

EMPLOYMENT

Agreement Between the
UNITED STATES OF AMERICA
and SRI LANKA

Effected by Exchange of Notes
Signed at Colombo December 12, 1995



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89-497, approved July 8, 1966 (80 Stat. 271; 1 U.S.C. 113)—

“ . . . the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

*For sale by the Superintendent of Documents, U.S. Government Printing Office,
Washington, D.C. 20402*

SRI LANKA

Employment

*Agreement effected by exchange of notes
Signed at Colombo December 12, 1995;
Entered into force December 12, 1995.*

*The American Chargé d’Affaires ad interim to the Secretary, Ministry of
Foreign Affairs of Sri Lanka*

Embassy of the United States of America

Colombo

December 12, 1995

Mr. R.C.A. Vandergert
Secretary
Ministry of Foreign Affairs
Colombo 1

Dear Sir:

I have the honor to refer to the Agreement on Employment of Dependents between the Government of Sri Lanka and the Government of the United States of America.

It is proposed that the agreement read as follows:

The Embassy of the United States of America proposes to the Ministry of Foreign Affairs of the Democratic Socialist Republic of Sri Lanka that, on a reciprocal basis, dependents of employees of the United States Government assigned to official duty in Sri Lanka and dependents of employees of the Sri Lanka Government assigned to official duty in the United States be authorized to be employed in the receiving country.

1. For the purposes of the agreement, the term,

“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.

2. 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.

3. In the case of dependents of employees who seek employment in the United States, an official request must be made by the Embassy of Sri Lanka 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 Sri Lankan Government, and subject to the provisions of paragraph 4, the Sri Lanka 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 Sri Lanka, an official request must be made by the United States Embassy in Colombo to the Protocol Division of the Ministry of Foreign Affairs. Upon verification that the person is a dependent of an official employee of the United States Government, and subject to the provisions of paragraph 4, the United States Embassy will be informed by the Government of Sri Lanka that the dependent has permission to accept employment.

Permission to accept employment may be denied in cases where for security reasons only nationals of the receiving State may be employed.

4. In the case of dependents of the Head of Mission, every request for permission to accept employment will be examined on a case by case basis by the respective authorities of the two parties, with a view to ensuring that such employment would not conflict with the status or the official duties of the Head of Mission. Each party will grant permission when it is satisfied that the employment of a dependent of the Head of Mission would not result in such a conflict.

5. Without prejudice to any applicable privileges and immunities, it is the duty of all dependents who obtain employment under this Agreement to respect the civil and criminal laws of the receiving State. Such dependents shall comply with the requirements of the applicable laws/regulations relevant to labor and employment in the receiving State.

6. The Government of the United States and the Government of Sri Lanka wish to clarify their understanding that dependents who obtain employment under this Agreement and who have immunity from the jurisdiction of the receiving State, 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,¹ or any other applicable international agreement, have no immunity from civil and administrative jurisdiction with respect to matters arising out

¹ TIAS 7502, 6900; 23 UST 3227; 21 UST 1418.

of such employment. Such dependents are also liable for payment of income, social security and other taxes on any remuneration received as a result of employment in the receiving State.

7. In the event of such dependent acting in violation of the criminal law of the receiving State in the course of such employment, the sending State will give serious consideration to waiving immunity of the dependent concerned from the criminal jurisdiction of the receiving State in respect of any act carried out in the course of employment. This is without prejudice to the right of the sending State in particular cases to adjudge such waiver to be contrary to its interests.

8. In determining as to what action to take in the event a family member is charged with a crime relating to employment, each party agrees to consult with a view towards satisfying each other's legitimate interests.

The Embassy further proposes that, if these understandings are acceptable to the Government of Sri Lanka, this note and the Government of Sri Lanka'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 its intention to terminate.

Sincerely yours,

John S. Boardman
Chargé d'Affaires ad interim

*The Secretary, Ministry of Foreign Affairs of Sri Lanka to the American
Chargé d'Affaires ad interim*

**MINISTRY OF FOREIGN AFFAIRS
SRI LANKA**

Mr. John S. Boardman
Charge d' Affaires ad interim
Embassy of the United States of America
in Sri Lanka

Dear Sir,

I have the honour to acknowledge receipt of your Note dated 12th December, 1995 the text of which is as follows:

[For text of U.S. note, see pp. 2-4.]

The proposals contained in your Note are acceptable to my Government. I have noted that your Note, together with this Note in reply concurring therein, shall constitute an agreement between our two Governments to enter into force on the date of this reply.

Yours sincerely,

R.C.A. VANDERGERT
Secretary

Colombo
12th December, 1995

