

KAV 7025

Temp. State Dept. No. 04-744

MADAGASCAR

Employment of dependents of official government employees

Agreement relating to the employment of dependents of official government employees. Effected by exchange of notes at Antananarivo April 12, 2001 and September 3, 2004. Entered into force September 3, 2004.

No. 069

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Republic of Madagascar 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 Government of Madagascar that, on a reciprocal basis, dependents of employees of the United States Government assigned to official duty in Madagascar and dependents of employees of the Government of Madagascar assigned to official duty in the United States be authorized to be employed in the receiving country

For the purpose 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, it is understood that employees assigned to official duty means 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 Madagascar 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 Government of Madagascar, and processing of the official request, the Malagasy Embassy will be informed by the Government of the United States that the dependent may accept employment.

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

The United States Government and the Government of Madagascar confirm 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, enjoy 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. Dependents continue to enjoy all other privileges and immunities to which they are entitled.

The Department of State further proposes that, if these provisions are acceptable to the Government of Madagascar, this note and the Government of Madagascar's reply concurring therein shall constitute an agreement between our two Governments which 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 Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Republic of Madagascar the assurances of its highest consideration.

Embassy of the United States of America
Antananarivo, April 12, 2001



REPUBLICQUE DE MADAGASCAR
Tanindrazana- Fahafahana- Fandrosoana

MINISTERE
DES AFFAIRES ETRANGERES

SECRETARIAT GENERAL

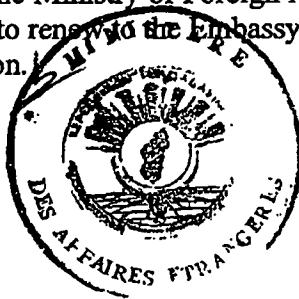
DIRECTION DE LA COOPERATION
BILATERALE

N° 21 039/AE/SG/DCB/CAA/USA

The Ministry of Foreign Affairs of the Republic of Madagascar presents its compliments to the Embassy of the United States of America and has the honor to refer to its Diplomatic Note N° 069 on April 2001 related to the proposition to conclude a bilateral work agreement for dependents of officials serving in their respective countries.

The Ministry would like to inform the Embassy that the Malagasy Government has accepted, on the reciprocal basis, the proposal described in the Diplomatic Note mentioned above and to agree that the Embassy's Diplomatic Note and the Ministry's Diplomatic one in reply, shall constitute an agreement between the Government of the Republic of Madagascar and the Government of the United States of America, which shall enter into force on the date of the present reply Diplomatic Note.

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



Antananarivo, September 3, 2004

EMBASSY OF THE UNITED STATES OF AMERICA
- ANTANANARIVO -