

KAV 3718  
TIAS No. ....  
Temp. State Dept. No. 94-6

**KYRGYZ**

Employment of dependents of official government employees

Agreement relating to the employment of dependents of official government employees. Effected by exchange of notes at Washington Dec. 6 and 22, 1993. Entered into force December 22, 1993.

## EMBASSY OF THE KYRGYZ REPUBLIC

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The Government of Kyrgyzstan proposes to the Department of State that, on a reciprocal basis, dependents of employees of the United States Government assigned to official duty in Kyrgyzstan and dependents of employees of the Kyrgyz Government assigned to official duty in the United States be authorized to be employed in the receiving country.

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

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 postsecondary 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 include 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 Kyrgyz Republic 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 Kyrgyz Government, the Kyrgyz Embassy will be informed by the Government of the United States that the dependent has permission to accept employment.

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

The U.S. Government and the Kyrgyz Government wish to clarify their understanding 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 in accordance with the Convention on the Privileges and Immunities of the United Nations, or any other applicable international agreement, have 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.

# EMBASSY OF THE KYRGYZ REPUBLIC

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The Government of Kyrgyzstan further proposes that, if these understandings are acceptable to the Government of the United States this note and the Government of the United State's reply concurring therein 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.

Embassy of the Kyrgyz Republic

Roza Otunbayeva  
Ambassador



[December 6, 1993]

The Department of State acknowledges receipt of a note dated December 6, 1993, from the Embassy of the Kyrgyz Republic and wishes to inform the Embassy that the Government of the United States of America concurs that dependents of members of Kyrgyz diplomatic and consular posts and missions to international organizations in the United States and dependents of members of United States diplomatic and consular posts and missions to international organizations in Kyrgyzstan, be authorized to work in the receiving country, in accordance with the proposal contained in the aforementioned note which reads as follows:

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*Certified copy of original*  
*David Ball*  
*12/27/93*

"The Government of Kyrgyzstan proposes to the Department of State that, on a reciprocal basis, dependents of employees of the United States Government assigned to official duty in Kyrgyzstan and dependents of employees of the Kyrgyz Government assigned to official duty in the United States be authorized to be employed in the receiving country.

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Unmarried children who are physically or mentally disabled.

"For the purposes of this agreement, it is understood that employees assigned to official duty include 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 Kyrgyz Republic 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 Kyrgyz Government, the Kyrgyz Embassy will be informed by the Government of the United States that the dependent has permission to accept employment.

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

"The U.S. Government and the Kyrgyz Government wish to clarify their understanding 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 in accordance with the Convention on the Privileges and Immunities of the United Nations, or any other applicable international agreement, have 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.

"The Government of Kyrgyzstan further proposes that, if these understandings are acceptable to the Government of the United States this note and the Government of the United State's reply concurring therein 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 Department of State is pleased to confirm that the Embassy's note and this note in reply constitutes an agreement which shall enter into force on today's date. The Embassy of the Kyrgyz Republic may now submit dependent employment requests to the Office of Protocol in accordance with the procedure set forth in the attached circular diplomatic note dated April 10, 1991, and applicable INS regulations.

Attachment:

As stated.

Department of State,

Washington, December 22, 1993

Kendall B. Muirhead