must be made by the Embassy of the Commonwealth of The Bahamas in Washington to the Office of Protocol in the Department of State. For dependents of employees of the Bahamian Mission to the United Nations seeking employment, the Bahamian Mission must make an official request to the United Nations to the United States Mission to the United Nations. Upon verification that the person is a dependent of an employee of the Commonwealth of The Bahamas assigned to official duty in the United States and processing of the official request, the Embassy to the United States or the Mission to the United Nations will be informed by the Government of the United States that the dependent may accept employment.

In the case of dependents of employees of the United States personnel assigned as members of the U.S. diplomatic mission, consular office, or mission to an international organization and accredited by the Government of the Commonwealth of The Bahamas who seek employment in the Commonwealth of The Bahamas, the request shall be made by the U.S. Embassy in Nassau to the Ministry of Foreign Affairs, which after verification, shall then inform the U.S. Embassy that the dependent may accept employment.

Bearing in mind the purpose of this agreement is to allow employment of dependents, both Parties, however, agree that in their implementation of the Agreement, account will be taken of the need to preserve the dignity and integrity of the respective Foreign Service, the diplomatic agent, consular officer or administrative and technical staff and the preservation of national security.

The United States Government and the Government of the Commonwealth of The Bahamas confirm their understanding that dependents who obtain employment under this agreement and who have immunity from 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 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 the United States further proposes that, if these provisions are acceptable to the Government of the Commonwealth of The Bahamas, this note and the Government of the Commonwealth of The Bahamas' reply thereto shall constitute an agreement between our two governments which shall enter into force on that date of the reply note. This agreement shall remain in force until ninety days after the date of written notification from either government to the other of the intention to terminate. Upon entry into force, this agreement supersedes the agreement of March 8 and August 10, 2004.

The Embassy of the United States of America avails itself of the opportunity to renew to the Ministry the assurance of its highest consideration.

Embassy of the United States of America

Nassau, April 7, 2005





Ministry of Foreign Affairs
P.O. Box N-3746
East Hill Street
Nassau, The Bahamas

8 April 2005

Note No. MFA/LAD/90

The Ministry of Foreign Affairs of the Commonwealth of The Bahamas presents its compliments to the Embassy of the United States of America in Nassau and has the honour to refer to the Embassy's Note No. 98 of 7 April 2005.

The Note under reference reads as follows:

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Commonwealth of The Bahamas and has the honour to propose that our 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 Ministry of Foreign Affairs that, on a reciprocal basis, dependents of employees of the United States Government accredited as members of diplomatic missions, consular offices, and missions to international organizations in the Commonwealth of The Bahamas, and dependents of employees of the Commonwealth of The Bahamas accredited as members of diplomatic missions, consular offices, miscellaneous government offices and missions to international organizations in the United States be authorized by the receiving state. The maximum number of dependents authorized to benefit from the provisions of this agreement shall not exceed twenty-five (25) for each party, subject to a contingency of up to four (4) additional dependents, unless modified by mutual consent.

For the purpose of this agreement, "dependents" shall mean:

- *Spouses;*
- *Unmarried dependent children under 21 years of age;*
- *Unmarried children under 23 years of age who are in full-time attendance at a post secondary educational institution; and*
- *Unmarried children who are physically or mentally disabled.*

In general, for dependents who seek employment in the United States, an official request must be made by the Embassy of the Commonwealth of The Bahamas in Washington to the Office of Protocol in the Department of State. For dependents of employees of the Bahamian Mission to the United Nations seeking employment, an official request must be made by the Bahamian Mission to the United Nations to the United States Mission to the United Nations. Upon verification that the person is a dependent of an employee of the Commonwealth of The Bahamas assigned to official duty in the United States and processing of the official request, the embassy to the United States or the Mission to the United Nations will be informed by the Government of the United States that the dependent may accept employment.

In the case of dependents of employees of the United States personnel assigned as members of the U.S. diplomatic mission, consular office, or mission to an international organization and accredited by the Government of the Commonwealth of The Bahamas who seek employment in the Commonwealth of The Bahamas, the request shall be made by the U.S. Embassy in Nassau to the Ministry of Foreign Affairs, which after verification, shall then inform the U.S. Embassy that the dependent may accept employment.

Bearing in mind the purpose of this agreement is to allow employment of dependents, both Parties, however, agree that in their implementation of the Agreement, account will be taken of the need to preserve the dignity and integrity of the respective Foreign Service, the diplomatic agent, consular officer or administrative and technical staff and the preservation of national security.

The United States Government and the Government of the Commonwealth of The Bahamas confirm their understanding that dependents who obtain employment under this agreement and who have immunity from 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 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 the United States further proposes that, if these provisions are acceptable to the Government of the Commonwealth of The Bahamas, this note and the Government of the Commonwealth of The Bahamas' reply thereto shall constitute an agreement between our two governments which shall enter into force until ninety days after the date of written notification from either government to the other of

the intention to terminate. Upon entry into force, this agreement supersedes the agreement of March 8 and August 10, 2004.

The Embassy of the United States of America avails itself of the opportunity to renew to the Ministry the assurance of its highest consideration.

*Embassy of the United States of America
Nassau, April 7, 2005*

The Ministry has the honour to inform the Embassy that the Government of the Commonwealth of The Bahamas accepts the proposal contained in the aforesaid Note, which supersedes the proposals of 8 March and 10 August 2004.

The Ministry of Foreign Affairs of the Commonwealth of The Bahamas avails itself of this opportunity to renew to the Embassy of the United States of America in Nassau the assurances of its highest consideration.

**Embassy of the United States
of America
Mosmar Building
Queen Street
Nassau, The Bahamas**

