

No. 49242

**Germany
and
United States of America**

Agreement between the Government of the United States of America and the Government of the Federal Republic of Germany concerning the pursuit of gainful employment by dependents of employees of diplomatic missions, consular posts or missions to international organizations. Washington, 30 November 2011

Entry into force: *30 November 2011 by signature, in accordance with article 6*

Authentic texts: *English and German*

Registration with the Secretariat of the United Nations: *Germany, 19 January 2012*

**Allemagne
et
États-Unis d'Amérique**

Accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la République fédérale d'Allemagne relatif à l'exercice d'un emploi rémunéré par les personnes à charge d'employés de missions diplomatiques, de postes consulaires ou de missions auprès d'organisations internationales. Washington, 30 novembre 2011

Entrée en vigueur : *30 novembre 2011 par signature, conformément à l'article 6*

Textes authentiques : *anglais et allemand*

Enregistrement auprès du Secrétariat des Nations Unies : *Allemagne, 19 janvier 2012*

[ENGLISH TEXT – TEXTE ANGLAIS]

Agreement

between

The Government of the United States of America

and

The Government of the Federal Republic of Germany

Concerning

the Pursuit of Gainful Employment by Dependents of Employees of Diplomatic

Missions, Consular Posts or Missions to International Organizations

The Government of the United States of America and the Government of the Federal Republic of Germany, desiring to permit dependents of employees of diplomatic missions, consular posts or missions to international organizations of one party to be authorized to be employed on a reciprocal basis in the territory of the other party,

Agree as follows:

Article 1

Authorization to pursue gainful employment

Dependents of employees of diplomatic missions, consular posts, or missions to international organizations of the Federal Republic of Germany in the United States of America and of the United States of America in the Federal Republic of Germany are authorized to pursue gainful employment in the territory of the receiving state after obtaining the appropriate authorization in accordance with the provisions of this Agreement. The laws and regulations of the receiving state relating to employment in specific professions shall apply notwithstanding any authorization to pursue gainful employment granted in accordance with this Agreement.

Article 2

Definitions

For the purpose of this Agreement:

- 1. “Dependents” shall be understood to mean**

individuals forming part of the household of an employee of one state assigned to official duty in the territory of the other state who have been accredited and accepted as a member of the immediate family of an employee of a diplomatic mission, including a diplomatic mission to an international organization, or a consular post of the sending state.

2. "Employees" shall be understood to mean

(a) diplomatic agents,

(b) consular officers,

(c) consular employees and members of the administrative, technical and service staff

assigned by the accrediting state to diplomatic missions, consular posts and missions to international organizations in the territory of the receiving state.

Article 3

Procedures

1. For dependents of consular or diplomatic personnel of the Federal Republic of Germany wishing to seek employment in the United States of America, an official request must be made by the Embassy of the Federal Republic of Germany to the Office of Protocol in the Department of State. For dependents of employees of missions of the Federal Republic of Germany to the United Nations wishing to seek employment, an official request must be made by the German mission to the United Nations to the United States mission to the United Nations.

2. The Government of the United States of America shall process the request referred to in paragraph 1, and, when approved, shall forward to the Embassy of the Federal Republic of Germany or to the German mission to the United Nations as appropriate, the employment authorization document stating that the identified dependent may take up employment.

3. In the case of dependents of employees of the United States of America who seek employment in the Federal Republic of Germany, an official request must be made by the United States Embassy in the Federal Republic of Germany to the Federal Foreign Office, which, when the official request has been approved, shall then inform the United States Embassy that the dependent may take up employment.

4. The Government of the United States of America and the Government of the Federal Republic of Germany shall waive all fees charged in the course of this application procedure in connection with the issuance of employment authorization documents.

Article 4

Immunity

1. The Government of the United States of America and the Government of the Federal Republic of Germany confirm that even if dependents enjoy immunity from civil and administrative jurisdiction in accordance with the Vienna Convention on Diplomatic Relations of April 18, 1961 or the Vienna Convention on Consular Relations of April 24, 1963, such dependents enjoy no immunity in an action relating to any professional or commercial activity, including employment authorized pursuant to this Agreement.

2. The Government of the United States of America and the Government of the Federal Republic of Germany confirm that if dependents enjoy immunity from the criminal jurisdiction of the receiving state in accordance with the Vienna Convention on Diplomatic Relations of April 18, 1961, the Vienna Convention on Consular Relations of April 24, 1963, such dependents shall continue to enjoy such criminal immunity in an action relating to employment authorized pursuant to this Agreement. The sending state shall examine favorably any request from the receiving state for the waiver of criminal immunity relating to employment authorized pursuant to this Agreement.

Article 5

Fiscal and social security regimes

Further, to the extent consistent with other international agreements, dependents are responsible for payment of all applicable income taxes and related employment taxes and social security contributions on any remuneration received as a result of employment in the receiving state.