

KAV 5472

Temp. State Dept. No. 99-62

MALAWI

Employment of dependents of official government employees

Agreement concerning the employment of dependents of official government employees. Exchange of notes at Washington October 29, 1998 and April 16, 1999. Entered into force April 16, 1999.

NOTE NO. 103/98

The Embassy of the Republic of Malawi presents its compliments to the Department of State and has the honour to propose that, on a reciprocal basis, dependents of employees of the Malawi Government assigned to official duty in the United States of America and dependents of employees of the United States Government assigned to official duty in Malawi be authorized to be employed in the receiving state.

For the purposes 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, official employees shall mean diplomatic agents, consular officers, and members of support staffs, assigned to diplomatic missions, consular offices and missions to international organizations.

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

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

The Malawi Government and the United States Government wish to confirm their understanding that dependents who obtain employment under this agreement and who have immunity from the jurisdiction of the receiving state in accordance with the Vienna Convention on Diplomatic Relations or the Conventions 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.

The Embassy of the Republic of Malawi further proposes that, if these provisions are acceptable to the Government of the United States, this Note and the Government of the United States' reply concurring therein shall constitute an agreement between the two Governments 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 Embassy of the Republic of Malawi avails itself of this opportunity to renew to the Department of State the assurances of its highest consideration.

WASHINGTON, D.C.
OCTOBER 29th, 1998

The Department of State refers the Embassy of the Republic of Malawi to the Embassy's diplomatic note Number 103/98 dated October 29, 1998, proposing a reciprocal bilateral work agreement for employment of family members of official Embassy employees. The Department of State confirms that the referenced note together with this reply constitutes an agreement which shall enter into force on April 16, 1999, and shall remain in force until ninety days after the date of the written notification from either government to the other of its intention to terminate.

Department of State, *JRB*

Washington, April 16, 1999.

