

KAV 6958

Temp. State Dept. No. 04-663

TAJIKISTAN

Employment of dependants of government officials

Employment agreement concerning dependents of officials serving in both countries. Effected by exchange of notes at Dushanbe March 11 and August 12, 2003. Entered into force August 12, 2003.

133/03

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Government of Tajikistan, and has the honor to propose that our governments conclude a bilateral work agreement for dependents of officials serving in our respective countries

TEXT OF PROPOSED BILATERAL EMPLOYMENT AGREEMENT

The Embassy of the United States of America proposes to the Government of the Republic of Tajikistan that, on a reciprocal basis, dependents of employees of the United States Government assigned to official duty at the United States Mission in Tajikistan and dependents of employees of the Government of the Republic of Tajikistan assigned to official duty at a Tajik mission 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 Tajikistan 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 Tajikistan, and processing of the official request, the Tajik 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 Tajikistan, an official request must be made by the United States Embassy in Dushanbe to the Tajik Ministry of Foreign Affairs, which, after verification, shall then inform the United States Embassy that the dependent may accept employment.

DIPLOMATIC NOTE

The United States Government and the Government of Tajikistan 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 any other applicable international agreement between the United States and Tajikistan, 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 Government of the United States further proposes that, if these provisions are acceptable to the Government of Tajikistan, this note and the Government of Tajikistan'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 Tajikistan the assurances of its highest consideration.

The Embassy of the United States of America
Dushanbe, Tajikistan
March 11, 2003



**THE MINISTRY OF FOREIGN AFFAIRS
REPUBLIC OF TAJIKISTAN**

17-1(6551)

The Ministry of Foreign Affairs of the Republic of Tajikistan presents its compliments to the Embassy of the United States of America in the Republic of Tajikistan and has the honor to confirm receipt of the Embassy's diplomatic note #133/03 dated March 11, 2003 of the following content:

"The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Republic of Tajikistan and has the honor to propose that our governments conclude a bilateral work agreement for dependents of officials serving in our respective countries.

TEXT OF BILATERAL EMPLOYMENT AGREEMENT

The Embassy of the United States of America proposes to the Government of the Republic of Tajikistan that, on a reciprocal basis, dependents of employees of the United States Government assigned to official duty in Tajikistan and dependents of employees of the Government of the Republic of Tajikistan assigned to official duty 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 purpose 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 Tajikistan 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 Tajikistan, and processing of the official request, the Embassy of Tajikistan will be informed by the Government of the United States that the dependent may accept employment.

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

The United States Government and the Government of Tajikistan 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 Vienna Convention on Diplomatic Relations or any 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 Government of the United States further proposes that, if these provisions are acceptable to the Government of Tajikistan, this note and the Government of Tajikistan'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 for the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Republic of Tajikistan the assurances of its highest consideration."

In regard to this the Ministry has the honor to inform the Embassy of the consent of the Government of the Republic of Tajikistan with the proposals stated in the Embassy's diplomatic note and confirm that the Embassy note and the current reply form the Agreement between the Government of the Republic of Tajikistan and the Government of the United States of America on employment becoming in force from the date of this current diplomatic note.

The Ministry avails itself of this opportunity to renew to the Embassy assurances of its highest consideration.

Dushanbe, August 12, 2003