

EMPLOYMENT

**Agreement Between the
UNITED STATES OF AMERICA
and ESWATINI**

Signed at Mbabane June 26, 2023

Entered into force June 26, 2023



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.”

AGREEMENT

BETWEEN

THE GOVERNMENT OF THE UNITED STATES OF AMERICA

AND

THE GOVERNMENT OF THE KINGDOM OF ESWATINI

ON EMPLOYMENT OF DEPENDENTS OF OFFICIAL EMPLOYEES

The Government of the United States of America and the Government of the Kingdom of Eswatini, hereinafter may be referred to individually as "Party," or collectively as "Parties," desiring to permit dependents of official employees of one Party assigned to official duty in the territory of the other Party to be authorized to be employed on a reciprocal basis in the territory of the other Party,

Agree as follows:

Article 1: Authorization of Employment

Dependents of the official employees of the Government of the United States of America assigned to official duty in the territory of the Kingdom of Eswatini and dependents of the official employees of the Government of the Kingdom of Eswatini assigned to official duty in the territory of the United States of America are authorized to be employed in the territory of the receiving state after obtaining the appropriate authorization in accordance with the provisions of this Agreement.

Article 2: Definitions

For the purposes of this Agreement:

1. For diplomatic and consular personnel, a "dependent" is an individual of at least 16 years of age whose accreditation is accepted by the receiving state as a member of the immediate family forming part of the household of a member of a diplomatic mission, including a mission to an international organization, or of a consular post of the sending state. A "dependent" under this Agreement shall not include a member of the immediate family of an individual who is permanently resident in the receiving state within the meaning of the Vienna Convention on Diplomatic Relations (VCDR) and Vienna Convention on Consular Relations (VCCR).
2. "Official employees" shall mean diplomatic agents, consular officers, and members of administrative and technical staff assigned to diplomatic missions, consular offices, and missions to international organizations.

Article 3: Procedure

1. Employment authorization shall be accorded to a dependent on the basis of his or her status as a dependent of an official employee. Renewals of employment authorization documents, if necessary, shall be granted on the same basis and in accordance with the same procedure described below for initial employment authorization.

2. In the case of dependents of official employees of the Government of the United States of America assigned to duty in the territory of the Kingdom of Eswatini, an official request shall be made by the United States Embassy in the Kingdom of Eswatini to the Ministry of Foreign Affairs of the Government of the Kingdom of Eswatini.
3. In the case of dependents of official employees of the Government of the Kingdom of Eswatini assigned to duty at the Embassy in Washington, DC, at a Government of the Kingdom of Eswatini consulate in the territory of the United States of America, or at a mission to an international organization other than the United Nations, an official request shall be made by the Embassy of the Kingdom of Eswatini in Washington, D.C. to the Office of Foreign Missions in the Department of State.
4. In the case of dependents of official employees of the Government of the Kingdom of Eswatini assigned to the Government of the Kingdom of Eswatini's Permanent Mission to the United Nations, an official request shall be made to the Permanent Mission of the Government of the United States of America to the United Nations.
5. The Parties, or any of their respective political subdivisions, shall not charge any fee in connection with the issuance or renewal of employment authorization documents.
6. Employment authorization shall be extended to a dependent without requiring evidence of an offer of employment in the receiving state.
7. The Parties recognize the importance of prompt processing of requests for employment authorization and expect, on average, to process such requests within forty-five (45) days. In the event that either Party cites a significantly longer processing time for its dependents than for the other Party's dependents, the concerned Party may request

consultations with the other Party with a view to reducing the imbalance. If no resolution is attained within thirty (30) days, the concerned Party may, after 30-days' notice to the other Party, suspend the issuance of new or renewal employment authorizations under this Agreement.

8. In the event either Party believes that a significant imbalance exists between the number of work permits it has granted and the number of work permits the other Party has granted, the concerned Party may request consultations with the other Party with a view to reducing the imbalance. If no resolution is attained within 30 days, the concerned Party may, after 30-days' notice to the other Party, suspend the issuance of new or renewal employment authorizations under this Agreement.
9. The Parties, or any of their respective political subdivisions, shall not require an employer, as a condition of employing a dependent, to demonstrate that no national of the receiving state is available for such employment. Nevertheless, the provisions of this Agreement shall not be construed as requiring employers to recognize foreign academic degrees, licenses, or other foreign credentials.

Article 4: Privileges and Immunities

1. The Parties confirm that neither the VCDR nor the VCCR provides dependents with either civil or administrative immunity in an action relating to any professional or commercial activity, including employment authorized pursuant to this Agreement. However, dependents retain all other privileges and immunities to which they are

entitled under applicable treaties, including criminal immunity under the VCDR or other applicable treaty.

2. Dependents are responsible for payment of income and social security taxes in the receiving state on any remuneration received as a result of employment in the receiving state, to the extent consistent with international agreements and national legislation of the receiving state.

Article 5: Resolution of Disputes

Any disputes that may arise in relation to this Agreement shall be resolved through diplomatic channels by way of negotiations between the Parties.

Article 6: Entry into Force and Termination

1. This Agreement shall enter into force upon signature.
2. Either Party may terminate this Agreement by notification in writing to the other Party. Such termination shall take effect 90 (ninety) days following the date of the written notification of termination.
3. In the event that this Agreement is terminated, individuals who have been granted work permits may continue to work under those permits, in accordance with their terms, until their expiration.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective governments, have signed this Agreement.

Done in duplicate in the English language.

**FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA:**



Place: Mbabane, Eswatini

Date: June 26, 2023

**FOR THE GOVERNMENT
OF THE KINGDOM OF ESWATINI:**



Place: Mbabane

Date: 26/06/23