

KAV 5476

Temp. State Dept. No. 99-66

ITALY

Employment of dependents of diplomatic agents

Agreement relating to the employment of dependents of diplomatic agents, consular personnel and administrative and technical staff. Exchange of notes at Rome June 9, 1997. Entered into force April 30, 1999.

No. 388 \*

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Italian Republic and has the honor to acknowledge receipt of the note of the Ministry of Foreign Affairs of the Italian Republic concerning a bilateral work agreement, relating to the employment of dependents of diplomatic agents, consular personnel and administrative and technical staff sent officially by both governments, of the following contents:

The Ministry of Foreign Affairs presents its compliments to the Embassy of the United States of America and has the honor to inform that the Government of the Italian Republic, in the spirit of genuine cooperation that characterizes the relations between the two countries, would agree to sign a bilateral work agreement relating to the employment of dependents of diplomatic agents, consular personnel and administrative and technical staff sent officially by both government.

To this end, the Ministry of Foreign Affairs proposes the following text:

\* The Italian note is quoted in its entirety in text of U.S. note.

**1. Dependents of diplomatic agents, consular personnel and administrative and technical staff sent officially by the Government of the United States to serve in Italy at the Embassy, Consular Offices and missions to international organizations and dependents of diplomatic agents, consular personnel and administrative and technical staff sent officially by the Government of the Republic of Italy to serve in the United States at the Embassy, Consular Offices and missions to international organizations shall be authorized - on the basis of reciprocity and under the conditions set forth below - to be employed in the receiving country except as noted in paragraph 7.**

**2. The provisions contained in this agreement shall be applied to the following categories of dependents:**

- a) spouses;**
- b) unmarried children between the ages of 18 and 21;**
- c) unmarried children between the ages of 18 and 23 who are in full time attendance at a post-secondary educational institution;**
- d) unmarried children who are physically or mentally disabled.**

**3. Procedures for granting employment authorization to dependents are as follows:**

In Italy the Embassy of the United States in Rome will send the Office of Diplomatic Protocol of the Italian Republic, by diplomatic note, the name of the person, currently in Italy, who has received an acceptable work offer. The Office of Diplomatic Protocol of the Italian Republic will then provide a written approval for the initiation of the enrollment of the dependent on the employment lists in the district labor Office, where documentation about the job has been submitted. Subsequently, the employer may hire the dependent directly, informing the provincial labor Office within the period required by current legislation. The employer will then apply for a Labor Book from the Labor Inspectorate of the relevant area.

In the United States, the Italian Embassy in Washington, D.C., must make an official request to the Office of Protocol at the Department of State for employment authorization in the United States. Upon presentation of an offer of employment, the documentation necessary for acceptance of the job in the United States will be given to the person in question after completion of the processing of the request and verification that the individual is a dependent of an official employee of the Italian government.

4. Persons referred to in paragraph 2 who have obtained employment authorization shall be subject, where applicable, to the existing fiscal, social security and employment legislation in the receiving country including legislation governing the recognition and equivalency of scholastic degrees and professional qualifications.

The foregoing is without prejudice to the exceptions concerning insurance obligations provided by Article 7 of the Italian-American Social Security Agreement of May 23, 1973, to the extent applicable to cases falling under this article.

5. Should the individuals in question (referred to in paragraph 2) enjoy immunity from the jurisdiction of the receiving State in accordance with article 31 of the Vienna Convention on Diplomatic Relations, the Convention on Privileges and Immunities of the United Nations or any other international agreement, it is agreed that immunity from civil and administrative jurisdiction and from the execution of civil or administrative orders or measures shall not be enjoyed for an act in the performance of such employment and with respect to matters related to such employment. If a competent judicial authority would prosecute a person mentioned in paragraph 2 for an act in the performance of such employment but for the individual's

immunity, the receiving State may request a waiver of the individual's immunity. The sending State shall give the request for waiver serious consideration.

6. Employment authorization shall be granted for a period not to exceed the duration of the accredited family member's official assignment.

7. Employment authorization shall always be subject to the condition that the requested position is not reserved by law to citizens of the receiving country. Authorization will not be granted to persons who have worked illegally in the receiving country or who have violated its fiscal or social security laws and regulations. Furthermore, authorization may be denied for reasons of national security.

8. Employment authorization shall not lead to changes in the family member's "status" relative to laws governing his domicile in accordance with international conventions regulating diplomatic and consular relations.

Should the above be acceptable to the Embassy of the United States of America, the Ministry of Foreign Affairs proposes that this note together with the Embassy's note in reply shall constitute an agreement between the two Governments which shall enter into force upon receipt of final notification that all formalities by the respective countries' institutions have been fulfilled.


The duration of the agreement shall be indefinite with the option of withdrawal by each party with a 12 month written advance notice.

The Ministry of Foreign Affairs takes this opportunity to renew to the Embassy of the United States of America the assurances of its highest consideration.

The Embassy of the United States of America agrees with the contents of the above mentioned note and takes this opportunity to renew to the Ministry of Foreign Affairs of the Italian Republic the assurances of its highest consideration.

Embassy of the United States of America,

Rome,

  
9 June 1997

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To the Ministry of Foreign Affairs  
of the Italian Republic

