



Portugal No.1 (2021)

# Agreement

between the United Kingdom of Great Britain and Northern Ireland and Portuguese Republic regarding the Employment of Members of the Family Forming Part of the Household of Members of Diplomatic Missions and Consular Posts

Lisbon, 24 June 2021

[The Agreement is not in force]

*Presented to Parliament  
by the Secretary of State for Foreign, Commonwealth and Development Affairs  
by Command of Her Majesty  
September 2021*



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**AGREEMENT BETWEEN THE UNITED KINGDOM OF GREAT  
BRITAIN AND NORTHERN IRELAND AND PORTUGUESE REPUBLIC  
REGARDING THE EMPLOYMENT OF MEMBERS OF THE FAMILY  
FORMING PART OF THE HOUSEHOLD OF MEMBERS OF  
DIPLOMATIC MISSIONS AND CONSULAR POSTS**

The United Kingdom of Great Britain and Northern Ireland and the Portuguese Republic (hereinafter ‘the Parties’);

Taking into consideration the contemporary trends and requirements in diplomatic relations and with a view to ensuring the rights of members of the family of personnel of Diplomatic Missions and Consular Posts engaged in gainful occupation;

In their desire to permit, on a reciprocal basis, the members of the family forming part of the household of a member of a diplomatic mission or consular post of the sending State to engage in gainful occupation in the receiving State in accordance with the terms of this agreement and the law of the receiving State;

Have agreed as follows:

ARTICLE 1

**Authorisation to engage in gainful occupation**

1. On the basis of reciprocity, members of the family forming part of the household of a member of the diplomatic mission or consular post of The United Kingdom of Great Britain and Northern Ireland in the Portuguese Republic and of the latter in The United Kingdom of Great Britain and Northern Ireland shall be authorized to engage in gainful occupation in the receiving State, on the same conditions as the citizens of the said State after obtaining the appropriate authorization if required under this Agreement, and in accordance with the provisions of the law of the receiving State and the terms of this Agreement.
2. In particular, members of the family forming part of the household shall comply with all rules that regulate the particular occupation in which they engage in the receiving state.
3. Authorization may be denied in those cases where, for reasons of security, exercise of public security or to safeguard the national interests of the State or the Public administration, only nationals of the receiving State may be employed.
4. The receiving State may, at any time, and given prior written notice to the sending State, refuse or withdraw authorization for engaging in a gainful occupation, if the member of the family forming part of the household, in the course of their gainful occupation, breaks the laws of the receiving State, bearing in mind all the circumstances of the situation.

## ARTICLE 2

### **Definitions**

1. For the purposes of this Agreement:
  - (a) "a member of a diplomatic mission or consular post" means an individual who is not a national of the receiving State and who is an employee of the sending State in a diplomatic mission, consular post, or a mission to an international organisation;
  - (b) "a member of the family forming part of the household" means the child or partner of a member of a diplomatic mission or consular post, recognised as such by the authorities of the sending State, and the Ministry of Foreign Affairs of the receiving State. For the avoidance of doubt, this includes single, dependent children and stepchildren, when suffering from physical or mental disabilities, with no age limit.
  - (c) Nothing in Article 2(b) shall be taken as affecting the status of any individual under the Vienna Convention on Diplomatic Relations 1961 or under any other applicable international instrument.

## ARTICLE 3

### **Procedures**

1. A request for authorisation to engage in gainful occupation shall be sent on behalf of the member of the family forming part of the household by the Embassy of the sending State to the Ministry of Foreign Affairs of the receiving State. The request must indicate the relationship of the member of the family to the member of the diplomatic mission or consular post whose household he or she forms part of as well as the area of work in which he/she is to be engaged.
2. In the United Kingdom, a member of the family forming part of the household as defined in Article 2, is authorised to work in accordance with its laws and regulations, with no further administrative procedures required.
3. Where an individual is seeking authorisation to work in Portugal the process shall be as follows: the Ministry of Foreign Affairs of the receiving State shall promptly and officially inform the Embassy of the sending State that the person has permission to engage in gainful occupation. Once this permission is issued, a member of the family forming part of the household is authorised to work in accordance with the laws and regulations of the receiving State, with no further administrative procedure required. If the member of the family wishes to find another employment after he/she has been given authorisation to engage in gainful occupation under this Agreement, he/she shall apply again for authorisation.

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

#### ARTICLE 4

##### **Civil and administrative privileges and immunities**

In the case of members of the family forming part of the household who enjoy immunity from the civil and administrative jurisdiction of the receiving State in accordance with the Vienna Convention on Diplomatic Relations 1961 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 and administrative law of the receiving State.

#### ARTICLE 5

##### **Criminal immunity**

1. In the case of members of the family forming part of the household who enjoy immunity from the criminal jurisdiction of the receiving State in accordance with the Vienna Convention on Diplomatic Relations 1961 or under any other applicable international instrument, the sending State shall waive the immunity of the member of the family forming part of the household 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 special instances when the sending State considers that such a waiver could be contrary to its interests.

2. Where the sending State decides to waive immunity, it will give serious consideration to waiving the immunity of the member of the family forming part of the household from the execution of a sentence should it be required.

#### ARTICLE 6

##### **Fiscal and social security regimes**

Subject to the Vienna Convention on Diplomatic Relations 1961 or any other applicable international instrument, members of the family forming part of the household shall be subject to the fiscal and social security regimes of the receiving State for all matters connected with their gainful occupation in that State.

## ARTICLE 7

### **Validity of the authorization**

1. The member of the family forming part of the household shall be authorised to engage in gainful occupation from the time of authorization as set out in Article 3 above, until the earliest of (i) that family member's final departure from post or (ii) the final departure from post (or a reasonable period thereafter) of the member of the mission or consular post of whose household they form part; or (iii) the family member ceasing to form part of a household as defined in Article 2 above.

2. Gainful occupation taken up in accordance with the terms of this Agreement shall neither in itself entitle the member of the family forming part of the household to continue to reside in the receiving State nor shall it entitle such persons to remain or to enter into any gainful occupation in the receiving State after the authorization has been terminated.

## ARTICLE 8

### **Recognition of qualifications**

This Agreement does not of itself imply the mutual recognition of qualifications between the Parties.

## ARTICLE 9

### **Employment at Diplomatic mission, consular post or international organisation in the receiving State**

This Agreement does not apply to the employment of members of the family forming part of the household of a member of a diplomatic mission, consular post or international organisation of the sending State as a member of a diplomatic mission, consular post or international organisation in the receiving State. Such employment shall be permitted, subject to the applicable rules of international law.

## ARTICLE 10

### **Settlement of disputes**

Any controversy or dispute related to the interpretation and application of this Agreement shall be settled through diplomatic channels and by mutual consent.

## ARTICLE 11

### **Amendments**

1. This Agreement may be amended on the basis of mutual written consent of the Parties.
2. The Agreement as amended shall come into operation in accordance with Article 12.

## ARTICLE 12

### **Entry into Force, Duration and Termination**

1. This Agreement shall come into force on the day after the receipt of the last notification, in writing and through diplomatic channels, stating that all necessary constitutional and legal requirements of both Parties for the entry into force have been fulfilled.
2. This Agreement shall remain in force for an unlimited period of time.
3. Either Party may terminate the agreement at any time by giving 6 (six) months' notice in writing through diplomatic channels to the other Party.

Done in Lisbon, on the twenty-fourth June 2021, in two originals, each in the English and Portuguese languages, all texts being equally authentic.

**For the United Kingdom of Great  
Britain and Northern Ireland:**

**CHRISTOPHER SAINTY**

**For the Portuguese Republic:**

**ÁLVARO MENDONÇA E  
MOURA**

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