

KAV 5941

Temp. State Dept. No. 01-93

GUYANA

Employment of dependents of official government employees

Agreement concerning the employment on a reciprocal basis of dependents of official employees. Effected by exchange of notes at Georgetown August 16 and 21, 2001. Entered into force August 21, 2001.



Note No: - 544/2001

The Ministry of Foreign Affairs of the Cooperative Republic of Guyana presents its compliments to the Embassy of the United States of America and has the honour to provide for its consideration a proposed agreement for the employment on a reciprocal basis of members of the families of resident diplomats.

Begin ad referendum language: For the purpose of this agreement, dependents shall mean legally married spouse, 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 staff assigned to Diplomatic Missions, Consular Offices and Missions to International Organisations.

In the case of dependents who seek employment in the United States, an official request shall be made by the Embassy of Guyana in Washington to the Office of the Protocol in the Department of State. After the processing of the official request, the Embassy of Guyana will be informed by the Office of Protocol that the dependent may accept employment.

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

The United States Government and the Government of Guyana wish to confirm their understanding that dependents who obtain employment under this agreement and who have immunity from jurisdiction of the

receiving states in accordance with the Vienna Convention on Diplomatic Relations on the Privileges and Immunities of the United Nations, or any other applicable international agreement, have no immunity from civil or 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.

If a dependent under the terms of this Agreement who enjoys immunity from criminal jurisdiction of the receiving state under the Vienna Convention on Diplomatic Relations is accused of an offence related to the remunerated activity, the sending state shall seriously consider any written request for waiver of such immunity.

The Ministry of Foreign Affairs further proposes that, if these provisions are acceptable to the Embassy of the United States of America, this Note and the response of the Embassy of the United States of America concurring therein shall constitute an agreement between the Governments of the Cooperative Republic of Guyana and the United States of America which shall enter into force on the date of that reply Note and shall remain in force until ninety days after the date of the written notification from either Government to the other of intention to terminate. End ad referendum language.

The Ministry of Foreign Affairs of the Cooperative Republic of Guyana avails itself of this opportunity to renew to the Embassy of the United States of America the assurances of its highest consideration.

Georgetown, Guyana

August 16, 2001.



**EMBASSY OF THE
UNITED STATES OF AMERICA**

No. 225

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Cooperative Republic of Guyana and has the honor to refer to the Ministry's Note No. 544/2001 dated August 16, 2001, and wishes to inform the Ministry that the Government of the United States of America accepts the provisions of the agreement. The text of the agreement reads as follows:

“For the purpose of this agreement, dependents shall mean legally married spouse, 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 staff assigned to Diplomatic Missions, Consular Offices and Missions to International Organisations.

In the case of dependents who seek employment in the United States, an official request shall be made by the Embassy of Guyana in Washington to the Office of the Protocol in the Department of State. After the processing of the official request, the Embassy of Guyana will be informed by the Office of Protocol that the dependent may accept employment.

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

The United States Government and the Government of Guyana wish to confirm their understanding that dependents who obtain employment under this agreement and who have immunity from jurisdiction of the receiving states in accordance with the Vienna Convention on Diplomatic Relations or the Privileges and Immunities of the United Nations, or any other applicable international agreement, have no immunity from civil or 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.

If a dependent under the terms of this Agreement who enjoys immunity from criminal jurisdiction of the receiving state under the Vienna Convention on Diplomatic Relations is accused of an offence related to the remunerated activity, the sending state shall seriously consider any written request for waiver of such immunity.

The Ministry of Foreign Affairs further proposes that, if these provisions are acceptable to the Embassy of the United States of America, this Note and the response of the Embassy of the United States of America concurring therein shall constitute an agreement between the Governments of the Cooperative Republic of Guyana and the United States of America which shall enter into force on the date of that reply Note and 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 Government of the United States is pleased to confirm that the Ministry’s Note and this Note in reply constitute an agreement which shall enter into force on August 21, 2001.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Cooperative

Republic of Guyana the assurances of its highest consideration.

Embassy of the United States of America,

Georgetown, August 21, 2001



