

EMPLOYMENT

Agreement Between the
UNITED STATES OF AMERICA
and WESTERN SAMOA

Effected by Exchange of Notes
Dated at New York and Washington
February 27 and March 15, 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*

WESTERN SAMOA

Employment

*Agreement effected by exchange of notes
Dated at New York and Washington February 27
and March 15, 1995;
Entered into force March 15, 1995.*

The Embassy of Western Samoa to the Department of State

Ref SE/2/95/2

The Embassy of Western Samoa presents its compliments to the Department of State and has the honour to refer to its Notes Verbale No: 94/62 of 23 March 1994 and No: 94/175 of 26 September 1994¹ regarding employment conditions for dependents of diplomats of Western Samoa accredited to the United States of America.

The Embassy of Western Samoa has further the honour on behalf of the Government of Western Samoa to propose that, on a reciprocal basis, dependents of employees of the Government of Western Samoa assigned to official duty in the United States of America and dependents of employees of the United States Government assigned to official duty in Western Samoa 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 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 includes 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 of employees who seek employment in Western Samoa, an official request must be made by the United States Embassy in Apia to the Western Samoa Ministry of Foreign Affairs. Upon verification that the person is a dependent of an official employee of the United States Government, the United States Embassy will be informed by the Government of Western Samoa that the dependent has permission to accept employment.

¹ Not printed.

In the case of dependents of employees who seek employment in the United States, an official request must be made by the Embassy of Western Samoa in the United States to the Office of Protocol in the Department of State, which, after verification, shall then inform the Embassy of Western Samoa that the dependent may accept employment.

The Western Samoa Government and the United States 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,¹ 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 Embassy of Western Samoa further proposes that, if these understandings are acceptable to the Government of the United States of America, this Note and the Government of the United States of America'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 Western Samoa avails itself of this opportunity to renew to the Department of State the assurance of its highest consideration.

27 February 1995

Embassy of Western Samoa
New York

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

The Department of State to the Embassy of Western Samoa

The Department of State acknowledges receipt of the note dated February 27, 1995, from the Embassy of Western Samoa and wishes to inform the Embassy that the Government of the United States of America concurs that dependents of members of Western Samoan 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 Western Samoa, be authorized to work in the receiving country, in accordance with the proposal contained in the aforementioned note which reads as follows:

[For text of the note from Western Samoa, see pp. 2-3.]

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 Western Samoa 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, 1991,¹ and applicable INS regulations.

Kendall B. Montgomery

Enclosure:

As stated.

Department of State,

Washington, March 15, 1995

¹ Not printed.