



Spain No. 1 (2025)

Agreement

between the United Kingdom of Great Britain and Northern Ireland and
the Kingdom of Spain on the Free Pursuit of Gainful Occupation by
Dependants of Members of Diplomatic Missions and Consular Offices

London, 16 September 2024

[The Agreement is not in force]

*Presented to Parliament
by the Secretary of State for Foreign, Commonwealth and Development Affairs
by Command of His Majesty
February 2025*

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**AGREEMENT BETWEEN THE UNITED KINGDOM OF GREAT
BRITAIN AND NORTHERN IRELAND AND THE KINGDOM OF
SPAIN ON THE FREE PURSUIT OF GAINFUL OCCUPATION BY
DEPENDANTS OF MEMBERS OF DIPLOMATIC MISSIONS AND
CONSULAR OFFICES**

The United Kingdom of Great Britain and Northern Ireland and the Kingdom of Spain, hereinafter referred to as the Parties, wishing, on the basis of reciprocity, to allow dependants of members of Diplomatic Missions and Consular Offices of one of the Parties posted on official mission in the territory of the other Party, to take up remunerated activities, have agreed as follows:

ARTICLE 1

Scope of the Agreement

This Agreement applies in respect of dependent family members of individuals who are not nationals of the receiving State and who are employees of the sending State in a diplomatic mission or consular post and have been accepted by the receiving State as such (such employees being defined for the purposes of this Agreement as 'members of a diplomatic mission or consular post').

This Agreement is intended to apply to dependent family members forming part of the household of a member of a diplomatic mission or consular post of the sending State who wish to undertake gainful occupation that is not subject to applicable rules of international law such as the Vienna Convention on Diplomatic Relations of 1961, the Vienna Convention on Consular Relations of 1963 or any equivalent bilateral agreement.

Dependants of those individuals are authorised to undertake remunerated activities in the receiving State, under the same conditions as nationals of that State, after obtaining any relevant authorisation in accordance with the provisions of this Agreement.

ARTICLE 2

Dependent family members

For the purposes of this Agreement, dependent family members forming part of the household of a member of a diplomatic mission or consular post are:

- a) Spouses, insofar as there is no agreement or declaration of legal separation, divorce or annulment;

- b) Civil partners or a partner with whom there is a relationship akin to a conjugal union, if recognised as such by the authorities of the sending State and the Ministry of Foreign Affairs of the receiving State;
- c) Unmarried children under the age of 18;
- d) Children between 18-25 who are in full-time attendance on a course of study at an educational institution approved by the Ministry of Foreign Affairs of the receiving State;
- e) Children of any age with a physical or mental impairment, who are living with and dependent on their parents;
- f) Other exceptional cases at the discretion of the receiving State.

ARTICLE 3

Work activities

1. There shall be no restrictions as to the nature or type of remunerated activity that may be pursued. Nonetheless, it is understood that for those professions or activities requiring special qualifications, it shall be necessary for the dependant to comply with the regulations governing the exercise of said professions or activities in the receiving State.
2. Any authorisation may be refused in those cases where, for reasons of security or exercise of official authority, or to safeguard the interests of the State or Public Administrations, only nationals of the receiving State may be employed.

ARTICLE 4

Request for authorisation

1. In the Kingdom of Spain, the request for authorisation to engage in remunerated activities shall be submitted by the British Embassy via Note Verbale to the Ministry of Foreign Affairs. This request must provide evidence of the relationship of the applicant to the employee who is responsible for the dependant and the nature of the remunerated activity to be undertaken. As soon as it is confirmed that the applicant falls within the categories set out in this Agreement, the Spanish Ministry of Foreign Affairs, European Union and Cooperation shall promptly and officially inform the British Embassy that the dependant has permission to engage in the remunerated activity, subject to the relevant Spanish legislation.

2. In the United Kingdom of Great Britain and Northern Ireland, a dependant, as defined in Article 2, is authorised to work with no further administrative procedures required. A Diplomatic Exempt Vignette issued by UK Visas and Immigration (UKVI) or, for unmarried partners, an Unmarried Partner Visa, may be used as evidence of entitlement to take employment.

ARTICLE 5

Immunity from civil and administrative jurisdiction

Dependants who enjoy immunity from jurisdiction under the Vienna Convention on Diplomatic Relations, or the Vienna Convention on Consular Relations, or any other applicable international instrument, and who take up remunerated activities pursuant to this Agreement, shall have no immunity from civil or administrative jurisdiction with respect to matters arising directly from said activities, if those matters fall within the civil and administrative law of the receiving State.

ARTICLE 6

Immunity from criminal jurisdiction

In the case of a dependant who enjoys immunity from the criminal jurisdiction of the receiving State under the Vienna Convention on Diplomatic Relations or any other applicable international instrument:

- a) The sending State shall waive the immunity of the dependant forming part of the household 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;
- b) Where the sending State decides to waive immunity from criminal jurisdiction, the sending State shall give serious consideration to waiving the immunity of the dependant forming part of the household from the execution of a sentence should the need arise.

ARTICLE 7

Applicable legislation

Subject to the Vienna Convention on Diplomatic Relations of 1961 or the Vienna Convention on Consular Relations of 1963 or under any other applicable international instrument, any dependent family member undertaking remunerated activities in the receiving State shall be subject to

applicable taxation, labour and social security legislation in that State in relation to the undertaking of such activities.

ARTICLE 8

Recognition of qualifications

This Agreement does not imply mutual recognition of qualifications, degrees or studies between the Parties.

ARTICLE 9

Validity of authorisations

Authorisation to engage in a remunerated activity in the receiving State, obtained in compliance with the procedure established herein, shall terminate within two months from the date of the termination of the functions of the member of the diplomatic mission or consular office responsible for the dependant. Undertaking remunerated activities under the conditions of this Agreement does not entitle dependants to continue residing in the Kingdom of Spain or the United Kingdom of Great Britain and Northern Ireland, nor does it entitle dependants to remain employed or take up other employment once the authorisation has terminated.

ARTICLE 10

Implementation measures

The Parties agree to adopt all the necessary measures for the implementation of this Agreement.

ARTICLE 11

Termination of the Agreement

Either Party may terminate this Agreement by notifying the other Party, in writing and via diplomatic channels, of their intention to terminate it. The termination shall take effect six months after the date of notification.

ARTICLE 12

Entry into force

This Agreement shall be provisionally applied from the date of signing and shall enter into force one month after the date of the last notification, made through an exchange of diplomatic notes between the Parties, confirming compliance with their respective internal procedures.

IN WITNESS whereof, the signatories below sign this Agreement.

DONE in duplicate in London, this Sixteenth day of September of the year 2024, in the Spanish and English languages, both texts equally authentic.

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

DAVID LAMMY

For the Kingdom of Spain:

JOSE MANUEL ALBARES BUENO

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