

TURKEY

Agreement relating to the employment of dependents of official government employees.

00-32

November 23, 1999, Date-Signed

February 3, 2000, Date-In-Force

STATUS:

[*1] Exchange of notes at Ankara November 23, 1999. Entered into force February 3, 2000.

[NO LONG-TITLE IN ORIGINAL]

TEXT:

PIGY/4304-888

Ankara, November 23rd, 1999

Excellency,

I have the honor to present my compliments to Your Excellency and with a view to replacing the exchange of notes between the Ministry of Foreign Affairs of the Republic of Turkey and the Embassy of the United States of America of August 28 and 29, 1996, have the pleasure on behalf of the Government of Turkey to propose that the members of the family forming part of the household of a member of the diplomatic staff or administrative and technical staff officially sent by the Government of Turkey to serve in the United States of America at the Embassy, consular offices and missions to international organizations and the members of the family forming part of the household of a member of the diplomatic staff or administrative and technical staff officially sent by the Government of the United States of America to serve in Turkey at the Embassy, consular offices and missions to international organizations shall be authorized, on the basis of reciprocity and under the conditions indicated below, to pursue gainful employment in [*2] the receiving state, in accordance with the provisions of the law of the receiving state:

1. "The members of the family" shall include:

a) Spouses,

b) Unmarried dependent children under 21 years of age of the family-forming unit and,

c) Unmarried dependent children under 23 years of age of the family-forming unit who are in full-time attendance as students at a post-secondary educational institution.

2. Any authorization to engage in a gainful occupation in the receiving state shall be terminated at the

end of the assignment of the member of a diplomatic mission, consular post or mission to an international organization.

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 embassy of the sending state to the Ministry of Foreign Affairs of the receiving state.
- b) The procedures followed shall be applied in a way which enables the member of the family to engage in a gainful occupation as soon as possible and any requirements relating to work permits and similar formalities shall be favourably applied.
- c) The work authorization shall be issued for a period not exceeding two years and can be renewed [*3] for successive periods of equal duration.
- d) The work authorization can be issued only for employment in the field of education and academic research or other job categories as may be agreed by the two parties on a case by case basis through an exchange of diplomatic notes. It may be denied for persons who have worked illegally in the receiving country or have committed violations of the laws or regulations in the field of taxation and social security there. The authorization can also be denied for reasons of national security.

4. 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 or under any other applicable international instrument,

- a) The sending state shall waive the immunity of the member of the family concerned from the criminal jurisdiction of the receiving state in respect of any act carried out in the course of the gainful occupation save in instances when the sending state considers that such a waiver could be contrary to its interests.
- b) The sending state shall give serious consideration to waiving the immunity of the member [*4] of the family from the execution of a sentence.

5. Civil and administrative privileges and immunities

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 or under 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 or administrative laws of the receiving state.

6. Fiscal and social security regimes

In accordance with the Vienna Convention on Diplomatic Relations or under any other applicable international instrument, members of the family shall be subject to the fiscal and social security regimes of the receiving state for all matters connected with their gainful occupation in the receiving

state.

7. Duration and termination

Should the above be acceptable, I have the honor to propose that this Note and Your Excellency's affirmative Note in reply shall constitute an agreement between our two Governments which shall enter into force upon an exchange of diplomatic notes confirming that the internal procedures [*5] for entry into force have been fulfilled by both states parties to this Bilateral Employment Agreement.

The agreement shall remain in force until terminated by either state giving 6 (six) months' notice in writing to the other state.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

EMBASSY OF THE UNITED STATES OF AMERICA

Ankara, November 23, 1999

No. 1536

Excellency:

I have the honor to refer to Your Excellency's note No. PIGY/4304-888 of November 23, 1999, which reads as follows:

Quote:

PIGY/4304-888

Ankara, November 23rd, 1999

Excellency,

I have the honor to present my compliments to Your Excellency and with a view to replacing the exchange of notes between the Ministry of Foreign Affairs of the Republic of Turkey and the Embassy of the United States of America of August 28 and 29, 1996, have the pleasure on behalf of the Government of Turkey to propose that the members of the family forming part of the household of a member of the diplomatic staff or administrative and technical staff officially sent by the Government of Turkey to serve in the United States of America at the Embassy, consular offices and missions [*6] to international organizations and the members of the family forming part of the household of a member of the diplomatic staff or administrative and technical staff officially sent by the Government of the United States of America to serve in Turkey at the Embassy, consular offices and missions to international organizations shall be authorized, on the basis of reciprocity and under the conditions indicated below, to pursue gainful employment in the receiving state, in accordance with the provisions of the law of the receiving state:

1. "The members of the family" shall include:

- a) Spouses,
- b) Unmarried dependent children under 21 years of age of the family-forming unit and,
- c) Unmarried dependent children under 23 years of age of the family-forming unit who

are in full-time attendance as students at a post-secondary educational institution.

2. Any authorization to engage in a gainful occupation in the receiving state shall be terminated at the end of the assignment of the member of a diplomatic mission, consular post or mission to an international organization.

3. Procedures

a) A request for authorization to engage in a gainful occupation shall be sent on behalf of the member [*7] of the family by the embassy of the sending state to the Ministry of Foreign Affairs of the receiving state.

b) The procedures followed shall be applied in a way which enables the member of the family to engage in a gainful occupation as soon as possible and any requirements relating to work permits and similar formalities shall be favourably applied.

c) The work authorization shall be issued for a period not exceeding two years and can be renewed for successive periods of equal duration.

d) The work authorization can be issued only for employment in the field of education and academic research or other job categories as may be agreed by the two parties on a case by case basis through an exchange of diplomatic notes. It may be denied for persons who have worked illegally in the receiving country or have committed violations of the laws or regulations in the field of taxation and social security there. The authorization can also be denied for reasons of national security.

4. 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 or under any other [*8] applicable international instrument,

a) The sending state shall waive the immunity of the member of the family concerned from the criminal jurisdiction of the receiving state in respect of any act carried out in the course of the gainful occupation save in instances when the sending state considers that such a waiver could be contrary to its interests.

b) The sending state shall give serious consideration to waiving the immunity of the member of the family from the execution of a sentence.

5. Civil and administrative privileges and immunities

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 or under 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 or administrative laws of the receiving state.

6. Fiscal and social security regimes

In accordance with the Vienna Convention on Diplomatic Relations or under any other applicable international instrument, members of the family shall be subject to the fiscal and social [*9] security regimes of the receiving state for all matters connected with their gainful occupation in the receiving state.

7. Duration and termination

Should the above be acceptable, I have the honor to propose that this Note and Your Excellency's affirmative Note in reply shall constitute an agreement between our two Governments which shall enter into force upon an exchange of diplomatic notes confirming that the internal procedures for entry into force have been fulfilled by both states parties to this Bilateral Employment Agreement.

The agreement shall remain in force until terminated by either state giving 6 (six) months' notice in writing to the other state.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

For the Minister of Foreign Affairs
Aydan KARAHAN
Ambassador
Deputy Undersecretary
ANKARA
End quote.

I have the honor to confirm, on behalf of the Government of the United States of America, that the proposals contained in Your Excellency's note are acceptable and that Your Excellency's note and this note in reply shall constitute an agreement between our two Governments which shall enter into force upon an exchange [*10] of diplomatic notes confirming that the internal procedures for entry into force have been fulfilled by both states parties to this Bilateral Employment Agreement. The agreement shall remain in force until terminated by either state giving six (6) months' notice in writing to the other state.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

SIGNATORIES:

H.E. Mark R. PARRIS
Ambassador of the United States of America
ANKARA

For the Minister of Foreign Affairs
Aydan KARAHAN Ambassador
Deputy Undersecretary

His Excellency
Ambassador Aydan Karahan
Deputy Undersecretary
Ministry of Foreign Affairs of the

Republic of Turkey

For the Embassy of the United States of America
Mark R. Parris Ambassador