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**Argentina
and
India**

Agreement between the Government of the Argentine Republic and the Government of the Republic of India on gainful occupation for the family of the members of a diplomatic mission or consular post. Buenos Aires, 4 October 2010

Entry into force: *15 February 2017 by notification, in accordance with article 9*

Authentic texts: *English, Hindi and Spanish*

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**Argentine
et
Inde**

Accord entre le Gouvernement de la République argentine et le Gouvernement de la République de l'Inde relatif à l'emploi rémunéré de la famille des membres d'une mission diplomatique et d'un poste consulaire. Buenos Aires, 4 octobre 2010

Entrée en vigueur : *15 février 2017 par notification, conformément à l'article 9*

Textes authentiques : *anglais, hindi et espagnol*

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**AGREEMENT
BETWEEN THE GOVERNMENT OF THE ARGENTINE REPUBLIC
AND THE GOVERNMENT OF THE REPUBLIC OF INDIA
ON GAINFUL OCCUPATION FOR THE FAMILY
OF THE MEMBERS OF A DIPLOMATIC MISSION
OR CONSULAR POST**

The Government of the Argentine Republic and the Government of the Republic of India, desirous of allowing the family of the members of Diplomatic Missions and Consular Posts of one of the Parties assigned to official duty in the territory of the other Party to engage in a gainful occupation on the basis of reciprocal treatment, agree as follows:

1. Authorization to Engage in a Gainful Occupation

- a) The persons that are part of the household of a member of a Diplomatic Mission or Consular Post of the Sending State shall be authorized, on a reciprocal basis, to engage in a gainful occupation in the Receiving State in accordance with the provisions of the law of the Receiving State.
- b) The Receiving State shall retain the right to withhold authorization for employment in certain areas.
- c) Any authorization to engage in a gainful occupation in the Receiving State shall expire in a term not to exceed 2 months as from the date on which the diplomatic or consular member ends his/her period of office in the Receiving State.
- d) The Parties agree that there shall be no restrictions on the nature or kind of activity to be performed other than those arising from the laws of the Receiving State. However, it is understood that in the case of activities requiring special qualifications, the member of the family in question must comply with the rules governing the exercise of such activities in the Receiving State.

2. Definitions

For the purposes of this Agreement:

- a) "Member of a Diplomatic Mission or Consular Post" means any official or employee of the Sending State who is not a national or a permanent resident of

the Receiving State and who is assigned to official duty in the Receiving State, in a Diplomatic Mission, Consular Post or Mission to an International Organization.

b) "A member of the family" means the spouse of a member of a Diplomatic Mission or Consular Post, any minor children and any unmarried, dependent children up to the age of 25 years as long as they are undertaking courses in higher education and form part of the household of a member of a Diplomatic Mission or Consular Post.

3. Procedures

(a) A request for authorization to engage in a gainful occupation shall be sent on behalf of the member of the family by the Diplomatic Mission or Consular Post to the Protocol Division of the Ministry of Foreign Affairs of the Receiving State.

(b) The procedures followed shall be applied in a manner so as to enable the member of the family to engage in a gainful occupation as soon as possible and any requirement relating to work permits and similar formalities shall be favourably applied.

(c) The appropriate Government may revoke the work permit at any time if the applicant has violated tax, employment or social security laws of the receiving country.

4. Civil and Administrative Privileges and Immunities

(a) In the case of members of the family who enjoy immunity from the civil and administrative jurisdiction of the Receiving State in accordance with the Vienna Convention on Diplomatic Relations of 1961 or the Vienna Convention on Consular Relations of 1963 or any other applicable international instrument, such immunity shall not apply in respect of any act carried out in the course of the gainful occupation and falling within the civil and administrative jurisdiction of the Receiving State.

(b) This Agreement does not imply the recognition of diplomas, degrees or qualifications between the two countries.

5. Criminal Immunity

In the case of members of the family who enjoy immunity from the criminal jurisdiction of the Receiving State in accordance with the Vienna Convention on Diplomatic Relations of 1961 or any other applicable international instrument:

(a) The provisions concerning immunity from the criminal jurisdiction of the Receiving State shall continue to apply in respect of any act carried out in the course of the gainful occupation.

(b) However, in the case of serious offences, at the request of the Receiving State, the Sending State shall give due consideration to revoking the immunity of the member of the family concerned from the criminal jurisdiction of the Receiving State.

(c) Furthermore, the Sending State shall also give due consideration to waiving the immunity of the member of the family concerned from the enforcement of a sentence.

6. Tax, Social Security and Exchange Control Regimes

In accordance with the Vienna Convention on Diplomatic Relations of 1961 or any other applicable international instruments, members of the family shall be subject to tax, social security and exchange control regimes of the Receiving State for matters connected with their gainful occupation in that State.

7. Amendment

This Agreement may be amended at any time by mutual consent of the Parties.

8. Settlement of Disputes

Any dispute arising from the performance or interpretation of this Agreement shall be settled through consultations between the Parties.

9. Duration and Entry into Force

(a) Duration

This Agreement shall have an indefinite duration and enter into force on the date of the last notice by which the Parties inform each other that all the domestic legal provisions have been fulfilled for its entry into force in their respective countries.

(b) Termination

Any of the Parties may terminate this Agreement through diplomatic channels by giving written notice to the other Party. Termination shall be effective following six months of the date of the written notice.

IN WITNESS WHEREOF, the undersigned, duly authorized by their respective governments, sign this Agreement.

Done in Buenos Aires, on this 4th day of October, 2010, in Spanish, Hindi and English, in two originals, both being equally authentic. In case of any divergence in interpretation, the English version shall prevail.

For the Government of the
Argentine Republic



For the Government of the
Republic of India

